

ORDINANCE NO. 4-2018

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRISWOLD, IOWA, BY REPEALING TITLE III COMMUNITY PORTECTION, CHAPTER 3 TRAFFIC CODE, SUBSECTIONS 3-3-56 SNOWMOBILES THROUGH 3-3-69 GOLF CARTS, AND REPLACING WITH NEW SUBSECTIONS 3-3-56 SNOWMOBILES THROUGH 3-3-69 GOLF CARTS

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

Title III, Chapter 3 of the Code of Ordinances of the City of Griswold, Iowa, is repealed and replaced, which is hereby adopted to read as follows:

**SNOWMOBILES**

3-3-56 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-57 PERMITTED AREAS OF OPERATION. Snowmobiles will be allowed to operate in the City as follows:

1. Streets which have not been plowed during the snow season and such other streets as may be designated by resolution of the City Council except in case of emergencies where snow upon the roadway renders travel by conventional motor vehicles impractical. The route established herein shall be the only permitted snowmobile route and the snowmobiles shall be operated within the roadways of said public streets and shall also be subject to the following regulations.

3-3-58 REGULATIONS. The operation of snowmobiles shall comply with the following regulations and restrictions:

1. Permits. No person shall operate a snowmobile on any public street or alley for any purpose unless the operator possesses a City of Griswold permit to operate a snowmobile issued by the City Clerk. Snowmobile owners must apply for a permit from the Griswold City Clerk on forms provided by the City. Permits are not transferable.
  - a. The annual fee for such permit is \$50.00 expiring annually on December 31 regardless of date of issue.
  - b. A \$25.00 penalty will be charged to anyone that fails to renew their permit after January 31.
  - c. The operator of the snowmobile shall display the City of Griswold permit sticker on the windshield of the snowmobile so that the permit sticker is clearly visible. If the snowmobile does not have a windshield, then the permit sticker shall be affixed to the area of the hood near the headlight so

that the permit sticker is clearly visible.

- d. The Clerk shall not issue a permit until the owner/operator has provided the following:
  - (1) Evidence that the owner possess a valid driver's license and is at least 14 years of age. An operator under 18 years of age shall provide evidence of a valid snowmobile education certificate recognized by the Iowa Department of Natural Resources.
  - (2) Proof owner/operator has liability insurance covering operation on city streets and alleys.
  - (3) Proof of Iowa Registration.

2. No operator between the ages of 14 through 15 shall operate a snowmobile in the City without a valid snowmobile education certificate recognized by the Iowa Department of Natural Resources in their possession. An operator between the ages of 14 through 15 must be under the direct supervision of a parent, guardian, or another adult authorized by the parent or guardian, who is experienced in snowmobile operation and possesses a valid driver's license as defined in Iowa Code Section 321.1 or a snowmobile education certificate recognized by the Iowa Department of Natural Resources.

3. Equipment Required. The following equipment is required for operation of snowmobiles within the City:

- a. Mufflers which are properly attached and which reduce the noise of operation of the snowmobile to a minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass, or similar device on said snowmobile.
- b. Adequate brakes and at least one headlight and one taillight in good operating condition.
- c. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

4. Hours of operation. No person shall operate a snowmobile in the City from eleven o'clock (11:00) p.m. to ten o'clock (10:00) a.m. except for the purpose of loading and unloading a snowmobile from another vehicle or trailer.

5. No person shall operate a snowmobile on private property of another without the express permission to do so by the owner or occupant of said property, on public school grounds, park property, playgrounds, recreational areas, and golf courses without express permission to do so by the proper public authority.

6. No person shall leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

7. No person shall operate a snowmobile in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

8. No person shall operate a snowmobile in a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

9. At a rate of speed greater than reasonable or proper under all existing circumstances.
10. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.

3-3-59 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-60 TRAFFIC REGULATION. Any person operating a snowmobile, including those for which a City of Griswold permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

3-3-61 PENALTIES.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of five-hundred dollars (\$500.00) and revocation of the City of Griswold permit for a period of six (6) months.

2. Any person guilty of a subsequent violation of this ordinance shall be subject to a fine of seven-hundred fifty dollars (\$750.00) and permanent revocation of the City of Griswold permit.

## **OFF-ROAD VEHICLES**

3-3-62 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain vehicle" includes off-road utility vehicles as defined in Section 3211.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and ground maintenance vehicles.

2. "Off-road motorcycles shall be considered all-terrain vehicles for the purpose of registration. Off-road motorcycles shall also be considered all-terrain vehicles for the purpose of titling if a title has not previously been issued pursuant to Chapter 321. An operator of an off-road motorcycle is subject to provisions governing the operation of all-terrain vehicles in this Chapter, but is exempt from the safety instruction and certification program requirements of Sections 3211.25 and 3211.26 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, but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

(Code of Iowa, Sec. 3211.1 (1))

3-3-63 REGULATIONS. The operation of ATV's, off-road motorcycles, or off-road utility vehicles shall comply with the following regulations and restrictions:

1. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle within the City in violation of Chapter 321I 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, numbering, equipment, and manner of operation

(Code of Iowa, Sec. 321I)

2. Permits. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle on any public street or alley for any purpose unless the operator possesses a City of Griswold permit to operate an ATV, off-road motorcycle, or off-road utility vehicle. ATV, off-road motorcycle, or off-road utility vehicle owners must apply for a permit from the Griswold City Clerk on forms provided by the City. Permits are not transferable.

a. The annual fee for such permit is \$50.00 expiring annually on December 31 regardless of date of issue.

b. A \$25.00 penalty will be charged to anyone that fails to renew their permit after January 31.

c. The operator of the ATV, off-road motorcycle, or off-road utility vehicle shall display the City of Griswold permit sticker on a rear fender or on a similar component which is clearly visible from the rear.

d. The Clerk shall not issue a permit until the owner/operator has provided the following:

(1) Evidence that the owner possesses a valid driver's license and is at least 14 years of age. An ATV operator under 18 years of age shall provide evidence of a valid IDNR approved ATV education course certificate.

(2) Proof owner/operator has liability insurance covering operation on city streets and alleys.

(3) Proof of Iowa Registration.

3. No operator between the ages of 14 through 17 shall operate an ATV in the City without a valid driver's license and possession of a valid IDNR approved ATV education course.

4. Equipment Required. The following equipment is required for operation of off-road vehicles within the City:

a. Mufflers which are properly attached and which reduce the noise of operation of the snowmobile to a minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass, or similar device on said snowmobile. An ATV shall comply with the sound level standards and testing procedures established by the Society of Automotive Engineers under SAE J1287.

b. Adequate brakes and at least one headlight and one taillight in good operating condition.

c. A safety or so-called “dead-man” throttle in operating condition; a safety or “dead-man” throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

d. Lit headlight(s) and taillights(s).

e. Functioning brakes and brake lights.

f. Speedometer.

5. No person shall operate an ATV or off-road utility vehicle without wearing a properly adjusted and fastened seatbelt if the ATV or off-road utility vehicle is so equipped.

6. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle with more persons on the ATV, off-road motorcycle, or off-road utility vehicle than it was designed to carry.

7. Streets. On streets only in accordance with Sec. 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the City Council for the sport of driving.

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

(Code of Iowa, Sec. 321I.10 (2a))

8. Parks and Other City Land. Not be operated in any park, playground or upon any other property owned by the City without the express permission of the City.

9. Sidewalk or Parking. 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".

10. Trails. Not be operated on snowmobile trails except where designated.

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

11. Railroad Right-of-way. Shall not be operated on an operating railroad right-of-way. May be driven 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. 332I.14 (h))

12. No person shall leave or allow an ATV, off-road motorcycle, or off-road utility vehicle to be or remain unattended on public property while the motor is running or the key left in the ignition.

13. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto or create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.

14. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle at a rate of speed greater than reasonable or proper under all existing circumstances.

15. No person shall operate an ATV, off-road motorcycle, or off-road utility vehicle while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

16. Compliance with State Code. All operation shall comply with Iowa Code Chapter 321I.

3-3-64 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of ATV's, off-road motorcycles, or off-road utility vehicles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-65 TRAFFIC REGULATION. Any person operating an ATV, an off-road motorcycle, or an off-road utility vehicle, including those for which a City of Griswold permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

3-3-66 PENALTIES.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of five-hundred dollars (\$500.00) and revocation of the City of Griswold permit for a period of six (6) months.

2. Any person guilty of a subsequent violation this ordinance shall be subject to a fine of seven-hundred fifty dollars (\$750.00) and permanent revocation of the City of Griswold

## **GOLF CARTS**

3-3-67 DEFINITIONS. For use in this ordinance "golf cart" is defined as a motorized 4- wheeled vehicle designed to transport person(s) on a golf course.

3-3-68 REGULATIONS. The operation of golf cart shall comply with the following regulations and restrictions:

1. Permits. No person shall operate a golf cart on any public street or alley for any purpose unless the operator possesses a City of Griswold permit to operate a golf cart issued by the City Clerk. Golf cart owners must apply for a permit from the Griswold City Clerk on forms provided by the City. Permits are not transferable.

a. Permits can be revoked by the Mayor, City Manager, or Law Enforcement Officer as a 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 golf cart. The revocation may be appealed to the City Council within ten (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.

b. The annual fee for such permit is \$50.00 expiring annually on December 31 regardless of date of issue.

c. A \$25.00 penalty will be charged to anyone that fails to renew their permit after January 31.

d. The operator of the golf cart shall display the City of Griswold permit sticker on a rear fender or on a similar component which is clearly visible from the rear.

e. The Clerk shall not issue a permit until the owner/operator has provided the following:

(1) Evidence that the owner possess a valid driver's license and is at least 14 years of age.

(2) Proof owner/operator has liability insurance covering operation on city streets and alleys.

2. Equipment Required. The following equipment is required for operation of golf carts within the city:

a. Slow-moving vehicle emblem.

b. Adequate brakes.

c. Bicycle safety flag.

3. Hours of Operation. No person shall operate a golf cart in the City from sunset to sunrise.

4. No person shall operate a golf cart with more persons than it was designed to carry.

5. No person shall operate a golf cart a City street which is a primary road extension, but shall be allowed to cross a City street which is a primary road extension through the City.

6. No person shall operate a golf cart in a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.

### 3-3-69 TRAFFIC REGULATIONS.

1. Any person operating a golf cart, including those for which a City of Griswold permit has been issued, shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

First Reading:

Moved by \_\_\_\_\_ to adopt.

Seconded by \_\_\_\_\_ to adopt.

Roll Call:

Askeland: \_\_\_\_\_

Cook: \_\_\_\_\_

Sorensen: \_\_\_\_\_

Moore: \_\_\_\_\_

Wyman: \_\_\_\_\_

Waiver of Second and Third Readings, if applicable:

Moved by \_\_\_\_\_ to adopt.

Seconded by \_\_\_\_\_ to adopt.

Roll Call:

Askeland: \_\_\_\_\_

Cook: \_\_\_\_\_

Sorensen: \_\_\_\_\_

Moore: \_\_\_\_\_

Wyman: \_\_\_\_\_

Passed by the Council the 12<sup>th</sup> day of November, 2018, and approved this 12<sup>th</sup> day of November, 2018.

\_\_\_\_\_  
Brad Rhine, Mayor

Attest:

\_\_\_\_\_  
Hannah Bierbaum, City Clerk