

ORDINANCE 485-16

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF WALCOTT, IOWA, BY ADDING CHAPTER 73 PERTAINING TO UTVS

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

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Walcott, Iowa, is amended by adding Chapter 73, entitled UTV's, which is hereby adopted to read as follows:

73.01 PURPOSE. The purpose of this chapter is to permit the operation of UTVs on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a UTV is operated on any street or alley, subject to those exceptions stated herein.

73.02 DEFINITION. UTVs have several different names including LUVs, utility vehicles, side by sides and recreational off-highway vehicles. Utility-type models include, but are not limited to, Kubota and Kawasaki Mule; newer, sport-type models include the Polaris RZR and the Kawasaki Teryx.

73.03 BASIC SPECIFICATIONS.

1. Not a golf cart. Golf cart means a vehicle whose speed attainable in one mile does not exceed 25 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course. A golf cart is more particularly described in Chapter 74 of this Code.
2. Not a low speed vehicle. Low-speed vehicle means a low-speed vehicle, as defined in 49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500.
3. UTVs are originally manufactured with the following:
 - A. Between 900 lbs and 1,999 lbs.
 - B. Four or more low pressure tires.
 - C. Cargo or dump box.
 - D. Steering wheel, tail light, brake light, 2 headlights, seat belts or similar device.
 - E. Max width of 65 inches.
 - F. Seating for at least 2 occupants, non-straddled seats.
 - G. A roll bar or similar device.

73.04 OPERATION OF UTVS PERMITTED. UTVs may be operated upon the streets of the City by persons who are 18 years of age or older and are possessing a valid Iowa operator's license, except as prohibited in Section 73.05 of this chapter. While operated on a City street, the number of passengers

permitted on a UTV shall not exceed the number of permanent seats intended for passengers. While on city streets, operators must have on their person or in the UTV proof of the required insurance.

73.05 PROHIBITED LOCATIONS.

1. Streets. UTVs shall not be operated upon any City Streets with a posted speed limit of greater than 25 mph or any City streets or parts of any City streets listed below:

A. Walcott Road (Old Highway 6/F58);

B. Blue Grass Road (Y-40)

However, UTVs may cross the aforementioned streets provided that:

A. 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;

B. The UTV is brought to a complete stop before crossing the street;

C. The driver/ operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

2. Trails. UTVs shall not be operated on any recreational, bike or walking trail.

3. Sidewalks. UTVs shall not be operated upon sidewalks.

4. "Parking". UTVs 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".

5. City Parks and other land owned by the City of Walcott. UTVs shall not be operated in City parks or upon other city owned land unless for a special event authorized by the City Council and the operator possess a valid City of Walcott permit.

73.06 EQUIPMENT. UTVs 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 and a minimum of two (2) feet above the highest point of the UTV.

3. UTVs operated on City streets shall be equipped with a muffler, headlights, taillights, review mirror located on the driver's or operator's side and adequate brakes to stop and hold the UTV in a stopped position.

4. UTVs operated on City streets shall be equipped with an adequate exhaust system.

73.07 HOURS OF OPERATION. UTVs may be operated on City streets only ½ hour after sunrise and ½ hour before sunset, local time, except for emergency situations or for loading or unloading from a

transport trailer; except that UTVs may be operated during prohibited hours to perform snow removal activities.

73.08 SPEED. No UTV shall be operated at a speed in excess of the lesser of the twenty-five (25) miles per hour or that posted, nor shall any UTV be operated at a speed greater than is reasonable and proper for the existing conditions.

73.09 TRAFFIC CODE. Any person operating an UTV, including those for which a City of Walcott permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulation, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic. No person shall leave an UTV unattended on public property while the motor is running or the keys are in the ignition switch.

73.10 PERMITS. No person shall operated a UTV on any public street, or alley for any purpose unless the UTV has passed a safety inspection by the Walcott Police Department and the operator possesses a City of Walcott permit to operate a UTV on City streets, issued by the Police Chief or designated Officer.

1. UTV owners may apply for a permit from the Walcott Police Chief on forms provided by the City.
2. The Police Chief shall not issue a permit until the owner/operator has provided the following:
 - A. Evidence that the owner possesses a valid driver's license and is at least eighteen (18) years of age.
 - B. Proof owner/operator has liability insurance (minimum limit of \$300,000 coverage) covering operation of UTVs on City streets.
3. Permits must be kept in the UTV at all times.
4. All permits issued shall uniquely identify the name and address of the owner.
5. The annual fee for such permits shall be set by resolution.
6. The permits expire annually on December 31, regardless of the date of issue.
7. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated an applicable State County or City law. There will be no refund of the permit fee. The suspension or revocation, including a description of a violation, shall be provided in writing to the owner of the UTV. The suspension or revocation may be appealed to the City Council within ten (10) days of the date of mailing of the written notice of suspension or revocation of the permit. The owner shall request the appeal in writing and submit the same to the City Clerk within the prescribed time period.

73.11 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever a UTV is involved in an accident resulting in

injury or death to anyone, or property damage amounting to one thousand (\$1,000.00) or more, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

73.12 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 Walcott permit for a period of six months.
2. Any person guilty of violating this ordinance two times shall be subject to a permanent revocation of the City of Walcott permit.
3. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the Code of Iowa.

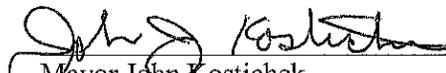
73.13 ANNUAL REVIEW. The City Council shall annually review Chapter 73 to determine if the ordinance warrants amendment or repeal.

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 after the final passage, approval and publication as provided by law.

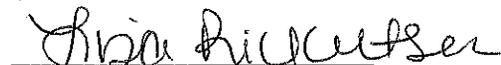
Passed and approved by the Walcott City Council the 6th day of June, 2016 (first and second readings held the 2nd day of May, 2016 and the 16th day of May, 2016, respectively).


Mayor John Kostichek

Attest:

Lisa Rickertsen, City Clerk

I certify that the foregoing was published as Ordinance No. 485-16 on the 15th day of June, 2016.


Lisa Rickertsen, City Clerk