

ORDINANCE NO. 20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCCALLSBURG, IOWA, BY ADDING REVISING THE CHAPTER AND SECTION(S) REGARDING THE USE OF GOLF CARTS, ALL-TERRAIN VEHICLES, AND UTILITY TRAIL VEHICLES ON CITY STREETS.

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

I. The Code of Ordinances of the City of McCallsburg, Iowa 2016 is amended by repealing Sections 31 and 32, and amending Section 30 all of Chapter 22 – Traffic Regulations, entitled GOLF CARTS, ALL-TERRAIN VEHICLES (ATVs), AND UTILITY TRAIL VEHICLES (UTVs), which is adopted to read as follows:

SECTION 30. GOLF CARTS, ALL-TERRAIN VEHICLES (ATVs), AND UTILITY TRAIL VEHICLES (UTVs).

1. PURPOSE: The purpose of this section is to permit the operation of Golf Carts, as authorized by Section 321.247 of the Code of Iowa, as amended, and “ATVs” (All-Terrain Vehicles) and “UTVs” (Utility Vehicles), as authorized by Section 321.234A and Chapter 321I of the Code of Iowa, on certain streets in the City. This chapter applies whenever a Golf Cart, ATV, or UTV is operated on any city street or alley, subject to those exceptions stated herein.
2. DEFINITIONS:
 - A. “Golf Cart” means a four wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf, that is limited in engine displacement to less than 800 cubic centimeters (or the electric equivalent) and total dry weight of less than 800 pounds. Note that a vehicle with appearance of a “golf cart” but satisfying the requirements of 49 CFR 572.500 (i.e., is a “low speed vehicle”) is not subject to this chapter but rather to the Code of Iowa 321.381A.
 - B. “ATV” means a motorized vehicle with not less than four 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 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
 - C. “UTV” means a motorized vehicle, with not less than four nonhighway tires 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 (2,000) pounds and that has a seat that is of bucket or bench design not intended to be straddled by the operator, a steering wheel or control levers for control, and is equipped with a bed or cargo box for hauling materials. Vehicles designed for the primary purpose of recreation, such as dune buggies and recreational side by sides, shall not fit this definition and are not allowed under this section. The City shall have the final say on whether a vehicle meets this definition.

3. OPERATION OF GOLF CARTS, ATVs, AND UTVs PERMITTED: Golf Carts, ATVs, and UTVs may be operated upon the streets of the City by persons possessing a valid operator's license and at least sixteen (16) years of age, as long as the Golf Cart/ATV/UTV possesses a valid City of McCallsburg permit and all other requirements of this ordinance are met.
4. REQUIRED EQUIPMENT: Golf Carts, ATVs, and UTVs operated upon City streets shall be equipped with at least the following:
 - A. An unobstructed retro-reflective slow moving vehicle sign that meets ASAE standard S276.5 or newer.
 - B. An orange safety flag, the top of which shall be a minimum of five (5) feet above the ground level.
 - C. Valid liability insurance covering the Golf Cart, ATV, and/or UTV in the same limits as required of automobiles by the financial responsibility provisions of Chapter 321A of the code of Iowa.
 - D. A valid City of McCallsburg permit.
5. HOURS OF OPERATION: Golf Carts, ATVs, and UTVs may be operated on City streets only between sunrise and sunset, unless equipped with headlights and taillights which provide sufficient and approximately equal lighting and warning as those required of automobiles. Golf carts, ATVs, and UTVs owned and operated by any governmental entity or school district are exempt from these time restrictions when used in the performance of their duties.
6. SPEED: Golf carts, ATVs, and UTVs shall be subject to posted speed limits.
7. PASSENGERS: No person may ride on a Golf Cart, ATV, or UTV on any portion not designed to carry passengers. No person may stand on or ride in the cargo area of a Golf Cart, ATV, or UTV while it is in motion. Each person riding must be in their own seat. No more than three (3) people may ride on a bench seat. If seatbelts are available, they must be used by all occupants. No person may ride on the lap of another.
8. OPERATION:
 - A. Except as noted otherwise, therein, any person operating a Golf Cart, ATV, or UTV on City streets or alleys shall adhere to all traffic signs and signals, all other City of McCallsburg and State of Iowa traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic or the direction of a fire department officer during a fire.
 - B. This ordinance forbids the operation of Golf Carts, ATVs, and UTVs
 - i. On any recreational, bike or walking trail unless the trail is specifically designed to allow the use of motor vehicles.

- ii. On sidewalks
- iii. On City parks or any other land owned by the City, unless permission is granted by the city council
- iv. On private property without the consent of the property owner
- v. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
- vi. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

A. Street Etiquette:

- i. Except when executing a left turn, Golf Carts, ATVs, and UTVs shall be driven as close as practical to the right-hand edge of any street or alley.
- ii. When necessary to prevent congestion of traffic, Golf Carts, ATVs, and UTVs shall be pulled to the right-hand edge of streets and be stopped to allow other motor vehicles traveling in the same direction to pass.
- iii. When two or more Golf Carts, ATVs, or UTVs are being operated in the same direction and general vicinity on a City Street or Alley, they shall proceed in single file.

2. PERMITS: Golf Carts, ATVs, and UTVs must be registered with the City of McCallsburg before operating on any public street or alley.

A. A permit shall be issued once the owner has provided the following:

- i. Proof that the owner has liability insurance covering operation of a Golf Cart, ATV, or UTV on city streets with limits of liability at least as great as those required by the Code of Iowa chapter 321A.1(11) as amended.
- ii. Inspection and approval by an officer or designated agent of the City of McCallsburg.

B. Any Golf Cart, ATV, or UTV operated on the City streets shall display the City of McCallsburg permit sticker prominently on the left rear of the vehicle.

C. The application for a Golf Cart, ATV, and/or UTV permit shall be made upon an application form made available by the City Clerk. All applications shall uniquely identify the name(s) and address(s) of the owner, or the owner's agent, the owner's address, or bonafide place of business, and phone number. The application shall also include a description of the Golf Cart, ATV, or UTV and shall be for a specific Golf Cart, ATV, or UTV, as evidenced by its serial number.

- D. The fee for such permits shall be thirty dollars (\$30.00) per year. The fee will not be pro-rated for permits purchased during the year. The fee will not be refunded if the Golf Cart, ATV, or UTV is sold, or the permit is suspended or revoked.
- E. All permits will expire on December 31 of each year. Permits may be purchased at any time during City Hall business hours.
- F. The permit may be suspended or revoked by the City if more than three (3) violations occur in any 12-month period.
- G. Businesses selling Golf Carts, ATVs, or UTVs are exempt from having to obtain permits, unless the vehicle is being used for general transportation and not as a test vehicle.
- H. UTVs must comply with all applicable state regulations.

3. VIOLATION AND PENALTY:

- A. A violation of this ordinance shall be considered a simple misdemeanor.
- B. Any person who is found to have violated this section shall be subject to a fine of fifty (\$50.00) plus surcharge and costs. A court appearance shall not be required if the fine is paid in full prior to the date set for the person's court appearance.

~~SECTION 32. Unlawful Operation.~~

~~1. A person shall not 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 narcotics or habit-forming drugs.~~

~~C. In or on any park, playground, sidewalk, or upon any publicly owned property except with the permission of the governing body thereof.~~

~~SECTION 33. 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. (Code of Iowa, Sec. 321.247)~~

II. SEVERABILITY CLAUSE. If any section, provision or part of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the

Ordinance as a whole or any section, provision or part thereof not adjudicated invalid or unconstitutional.

III. 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 Council this 1 day of JUNE, 2020, and APPROVED this 1 day of JUNE, 2020.



Christopher Erickson, MAYOR

ATTEST:



Mellisa Mattingly, CITY CLERK