

ORDINANCE NO. 2020 – 1840

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WEBSTER CITY, IOWA, 2019, BY ADDING ARTICLE X TO CHAPTER 46 PERTAINING TO OFF-ROAD UTILITY VEHICLES AND GOLF CARTS WITHIN THE CORPORATE LIMITS OF THE CITY OF WEBSTER CITY, IOWA

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF WEBSTER CITY, IOWA, AS FOLLOWS TO WIT:

SECTION 1. NEW ARTICLE. The Code of Ordinances of the City of Webster City, Iowa, 2019 is amended by adding new Article X to Chapter 46 entitled Off-Road Utility Vehicles and Golf Carts, which is hereby adopted to read as follows:

CHAPTER 46 ARTICLE X

OFF-ROAD UTILITY VEHICLES AND GOLF CARTS

46-435 Definitions	46-436 General Regulations
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Sec. 46-435. Definitions. The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. “*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.

2. “*Golf cart*” means a four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric powered or gas powered with an engine displacement of less than 351 cubic centimeters, and a total dry weight of less than 800 pounds.

(Code of Iowa, Sec. 321.247)

Sec. 46-436. General Regulations. No person shall operate an off-road utility vehicle or golf cart within the corporate limits of the City of Webster City, Iowa, in violation of Chapter 321I and Chapter 321.247 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, except as outlined in this chapter.

Sec. 46-437. Operation of Off-Road Utility Vehicles. The operators of off-road utility vehicles shall comply with the following restrictions as to where they may be operated within the corporate limits of the City of Webster City, Iowa:

1. **Permit Required.** No off-road utility vehicle shall be operated within corporate limits of the City of Webster City unless a permit and separate permit sticker has been issued to the owner of the said off-road utility vehicle by the City, which permit shall identify the name and address of the owner and/or operator. The permit received from the City must be with the off-road utility vehicle whenever it is operated within the corporate limits of the City of Webster City. In addition, the owner/operator of an off-road utility vehicle shall receive and shall display the provided permit sticker prominently on a rear fender or similar component. The permit is good for the calendar year within which it is issued and shall be renewed annually. The fee for said permit shall be established by resolution. In obtaining said permit, the owner/operator shall provide the following:

- A. Evidence that the owner/operator is eighteen (18) years of age, and possesses a valid Iowa driver's license.
- B. Proof owner/operator has required liability insurance as outlined below covering operation of off-road utility vehicle on City streets.
- C. Executes a valid application form with the City.

2. **Proof of Liability Insurance.** As part of the permit process, the owner of the off-road utility vehicle must provide proof of liability insurance with minimum limits of \$100,000.00 each person, \$300,000.00 each accident before a permit will be issued. In addition, the proof of insurance must be with the off-road utility vehicle at all times whenever said off-road utility vehicle is being operated within the corporate limits of the City of Webster City.

3. **Standard Equipment Regulations.** All off-road utility vehicles shall be equipped with the following:

- A. Operational brakes;
- B. Any other safety equipment which may be required for off-road utility vehicles pursuant to Chapter 321 of the Code of Iowa.

4. **Times of Operation Restrictions.** Off-road utility vehicles operated prior to sunrise or after sunset shall be required to have working headlights, taillights, and brake lights to be clearly visible to other vehicles and pedestrians. Off-road utility vehicles are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient ability to clearly see a person or vehicle on a roadway at a distance of 500 feet.

5. **Streets.** Off-road utility vehicles may be operated on streets in accordance with Section 321.234A of the Code of Iowa except for those prohibited streets, trails, railroad right-of-ways, parks and other City land, and sidewalks and parking designated below and subject to the restrictions set forth below.

6. **Prohibited Street.** It shall be unlawful to operate off-road utility vehicles on the following streets:

- A. Second Street from Superior Street to Prospect Street;
- B. Superior Street from the southern corporate limits line to Second Street.

Exception. Off-road utility vehicles may cross a street(s) set forth in Subparagraph 6 above as follows:

- A. Such crossing shall be a 90° angle only;
- B. Off-road utility vehicles must come to a complete stop before making a crossing; and
- C. Off-road utility vehicles must yield to all on-coming traffic and pedestrians.

7. **Trails Prohibited.** Off-road utility vehicles shall not be operated on any public trails except where designated.

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

8. **Railroad Right-of-Ways Prohibited.** Off-road utility vehicles shall not be operated on an operating railroad right-of-way. An off-road utility vehicle 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])

9. **Parks and Other City Land Prohibited.** Off-road utility vehicles shall not be operated in any park, playground or upon any other City-owned property without the express written permission of the City.

10. **Sidewalk or Parking Prohibited.** Off-road utility vehicles 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 right-of-way.

11. **Private Property.** Off-road utility vehicles shall not be operated on the private property of another without the express permission to do so by the owner or occupant of said property.

12. **Passengers.** No off-road utility vehicle shall carry more passengers than the off-road utility vehicle has seating for. Passengers must be seated inside the off-road utility vehicle.

13. **Manner.** No person shall operate an off-road utility vehicle in a careless, reckless, or negligent manner endangering person or property of another or causing injury or damage to the same.

14. **Alcohol.** No off-road utility vehicle shall be operated while the operator is under the influence of intoxicating liquor, narcotics, or habit-forming drugs.

15. **Open Container.** No off-road utility vehicle shall be operated with an open container of alcohol as referred to in Section 321.284 and 321.284A of the Code of Iowa.

16. **Traffic Code Observed.** Any operator of any off-road utility vehicle must observe all State and City traffic control regulations and devices.

17. **Speed.** No off-road utility vehicle shall be operated at a speed in excess of 35 miles per hour or at the posted speed whichever is less.

18. **License.** No person shall operate an off-road utility vehicle without a valid state issued motor vehicle operator's license.

19. **Age.** Off-road utility vehicles shall not be operated by anyone under the age of 18.

20. **Towing.** No item shall be towed by an off-road utility vehicle at any time.

21. **Violations; Citations.** The police chief or designee is authorized to issue and deliver citations to persons accused of violating any of the provisions of this Chapter. Scheduled fines for any violation of this Chapter shall be in such amount established by resolution by the City Council. However, nothing in this Chapter shall be construed so as to limit the city's authority to proceed in accordance with the nuisance or municipal infraction provisions of this Code or other applicable laws. Additionally, any person cited and convicted of any two (2) violations of this Chapter, whether related to the same stop or not, in a twelve-month period, shall have their permit to operate an off-road utility vehicle within the corporate limits of the City of Webster City revoked for a period of twelve (12) months from the date of the last conviction. Any person cited and convicted of any three (3) violations or more of this Chapter, whether related to the same stop or not, in an eighteenth-month period, shall have their permit to operate an off-road utility vehicle within the corporate limits of the City of Webster City revoked for a period of twenty-four (24) months from the date of the last conviction. Further, any person operating an off-road utility vehicle while their permit is revoked shall have said off-road utility vehicle impounded by the police chief or designee, at said person/owners' costs.

Sec. 46-438. Operation of Golf Carts. The operators of golf carts shall comply with the following restrictions and requirements as to those golf carts being operated within the corporate limits of the City of Webster City, Iowa:

1. **Permit Required.** No golf cart shall be operated within corporate limits of the City of Webster City unless a permit and separate permit sticker has been issued to the owner of the said golf cart by the City, which permit shall identify the name and address of the owner and/or operator. The permit received from the City must be with the golf cart whenever it is operated within the corporate limits of the City of Webster City. In addition, the owner/operator of a golf cart shall receive and shall display the provided permit sticker prominently on a rear fender or similar component. The permit is good for the calendar year within which it is issued and shall be renewed annually. The fee for said permit shall be established by resolution. In obtaining said permit, the owner/operator shall provide the following:

A. Evidence that the owner/operator is eighteen (18) years of age, and possesses a valid

Iowa driver's license.

- B. Proof owner/operator has required liability insurance as outlined below covering operation of golf cart on City streets.
- C. Executes a valid application/permit form with the City.

2. **Proof of Liability Insurance.** As part of the permit process, the owner of the golf cart must provide proof of liability insurance with minimum limits of \$100,000.00 each person, \$300,000.00 each accident before a permit will be issued. In addition, the proof of insurance must be with the golf cart at all times whenever said golf cart is being operated within the corporate limits of the City of Webster City.

3. **Standard Equipment Regulations.** All golf carts shall be equipped with the following:
- A. Operational brakes;
 - B. Slow moving vehicle sign;
 - C. Bicycle safety flag on the staff holder to put such flag at least five feet above the surface of the street;
 - D. Any other safety equipment which may be required for golf carts pursuant to Chapter 321 of the Code of Iowa.

4. **Times of Operation Restrictions.** Golf carts operated prior to sunrise or after sunset shall be required to have working headlights, taillights, and brake lights to be clearly visible to other vehicles and pedestrians. Golf carts are prohibited on streets during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient ability to clearly see a person or vehicle on a roadway at a distance of 500 feet.

5. **Streets.** Golf carts may be operated on streets in accordance with Section 321.247 of the Code of Iowa except for those prohibited streets, trails, railroad right-of-ways, parks and other City land, and sidewalks and parking designated below and subject to the restrictions set forth below.

6. **Prohibited Street.** It shall be unlawful to operate golf carts on the following streets:
- A. Second Street from the eastern corporate limits line to Overpass Drive;
 - B. James Street from the western corporate limits line to Overpass Drive;
 - C. Overpass Drive;
 - D. Superior Street from the southern corporate limits line to Second Street;
 - E. White Fox from the northern corporate limits line to Second Street.

Exception. Golf carts may cross a street(s) set forth in Subparagraph 6 above as follows:

- A. Such crossing shall be a 90° angle only;
- B. Golf carts must come to a complete stop before making a crossing; and
- C. Golf carts must yield to all on-coming traffic and pedestrians.

7. **Trails Prohibited.** Golf carts shall not be operated on any public trails except where designated.

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

8. **Railroad Right-of-Ways Prohibited.** Golf carts shall not be operated on an operating railroad right-of-way. A golf cart 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])

9. **Parks and Other City Land Prohibited.** Golf carts shall not be operated in any park, playground or upon any other City-owned property without the express written permission of the City.

10. **Sidewalk or Parking Prohibited.** Golf carts 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 right-of-way.

11. **Private Property.** Golf carts shall not be operated on the private property of another without the express permission to do so by the owner or occupant of said property.

12. **Passengers.** No golf cart shall carry more passengers than the golf cart has seating for. Passengers must be seated inside the golf cart.

13. **Manner.** No person shall operate a golf cart in a careless, reckless, or negligent manner endangering person or property of another or causing injury or damage to the same.

14. **Alcohol.** No golf cart shall be operated while the operator is under the influence of intoxicating liquor, narcotics, or habit-forming drugs.

15. **Open Container.** No golf cart shall be operated with an open container of alcohol as referred to in Section 321.284 and 321.284A of the Code of Iowa.

16. **Traffic Code Observed.** Any operator of any golf cart must observe all State and City traffic control regulations and devices.

17. **Speed.** No golf cart shall be operated at a speed in excess of 25 miles per hour or at the posted speed whichever is less.

18. **License.** No person shall operate a golf cart without a valid state issued motor vehicle operator’s license.

19. **Age.** Golf carts shall not be operated by anyone under the age of 18.

20. **Towing.** No item shall be towed by a golf cart at any time.

21. **Violations; Citations.** The police chief or designee is authorized to issue and deliver citations to persons accused of violating any of the provisions of this Chapter. Scheduled fines for any violation of this Chapter shall be in such amount established by resolution by the City Council. However, nothing in this Chapter shall be construed so as to limit the city's authority to proceed in accordance with

the nuisance or municipal infraction provisions of this Code or other applicable laws. Additionally, any person cited and convicted of any two (2) violations of this Chapter, whether related to the same stop or not, in a twelve-month period, shall have their permit to operate a golf cart within the corporate limits of the City of Webster City revoked for a period of twelve (12) months from the date of the last conviction. Any person cited and convicted of any three (3) violations or more of this Chapter, whether related to the same stop or not, in an eighteenth-month period, shall have their permit to operate a golf cart within the corporate limits of the City of Webster City revoked for a period of twenty-four (24) months from the date of the last conviction. Further, any person operating a golf cart while their permit is revoked shall have said golf cart impounded by the police chief or designee, at said person/owners' costs.

Sec. 46-439. Negligence. The owner and/or operator of an off-road utility vehicle or golf cart are liable for any injury or damage occasioned by the negligent operation of the off-road utility vehicle or golf cart.
(Code of Iowa, Sec. 321G.18 & 321I.19)

Sec. 46-440. Accident Reports. Whenever an off-road utility vehicle 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, in accordance with State law.
(Code of Iowa, Sec. 321G.10 & 321I.11)

Sec. 46-441--46-460. – Reserved.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 4. WHEN EFFECTIVE. This ordinance shall be effective beginning January 1, 2021, should this ordinance proceed through final passage, approval, and publication.

Passed and adopted this 2nd day of November, 2020.



John Hawkins, Mayor

ATTEST:



Karyl K. Bonjour, City Clerk