

Agenda
City of Elk Run Heights
Workshop July 30, 2020 - 6:00 p.m.
Located at Eddis Winstead Council Chambers

1. Call to order
2. Pledge of Allegiance
3. Roll call
4. Approval of the July 30, 2020 Agenda
5. Review of City Ordinances:
 - a. New Construction: Paved Driveways
 - b. Parking in grass
 - c. Page 91 - 92 – Verify all City-specific information: Through Streets, Stop Intersections and Yield Signs
 - d. Page 93 – Verify the Controlled-Access Information.
 - e. Sample J - Page 96 –Attached is our model chapter for All-Terrain Vehicle and Snowmobiles. It is current with the Code of Iowa and will be our starting point in the new. Are there any items in the City version that should be added to the sample? You can see in 75.04(1) and 75.05(1) it talks about driving on streets established by resolution rather than listing them.
 - f. Page 96 – 10.20.030 – The Council may designate the streets be resolution. Shall we include the streets listed in A or leave them out?
 - g. 97 – Is the 15 mph limit accurate
 - h. Sample K - Page 97.5 – Any updates to the Golf Carts chapter? Is the permit process and fees accurate? Would the City like to see alternatives?
 - i. 97-1 – Do you want to retain the jake brake regulations
6. Adjournment

Chapter 5-10

PROPERTY MAINTENANCE CODE

Sections:

5-10-1	Title
5-10-2	Purpose
5-10-3	Interpretation
5-10-4	Abrogation and Greater Restrictions
5-10-5	Severability
5-10-6	Definitions
5-10-7	Maintenance Standards
5-10-8	Violations

Section 5-10-1 Title

This ordinance may be referred to as the "Property Maintenance Code", and is herein referred to as "this Code".

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-2 Purpose

The purpose of this Code is to protect the public health, safety, and welfare, esthetics and property values, by establishing minimum standards for maintenance, appearance, condition, and occupancy, and for essential utilities, facilities, and other physical components and conditions to make residential premises fit for human habitation, and to make nonresidential premises fit for use according to the purpose for which they were developed; by fixing certain responsibilities and duties upon the owners and managers, and distinct and separate responsibilities and duties upon the occupants; by authorizing and establishing procedures for inspection of premises, and enforcement of this Code; establishing penalties for violations; and providing for proper repair, demolition, or vacation of premises which do not comply with this Code.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-3 Interpretation

The provision of this Code shall be interpreted and applied as minimum requirements, and shall not be deemed a limitation or repeal for any other power granted by the Code of Iowa.

Nothing in this Code shall be construed to abrogate the Federal or State Constitutions, nor to grant powers to the City that are otherwise reserved by and for Federal and State government.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-4 Abrogation and Greater Restrictions

It is not the intent of this Code to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. Where two or more provisions apply the higher standard shall prevail.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-5 Severability

If a section, provision, or part of this Code is adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this Code as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-6 Definitions

Words used in this Code shall have the same meaning as that defined by the Zoning Ordinance, unless otherwise defined by this Code.

(A) Abandoned Building. Any building or portion of a building under construction which has stood with an incomplete exterior shell for more than one year, or any completed building or portion thereof which has stood unoccupied for longer than six (6) months, and which is unsecured or has Housing Code or Building Code violations.

(B) Deterioration. A state of conditions caused by a lack of maintenance or excessive use, characterized by holes, breaks, rot, crumbling, peeling paint, rusting, or other evidence of physical decay or neglect.

(C) Enforcement Officer. The Police, City Administration or Code Enforcement Officer, or other staff as may be assigned.

(D) Eviseration/Slaughtering B Slaughter is the killing of live animals for the purpose of converting them into meat or for having the animal mounted by a taxidermist and does not include the killing of a live animal by police or other persons for public safety purposes. Eviseration is the bleeding out and/or disembowelment of a dead animal.

(E) Exposed to Public View. Any premises or any part thereof which may be lawfully viewed by the public or from adjoining premises.

(F) Exterior. Yards and other open outdoor spaces on premises, and the external surfaces of any structure.

(G) Extermination. The control and elimination of insects, rodents and vermin.

(H) Farm. Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

1. Horticulture

The growing of horticultural and floricultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes. This definition may include accessory retail sales under certain conditions. Typical uses include wholesale plant nurseries and greenhouses.

2. Crop Production

The raising and harvesting of tree crops, row crops for field crops on an agricultural or commercial basis. This definition may include accessory retail sales under certain conditions.

3. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

4. Commercial Feedlots

The exclusive use of a site for the confined feeding or holding of livestock or poultry within buildings, lots, pens, or other close quarter, which are not used, for crop production or where grazing of natural vegetation is not the major feed source.

5. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

(I) Infestation. The presence of insects, rodents, vermin, or other pests on the premise to the extent that they constitute a health hazard, are deemed by an Enforcement Officer to be in threat of spreading to adjoining premises, or are exposed to public view.

(J) Junk. Any discarded or salvaged material or fixture; obsolete or inoperable machinery or vehicle, or parts thereof; or scrap metal.

(K) Nuisance. Physical conditions that are dangerous or detrimental to the health or safety of persons on or near the premises where the conditions exist, or anything that is injurious to the senses or interferes with the comfortable enjoyment of life or property.

(L) Owner. Any person who alone, jointly, or severally with others, holds legal or equitable title to any premises, with or without accompanying actual possession thereof.

(M) Premises. A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.

(N) Public Authority. Any officer or any department or branch of the City, County, or State charged with regulating health, fire, zoning, building regulations, public safety or other activities concerning property in the City.

(O) Refuse. Any material that has lost its value for the original purpose for which it was created or manufactured, or for its redesigned use, whether putrescible or non-putrescible, combustible or non-combustible, which is not securely stored in a building or legal outdoor storage yard for prompt disposal or resale, including, but not limited to junk; paper or cardboard; plastic, metals; glass; yard clippings, leaves, woody vegetative trimmings, and other plant wastes which have not been properly composted; vegetable or animal waste resulting from the handling, processing, storage, preparation, serving or consumption of food, crockery; bedding, furniture, or appliances; offal; rubbish; ashes or incinerator residue; construction debris; accumulation of animal feces; dead animals; or wastes from commercial or industrial processes.

(P) Responsible party. Any person having possession, charge, care, or control of real or personal property, whether with or without the knowledge and consent of the owner, including without

limitation any one or more of the following: owner, agent, property manager, contract purchaser, mortgagee or vendee in possession, receiver, executor, trustee, lessee or tenant, or any other person, firm or corporation exercising apparent control over a property.

(Q) Vehicle. Any device designed to transport a person or property by land, air, or water, such as automobiles, trucks, trailers, motorcycles, tractors, buggies, wagons, boats, airplanes, or any combination thereof, except bicycles.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-7 Maintenance Standards

A) GENERAL. The exterior of every premises and structure shall be maintained in good repair, to the end that the premises and each structure thereon will be preserved; adjoining properties protected from blighting influences; and safety and fire hazards eliminated.

(B) MAINTENANCE OF PREMISES. Each and every premise shall be kept free of all nuisances, health, safety, and fire hazards, unsanitary conditions, and infestation. It shall be the duty of the responsible party to keep the premises free of all said conditions and to promptly remove and abate same, which include but are not limited to the following declared nuisances:

1. Weeds or grasses allowed to grow to a height greater than eight (8) inches on the average, or any accumulation of dead weeds or grass that are exposed to public view, on any non-farm property. This provision shall not apply to prairies, wetlands, or similar area of naturalized perennial vegetation which are certified by an Enforcement Officer to not constitute a nuisance.
2. No person shall permit garbage or recyclable materials to accumulate longer than a garbage collection cycle upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.
3. Any structure, which is in such a dilapidated condition that it is unfit for human habitation or the use for which it was constructed; kept in such an unsanitary condition that it is a menace to the health of people residing therein or in the vicinity thereof; any structure defined as a dangerous building by the most-current edition of the Uniform Code for the Abatement of Dangerous Buildings, as published by the International Conference of Building Officials; or any building that is defined as abandoned or a public nuisance by Chapter 657A, Code of Iowa.
4. Any inoperable vehicle which is exposed to public view for more than ten (10) days, unless located on the premises of a lawfully operated junk yard or undergoing repairs in an expeditious manner at a vehicle repair business.
5. The presence of mud, dirt, gravel or other debris or matter, whether organic or inorganic, deposited upon and adjacent to or on public property in a quantity judged by an enforcement officer to be a threat to public safety or to cause pollution, obstruction, or siltation of drainage systems, or to violate solid waste disposal

regulations, or illicit discharge regulations contained in Chapter 3-11, of the Storm Lake City Code. This subsection is subject to the possible exception set forth in 5-10-7(B)(5a).

5(a). No person shall store or permit to be stored dirt, sand, gravel, debris or similar materials on a vacant lot unless said dirt or other materials shall be leveled and the lot brought to uniform grade consistent with surrounding lots. As an exception to the foregoing, the following uses are permitted:

1. Materials stored in bulk which are to be used as a part of the normal operations of a legally permitted landscaping business for use on other lots or to be sold on premises.

2. Dirt, sand, gravel and other materials may be stored in mounds for a period not to exceed four (4) months on a vacant lot in anticipation of construction on that lot, or in connection with construction on a neighboring lot, but for no other purpose.

6. Failure to establish a permanent cover of perennial grasses on any non-farm property or adjacent unpaved public right-of-way as soon as practical after any construction on the lot and adjacent right of way, and to thereafter maintain same in such condition as to substantially bind the surface of the soil and prevent erosion, whether by sheet or gullying, or by wind or water.

Exceptions shall be permitted for densely shaded areas, landscape beds, and gardens, provided that vegetable gardens and agricultural crops shall not be placed in the front yard of a non-farm property, unless it can be demonstrated that no other viable location exists on the premises because of topography, natural vegetation, or similar circumstances out of the resident's control. Additionally, if permanent grass cover fails to establish itself on the right of way, due to road salt, sand and other winter maintenance procedures, then ornamental rock cover may be established, subject to the approval of the City Administrator and/or designee.

7. Any nuisance as defined herein or described as such by Chapter 657 of the Code of Iowa.

8. Any alteration, modification, or obstruction which prevents, obstructs or impedes the normal flow of runoff from adjacent lands, or any alteration or modification which substantially concentrates or increases the flow of water onto an adjoining premises to the extent of damaging or saturating such premises.

9. Conditions which are conducive to the accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rodent harborages, stagnant water, combustible materials and similar materials or conditions on a premise which constitutes a fire, health or safety hazard.

10. Facilities for the storage or processing of sewage, such as privies, vaults, sewers, private drains, septic tanks, cesspools, and drain fields, which have failed or do not function properly, as may be evidenced by overflow, leakage, seepage, or emanation of odors, or which do not comply with the Buena Vista County Department of Health regulations, as applicable. Septic tanks, cisterns, and cesspools which are no longer in use shall be removed, or emptied and filled with clean dirt or sand.

11. Fences or retaining walls that are not structurally sound or which are deteriorating, as may be evidenced by leaning or loose elements.
12. Dead or diseased trees or other woody vegetation which may lead to the spread of the disease to other specimens or pose a threat to safety of buildings; major parts thereof, such as a limb, which may be dead or broken or otherwise pose a threat to safety of persons or buildings on adjoining premises; any vegetation located on private property which overhangs and is less than 8 feet above the traveled portion of any sidewalk or not less than 14 feet above the traveled portion of any street.
13. Loose, overhanging objects or accumulations of ice or snow, which by reason of location above ground level constitute a danger of falling on persons in the thereof. (Dangerous Building Code 302-5, 6)
14. The slaughtering of live domestic animals or evisceration of dead domestic animals in any residential zoned district other than the Sunrise Campgrounds until such time as the campgrounds are renovated. Deer shall be included in the category of domestic animal. Any further processing of a dead animal shall be out of public view.

(C) **BUILDING MAINTENANCE.** All buildings shall be maintained to be weather and water tight. Broken windows, holes in roofs, and missing siding shall be replaced with similar materials to maintain the weather and water tight properties of the structure. All wood including floor boards, decking, subfloors, joists, rafters, roof sheathing, and siding shall be replaced when missing, rotted or damaged. Materials and practices used in reconstruction and residing shall be of standard quality and appearance commensurate with the character of house or building. Their appearance, as judged under prevailing appraisal practices and standards. Owners or responsible parties shall not use materials which would depreciate the value of adjoining premises or the neighborhood. Painted surfaces shall be maintained or repainted so that an individual wall surface does not have peeling or missing paint in areas in excess of fifty percent (50%) of that individual surface area.

(D) The purpose of this Section is to establish minimum standards relating to the parking of vehicles on private property and adjacent right-of-way in all zoned districts.

1. Definitions

Hard-Surfaced driveway shall mean any driveway, adjacent wing, or approach area that is paved with a hard surface including concrete, asphalt, or paving stones installed and maintained according to city specifications.

Non Hard-Surfaced driveway shall be defined as a driveway constructed of gravel, millings, dirt, grass, and/or any other non-smooth/hard surface.

Approach shall be defined as that area of the driveway which begins at the street and extends through the public right-of-way.

Wing Area is defined as a permitted increase in the width of the driveway, all of which

must be located on private property and no part of which may be on the Approach.

Auxiliary Parking Area shall mean a parking lot and shall only be allowable when required for multi-family residential complexes.

Multi-family Unit shall be defined as a residential structure containing two(2) or more separate residential units.

Curb Cut shall mean an opening formed in the standard profile of curb and gutter either by sawing and breaking or grinding and done to maintain drainage.

2. Parking within the City of Storm Lake shall be limited in residentially zoned districts (R-1, R-2, R-3, and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts) of the City to hard-surfaced driveways. In R-3 and R-4 as well as permitted non-conforming residential uses and approved residential conditional uses in other zoning districts, any auxiliary parking areas must be hard surfaced as well. Each lot will be limited to one hard-surfaced driveway with a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In addition, each lot will be allowed one hard-surfaced wing area directly adjacent to the hard-surfaced driveway with a maximum width of twelve feet (12') to be used for parking. A hard-surfaced winged parking area is allowed on only one side of the hard-surfaced driveway and not both sides. Hard-surfaced wing parking areas shall not encroach upon the public right-of-way area. No person shall park a vehicle in the front or side yards of a residence except upon permitted driveways, wing areas and approach, and for multi-family uses, upon a permitted auxiliary parking area.

3. For all residential lots the maximum allowable width of the approach per lot shall be limited to a maximum width of twenty-four feet (24') in the case of a two-car garage, single-car garage, or no garage and a maximum width of thirty-two feet (32') in the case of a three car or larger garage. In the case of a lot having two approaches to accommodate a circular drive, the combined width of the approaches shall not exceed the maximum allowable width based on the number of garage spaces.

3(A). For Commercial and Industrial uses outside the Central Business District (CBD), the maximum allowable width of the approach shall not exceed thirty four (34') feet. As an exception, when unusual conditions exist at a location which would create a hardship or significant traffic conditions are present which would adversely affect traffic safety, approaches may be allowed to exceed the above stated width, subject to review by the City Administrator or other staff as may be assigned.

4. Parking areas and driveways accessed from an alley must be, at a minimum, surfaced with gravel in accordance with City specifications. The allowable width for alley approaches and parking areas shall be in accordance with an in addition to the allowable limits set forth earlier in this ordinance for street accessed parking.

5. All existing hard surfaced driveways, approaches, wing areas and/or hard-surfaced auxiliary parking areas on private property shall be permitted to continue as a non-conforming use if they exceed the maximum width permitted herein provided, however,

that if the City must cut an approach in connection with a street or utility improvement project, the City will only replace the approach to the maximum width permitted by this Ordinance. Existing non hard-surfaced driveways on private property and within the allowable maximum driveway width may continue but, at a minimum, be surfaced and/or maintained with gravel in accordance with City specifications. All of that portion of existing non hard-surfaced driveways in excess of the allowable maximum width may not continue and must be removed and returned to grass not later than September 1, 2008.

6. If an approach area is not hard surfaced, any gravel on any portion of the approach area which is in excess of the permitted width shall be removed not later than September 1, 2008 and the excess width returned to grass. The approach area, up to the maximum permitted width, must be hard surfaced not later than December 31, 2012. As an exception to the above subsection, existing approaches accessed from gravel streets would not have to be paved until such time as the City paves the street.

7. Any existing lots where surfaced approaches are in excess of the allowable width, as set forth in this Ordinance at the date of passage, shall be permitted to continue so long as they meet the definition of a surfaced driveway as set forth in this Ordinance and as long as the property owner agrees to accept responsibility to replace the surfaced area over the maximum allowed by this Ordinance at their expense if the approach should need to be replaced for any reason including utility work done in the public right-of-way by the City of Storm Lake or by public utilities.

8. All vehicle parking constructed after the adoption of this Ordinance shall be hard surfaced as defined herein.

9. Existing parking areas for multi-family units located in the City right-of-way accessed by curb cuts in existence prior to November 1, 2007 shall be allowed to remain as long as the area is hard surfaced by December 31, 2012 and may exceed the allowable driveway width as defined by this ordinance.

(E) REFUSE. The purpose of this Subsection is to eliminate unhealthy, unsanitary and unsightly conditions in the City caused by deposits and accumulation of garbage and to regulate the collection of same.

1. DEFINITIONS. For use within this Subsection the following terms are hereby defined:

- (a) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material; and of a size that may be conveniently handled by the collector.
- (b) "COLLECTOR": Any person, business, private contractor, specifically including the City of Storm Lake, which picks up and removes garbage, recyclable materials, or yard waste for a fee and is licensed, in accordance with Storm Lake City Code.

- (c) “GARBAGE”: All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.
 - (d) “RECYCLABLE MATERIAL”: Materials which may be designated as recyclable by the Buena Vista County Recycling center such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Recycling Center may make from time to time.
 - (e) “YARD WASTE”: Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but in any case shall include glass clippings, leaves, garden waste and branches from trees and shrubs.
2. DUTY TO PROVIDE CANS. Each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly reoccurring.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

3. ACCUMULATION AND DEPOSIT OF GARBAGE OR RECYCLABLE MATERIALS PROHIBITED. No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in City Code 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the County Landfill unless such person has been authorized by the owner of the premises to deposit such materials there.

(Ord. 11-O-2007-2008, Amended, 02/18/2008; Ord. 10-O-2007-2008, Amended, 12/17/2007; Ord. 09-O-2007-2008, Amended, 12/17/2007; Ord. 08-O-2007-2008, Add, 12/17/2007)

Section 5-10-8 Violations

(A) ENFORCEMENT. The creation or maintenance of a violation of this ordinance is prohibited and shall constitute a municipal infraction subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa. Each day that a violation is permitted to continue beyond any period of time granted by the enforcement officer to correct the violation constitutes a separate offense.

(B) INSPECTIONS. All inspections, enforcement actions, and hearings on violations, unless expressly stated to the contrary, shall be under the direction and supervision of an Enforcement Officer, who may appoint or designate other public officers or employees to perform duties as may be necessary to enforce this Code, including inspections and holding of hearings. The

Enforcement Officers are hereby authorized to abate such violations in accordance with the procedures of this Code and to serve notice to abate same, whether upon the owner or other responsible party for a premise upon which a violation is being maintained, or upon the person or persons causing or maintaining the violation.

(C) VOLUNTARY ABATEMENT. The objective of this Code being the abatement of violations, persons violating this Code shall, except in emergency situations, be given notice of the violation and allowed a reasonable amount of time to voluntarily remedy the violation before action to assess costs or penalties for committing a municipal infraction are undertaken. Consideration will be given to evidence of a good faith effort to correct the violation; whether an imminent health or safety hazard exists; whether the person has previously been notified of or charged with violations of a similar nature; and other factors.

(D) EMERGENCY CONDITION. If the Enforcement Officer judges that an emergency exists which creates a dangerous and imminent health or safety hazard to persons, property or the general public which requires immediate action, the City may order such action as may be necessary to meet the emergency. Any orders issued pursuant to this paragraph shall be effective immediately or in the time and manner prescribed in the order itself.

(E) REPEAT OFFENSE. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a municipal infraction citation for a repeat offense involving the same property and occurring within one year of a prior violation and notice to abate.

(F) NOTICE. When service of a notice to abate is required, the following methods of service shall be deemed adequate:

1. By personal service upon the person or persons causing or maintaining the violation or the owner of the property upon which the nuisance exists.
2. If, after reasonable effort, personal service cannot be made, service shall be made by sending the notice by certified mail, return receipt requested to the last known address of the responsible party or owner as appropriate.

(G) ABATEMENT REMEDIES AND PENALTIES. In the event that the violation is not abated as ordered and within the time specified, the City may abate such violation by undertaking such abatement and assessing the costs thereof against the property.

1. Abatement may include but is not limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, barricading or fencing, demolition of dangerous or abandoned structures or portions thereof, and elimination of nuisances. Abatement costs may include the cost of removing or eliminating the violation; the cost of investigation, such as title searches, inspection, and testing; the cost of notification; filing costs; and other related administrative costs. Inoperable or obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable or obsolete vehicle removed from private premises is not sold or if the proceeds of such sale or redemption are not sufficient to pay the costs of abatement, storage and sale of said inoperable or obsolete vehicle, such cost or the balance of such cost may be assessed against the premises in the same manner as a property tax.

2. Before the assessment of any charges for work done or caused to be done by the City the owner of the property proposed to be assessed shall be provided notice and opportunity for hearing before the Property Maintenance Appeal Board. The notice shall set forth the amount proposed to be assessed, and include a statement of the time, place, and date of hearing.
- (H) EMERGENCY ABATEMENT PROCEDURE. If an Enforcement Officer determines that a violation exists and constitutes an imminent, clear, and compelling danger to health, safety or welfare of persons or property, the enforcement officer is authorized to abate the violation or have it abated without prior notice and opportunity for hearing. The costs of such action may be assessed against the premises. However, prior to such assessment, the City shall give a property owner notice and the opportunity for a hearing before the Property Maintenance Appeal Board.

(I) APPEAL. There is hereby created a Property Maintenance Appeal Board. It shall have five members and those five members shall be the same as the five persons currently serving on the Storm Lake Board of Adjustment. When sitting as the Property Management Appeal Board, the powers of the Board of Adjustment shall not apply and the Property Maintenance Appeal Board shall have the following powers:

1. To determine whether the finding of a violation by the enforcement officer is correct.
2. To grant, upon a showing of extreme financial hardship, a reasonable extension of time to correct a violation.
3. To authorize, upon a showing of unique circumstances not attributable to the owner or responsible party, vehicle parking arrangements not otherwise permitted by this Code but which may not include any new gravel parking.
4. The cost of an appeal to the Property Maintenance Appeal Board shall be the same as the cost of an appeal to the Board of Adjustment, and shall be set by Resolution duly adopted by the City Council.

(Ord. 08-O-2007-2008, Add, 12/17/2007)

CHAPTER 140

DRIVEWAY REGULATIONS

140.01 Definitions	140.06 Sidewalks
140.02 Permission Required	140.07 Driveways to Be Paved
140.03 Width and Number of Curb Openings	140.08 Inspection and Approval
140.04 Location of Driveway	140.09 Existing Driveways Altered
140.05 Method of Cutting Curb	

140.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and roadway of the public street.
2. “Paving” includes any kind of hard surfacing including, but not limited to, Portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials with the necessary base. “Paving” does not include surfacing with oil, gravel, oil and gravel, or chloride.

140.02 PERMISSION REQUIRED. No curb shall be cut or changed and no parking or public property shall be used for a driveway or parking without first obtaining written permission from the Council.

140.03 WIDTH AND NUMBER OF CURB OPENINGS. The curb opening for a single drive shall not be less than 16 feet or more than 20 feet and the opening for a double drive shall not exceed 24 feet in width. In general, only one opening shall be granted per residence in residential areas. The Council may grant additional openings in special cases such as for larger corner lots, etc. The width and number of curb openings for business and commercial places shall be determined as to the needs by the Council. Any opening onto a State-owned road will have to be approved by the State Department of Transportation and the Council.

140.04 LOCATION OF DRIVEWAY. Where possible, no driveway shall be placed nearer than five feet to the sidelines of owner’s property. No driveway shall be within 15 feet of any intersection at the property line.

140.05 METHOD OF CUTTING CURB. Curb shall be saw cut at least two inches deep as close to face of curb as possible. Saw cut the curb at ends of opening as deep as possible. Curb shall then be removed to full depth of pavement. When curb is removed by this method, no expansion joint will be used between drive and existing pavement. One-half inch pre-formed expansion joint is to be used between drive and existing pavement when existing curb drop is used.

140.06 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

Sample Chapters

Prepared By: Local Government Professional Services, Inc.
DBA Iowa Codification
(641) 355-4072

140.07 DRIVEWAYS TO BE PAVED. All driveways shall be paved to property line with one of the following types of surfaces. Six-inch plain P.C. concrete; five-inch mesh reinforced concrete; five-inch crushed stone base with two-inch asphaltic concrete overlay; or C-4 concrete mix.

140.08 INSPECTION AND APPROVAL. The driveway must be inspected and approved by the City within 30 days after completion of the work. The City shall keep a record of such approvals. If the work is not approved, it must be corrected immediately so it will meet with the City's approval. If the work has been done improperly, the City shall have the right to finish or correct the work and the Council shall assess the cost to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

140.09 EXISTING DRIVEWAYS ALTERED. Existing driveways being altered or modified which require removal of curbing must conform to all driveway regulations.

CHAPTER 141

DRIVEWAYS

141.01 Definitions	141.05 Sidewalks
141.02 Permit	141.06 Excavations
141.03 Fee for Permit	141.07 Revocation of Permit
141.04 Driveway Requirements	141.08 Inspection and Approval

141.01 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. “Paving” includes any kind of hard surfacing, including but not limited to Portland cement concrete, bituminous concrete, brick, stabilized gravel (gravel, oil and gravel), or combinations of such materials, with the necessary base. “Paving” does not include surfacing with oil.

141.02 PERMIT. Before any person shall construct or repair a driveway, said person shall obtain a written permit from the City. A written application for the permit shall be filed with the Public Works Director. The application shall include the name and address of the property owner, the name and address of the person who will do the work and the proposed plan of construction or repair, which shall include the depth, width and type of surfacing material to be used. No other plan shall be followed except by written permission of the Public Works Director, who may allow amendments to the application or permit that do not conflict with this chapter. The Public Works Director shall issue the permit, bearing the signature of the Public Works Director and the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six months after the date of issuance, if not constructed within that time.

141.03 FEE FOR PERMIT. Before any permit is issued, the person who makes the application shall pay any permit fee required by the Building Code.

141.04 DRIVEWAY REQUIREMENTS. All driveways shall meet the following requirements:

1. Except as set forth in Subsection 2, all driveways shall be of paving of a depth of not less than six inches and shall be at least 10 feet in width. Alternatively, driveways for non-multi-family residential properties may be of a paving depth of not less than four inches if the paving is reinforced with #9 welded reinforced wire. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The driveway shall slope not more than three inches per foot toward the roadway. The maximum driveway width at the curb line shall be 25 feet for a one-car garage, 28 feet for a two-car garage, and 38 feet for a three-car garage. All other construction shall comply with the City’s Standard Specifications, which shall be considered an outline of minimal standards.

2. Driveways accessing multi-family property shall have a minimum width of 12 feet and shall be prepared with six-inch square reinforced wire mesh. The minimum radius for that part of such driveways connecting to streets shall be 10 feet.

141.05 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk. Sidewalk must be concrete.

141.06 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

141.07 REVOCATION OF PERMIT. The Public Works Director may at any time revoke a permit for any violation of this chapter and may require that the work be stopped.

141.08 INSPECTION AND APPROVAL. The driveway must be inspected and approved in writing by the Public Works Director within 30 days after completion of the work. The Public Works Director shall keep a record of such approvals. If the Public Works Director refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the Public Works Director shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner. Old or existing curb and gutter shall be removed by the City and the street repaired by the City.

###

ORDINANCE 335

AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF GILBERTVILLE, IOWA BY ADDING A NEW SECTION PARKING IN RESIDENTIAL DISTRICTS.

147.01 PURPOSE. The special provision of this chapter are intended to regulate the location of parked vehicles. It is the desire of the City of Gilbertville to encourage an aesthetically pleasing local environment. It is also the intent of the City of Gilbertville to avoid the obstruction of public streets and sidewalks, improve traffic visibility, and maintain the visual harmony and character appropriate in residential neighborhoods within the city limits.

1. Goals.
 - A. To preserve and improve the peace safety, health, comfort and convenience of citizens of Gilbertville.
 - B. To minimize the adverse visual effects of front yard parking.
 - C. To allow for reasonable use of driveways in the front yard for parking.

147.02 DEFINITIONS. For use in this chapter, the following terms are defined.

1. "Driveway" means that portion of private property, paved, asphalt, gravel, or similar surface that provides vehicular access from the public right-of-way to parking lots, parking areas, garages, or storage buildings.
2. "Parked, Parking" means the placement of a vehicle for more than 24 hours.
3. "Vehicle" means any motorized implement of conveyance desired or used for transportation of people or materials on land, water or air. These include, but are not limited to, motorcycles, automobiles, trucks, snowmobiles, boats, recreational vehicles, RV's or motor homes.
4. "Yard, Front" means any yard extending across the full width of the lot and measured between the front lot line and the building.
5. "Yard, Rear" means a yard extending across the full width of the lost and measured between the rear lot line and the main building.
6. "Yard, Side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and main building.
7. "Trailer" means an unpowered vehicle pulled by a vehicle with an engine. A trailer is considered to be one vehicle with an engine. A trailer is considered to be one vehicle, even with other vehicles parked on it.

147.03 STANDARD GOVERNING OFF-STREET PARKING OR STORAGE OF VEHICLES.

1. Restriction addressing parking of vehicles on residential property:
 - A. Any vehicle parked outside of an approved garage shall be parked on concrete, asphalt, gravel or a similar surface approved by the City of Gilbertville.
Grass is not an approved parking surface.
2. For one – and two-family residential lots, no parking shall be allowed in the front yard unless the following is true:
 - A. The area is a permitted driveway as defined in this chapter.
3. Restriction addressing parking of recreation vehicles:
 - A. Recreational may be parked on the side yard if a minimum separation distance of ten (10) feet is maintained between the closest point of the vehicle (s) and any principal structure on an adjoining property.

147.04 PENALTY. Any violation of this chapter shall constitute a municipal infraction and be punishable consistent with Chapter 3 of the Code of Ordinances of the City of Gilbertville, Iowa.

147.05 EXEMPTION. Between November 15 and April 15, of each calendar year, snowmobiles shall not be included in the restrictions addressing parking of vehicles on residential property.

Passed by the Council on the 18th day of May 2020, and approved this 18th day of May, 2020.

First Reading: 05-18-20
Second Reading: 05-18-20
Third Reading: 05-18-20

Mark Thome, Mayor

Attest: _____
Teresa Adamson, MMC

69.14 PARKING IN YARDS.

1. Definitions. For use in this section, the following definitions are given:
 - A. “Front yard” means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof; on corner lots the front yard is considered the yard adjacent to the street upon which the lot has its least dimension.
 - B. “Vehicle” includes (but is not limited to) motorized vehicles, travel trailers, camping trailers and boats.
2. Parking Prohibited in Front Yard. No person shall park, store or permit the parking or storage of any vehicle in the front yard of a one- or two-family dwelling for more than 48 consecutive hours except on a driveway.
3. Parking Prohibited in Rear and Side Yards. No person shall park, store, or permit the parking or storage of more than four (4) vehicles in the combined side and rear yards of a one- or two-family dwelling unless such parking or storage is on a driveway or in an enclosed building or garage.
4. Driveway Parking Restricted. No one- or two-family dwelling with a one- or two-car garage shall have more than 25 percent of the front yard used for driveway parking purposes. However, this restriction does not prohibit the construction of a 20-foot-wide driveway. Restrictions governing one- and two-family dwellings that have a three-car garage or larger shall be subject to the discretion of the Building Official.

69.15 PARKING IN RESIDENTIAL FRONT YARDS. No person shall park or permit the parking of a vehicle in the front yard in a residential district except on a permitted, improved driveway or parking space other than temporary parking as defined herein. For purposes of this Section the following are defined:

1. “Front Yard” means the open space in that portion of a yard between the street and the face of the principal residence and a line extending from the left side of the lot to the right side of the lot. The line, as viewed from the street, shall extend parallel to the street to the nearest corner of the principal residence and then along the face of the principal residence to the right corner, and from that point on a line parallel to the street to a point on the right lot line. When there is no residence, it shall mean the area from the front building setback line to the front edge of the street right-of-way. Corner lots and through lots which abut more than one street shall be deemed to have two front yards for purposes of this section. This shall also apply to that area of the public way not covered by sidewalk and lying between the front lot line and the curb line.

2. “Improved Surface Driveway or Parking Space” means an area connected by a direct access to the street right of way by means of a continuously improved surface with such surface and parking area to be improved by surfacing with concrete, asphalt, paving stones, gravel or rock with a depth of not less than 3 inches or other hard surfaced durable material approved in advance by the City Administrator. The borders of a driveway or parking which is gravel or rock must have its borders clearly delineated with curb, brick, landscaping timbers or metal borders so that the driveway or parking area can be easily delineated from the grass and remaining yard. The area of the improved surface shall not contain more than 50% of the area of the front yard as described.

3. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, truck, motor house, motorcycles, scooters, mopeds, all-terrain vehicles, boats, recreational vehicles, golf carts, go-carts, trailers, fifth wheel trailers, campers, camper shells, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, and utility trailers or wheeled towing frames. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

4. “Temporary Parking” means parking limited to, weekend visitors, family gatherings, special events or large gatherings that are temporary in nature. No temporary parking shall exceed 48 hours in any seven-day period. Provided, however, that at no time shall such temporary parking or driving into the front yard be the cause of ruts and/or the non-growth of grass in the front yard such that the track of the vehicle is visible from the street for more than 72 hours after the end of the temporary parking.

69.07 MOTOR VEHICLE PARKING AND STORAGE. Motor vehicle parking and storage is not permitted in any front or side yard in any residential, commercial, or industrial zoning district, except as provided in this section.

1. Definitions.

A. “Driveway” is that designated area to provide access from the street to a parking area, an attached or basement garage, carport or detached garage, and shall be surfaced, free of grass and weeds, and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City.

B. “Hard surface pad” means an area surfaced and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City.

C. “Motor vehicle” includes automobiles, motorcycles, vans, pickup trucks, similar vehicles and recreational vehicles.

D. “Recreational vehicle” includes bus campers, camper trailers, pickup campers, travel trailers, motor homes, snowmobiles, boats, trailers and similar vehicles. No such recreational vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored except as permitted by this section.

1. Driveways. A motor vehicle may be parked upon a driveway.

2. Front Yard Parking. No more than one recreational vehicle may be parked within a front yard, and only if in operable condition and if parked upon a driveway.

3. Side Yard Parking. Motor vehicles may be parked or stored in any side yard, and such motor vehicle must be parked or stored on a driveway, carport, hard surface pad or enclosed structure.

4. Storage Parking. Recreational vehicles which are not being regularly used or are being stored during the off season may be stored in a front, side, or rear yard or in an inconspicuous location. Recreational vehicles shall not be stored nearer than two feet to any lot line and must be parked or stored on a driveway, carport, hard surface pas or enclosed structure, and such surface shall be kept free of grass and weeds.

69.08 PARKING OF RECREATIONAL VEHICLES.

1. It is unlawful to park a boat trailer, utility trailer, or unoccupied motor home, travel trailer, or camping trailer, on any public street, alley or place for a period of time in excess of 48 hours. Upon application to the City Council, emergency or temporary parking for occupied travel trailers, campers and motor homes may be permitted at designated locations on public streets, alleys, or any other public or private place for a three-day period, subject to extended time of up to three days upon reapplication, and subject to any other prohibitions or regulations imposed by traffic and parking ordinances of the City.

2. Occupied recreational vehicles may be parked and occupied on private property no longer than 14 consecutive days of continuously occupying, living in, or using a recreational vehicle, only if the property is already developed, with a maximum of 28 days total in the calendar year. Only

Sample Chapters

Prepared By: Local Government Professional Services, Inc.
DBA Iowa Codification
(641) 355-4072

one occupied recreational vehicle and one tent shall be allowed at one time on a residential lot. When recreational vehicles are occupied, the property owner shall notify the City Clerk of period of occupancy. If complaints are received by the City arising from the use of a recreational vehicle or tent, the City reserves the right to restrict occupancy of recreational vehicles or tents.

3. Recreational vehicles shall not be used for business purposes in any zoning district.
4. Motor vehicles and trailers of any kind or type without current license plates shall not be parked or stored on any lot other than in a completely enclosed building for a period in excess of 48 hours.

69.10 MOTOR VEHICLE PARKING AND STORAGE. Motor vehicle parking and storage is not permitted in any yard in an RS, RM or RH zoning district, except as provided in this section.

1. Sidewalks. No parked motor vehicle shall obstruct a public sidewalk. If no public sidewalk exists, then no motor vehicle shall be parked closer than five (5) feet to the street surface.
2. Driveways. A motor vehicle may be parked upon a driveway.
3. Recreational Vehicle - Front Yard Parking. No more than one recreational vehicle may be parked within a front yard and only if in operable condition and if parked upon a driveway.
4. Side and Rear Yard Parking. No more than two motor vehicles may be parked or stored in any side yard or rear yard, and such motor vehicle(s) must be parked or stored on a driveway, carport, hard surface pad or enclosed structure.
5. Trucks, Trailers, Equipment and Materials. No trucks with a net legal carrying capacity exceeding one and one-half tons; no truck trailers; no tractors weighing more than one thousand pounds; no farming equipment or machinery and no construction, repair or maintenance equipment, vehicles, machinery or materials shall be parked or stored unless within an enclosed lawful structure, except if such vehicles, equipment, machinery and materials are in temporary usage to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities. In such cases they shall, upon completion of said activity, be removed or placed in an enclosed structure thereon. Exceptions by the Council.
6. Driveway. For purposes of this section, a driveway shall be considered to be that designated area to provide access from the street to a parking area, an attached or basement garage, carport or detached garage, and shall be surfaced, free of grass and weeds and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City Engineer.
7. Hard Surface Pads. For purposes of this section, a hard surface pad shall be surfaced and maintained with asphaltic concrete, brick, asphaltic macadam, crushed rock or similar method approved by the City Engineer.
8. Motor Vehicles. For purposes of this section, motor vehicles shall include automobiles, motorcycles, vans, pickup trucks, similar vehicles and recreational vehicles.

9. Recreational Vehicles. For purposes of this section, recreational vehicles shall include bus campers, camper trailers, pickup campers, travel trailers, motor homes, snowmobiles, boats, trailers and similar vehicles. No such recreational vehicle shall be used for living, sleeping or housekeeping purposes while parked or stored as permitted by this section.

CHAPTER 147

PARKING IN RESIDENTIAL DISTRICTS

147.01 Purpose

147.02 Definitions

147.03 Standards Governing Off-Street Parking or Storage of Vehicles

147.04 Authorized Enforcement Agencies

147.05 Penalty

147.06 Exemption

147.01 PURPOSE. The special provisions of this chapter are intended to regulate the location of parked vehicles. It is the desire of the City to encourage an aesthetically pleasing local environment. It is also the intent of the City to avoid the obstruction of public streets and sidewalks, improve traffic visibility, and maintain the visual harmony and character appropriate in residential neighborhoods within the city.

1. Goals.
 - A. To preserve and improve the peace, safety, health, comfort and convenience of the citizens.
 - B. To minimize the adverse visual effects of front yard parking.
 - C. To allow for reasonable use of driveways in the front yard for parking.

147.02 DEFINITIONS. For use in this chapter, the following terms are defined:

1. “Driveway” means that portion of private property, paved, asphalt, gravel, or similar surface, that provides vehicular access from the public right-of-way to parking lots, parking areas, garages, or storage buildings.
2. “Parked, Parking” means the placement of a vehicle for more than 24 hours.
3. “Vehicle” means any motorized implement of conveyance desired or used for transportation of people or materials on land, water, or air. These include, but are not limited to, motorcycles, automobiles, trucks, snowmobiles, boats, recreational vehicles, RV’s or motor homes.
4. “Yard, Front” means any yard extending across the full width of the lot and measured between the front lot line and the building.
5. “Yard, Rear” means a yard extending across the full width of the lot and measured between the rear lot line and the rear of the main building.
6. “Yard, Side” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the main building.
7. “Trailer” means an unpowered vehicle pulled by a vehicle with an engine. A trailer is considered to be one vehicle, even with other vehicles parked on it.

147.03 STANDARDS GOVERNING OFF-STREET PARKING OR STORAGE OF

VEHICLES.

1. Restrictions addressing parking of vehicles on residential property:
 - A. Any vehicle parked outside of an approved garage shall be parked on concrete, asphalt, gravel, or a similar surface approved by the City. Grass is not an approved parking surface.
2. For one- and two-family residential lots, no parking shall be allowed in the front yard unless the following is true:
 - A. The area is a permitted driveway as defined in this chapter.
3. Restriction addressing parking of recreation vehicles:
 - A. Recreational vehicles may be parked on the side yard if a minimum separation distance of ten (10) feet is maintained between the closest point of the vehicle(s) and any principal structure on an adjoining property.

147.04 AUTHORIZED ENFORCEMENT AGENCIES. The Police Department, Code Enforcement Officials, or any other persons authorized by resolution of the City Council are authorized to enforce the chapter.

147.05 PENALTY. Any violation of this chapter shall constitute a municipal infraction and be punishable consistent with Chapter 3 of the Code of Ordinances of the City.

147.06 EXEMPTION. Between November 15 and April 15, of each calendar year, snowmobiles shall not be included in the restrictions addressing parking of vehicles on residential property. Additionally, provisions of this chapter shall not be enforced during the 24-hour period after a declaration of a snow emergency.

69.17 YARD PARKING REGULATIONS.

1. Front Yard Parking Off Driveway Prohibited. It shall be unlawful for any person, corporation or legal entity to park a motor vehicle or vehicle in the front or side yard of any residential lot, unless the motor vehicle or vehicle is parked completely upon a driveway. However, this provision shall not apply to motor vehicles or vehicles being used to move, deliver and/or take articles to and from a yard or building, or structure located thereon, or used in connection with providing a temporary service thereon, for a reasonable period of time while the active process of said use.
 2. Parking Unlicensed or Inoperable Motor Vehicles or Vehicles Anywhere in Front Yard not in a Permanent Roofed Enclosure Prohibited. It shall be unlawful for any person, corporation or legal entity to park or store an unlicensed or inoperable motor vehicle or vehicle anywhere in the front yard, including upon any driveway or driveway extension, unless the motor vehicle or vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable motor vehicle or vehicle shall not constitute a defense to the finding that such motor vehicle or vehicle is in violation of this section.
 3. Unlicensed or Inoperable Motor Vehicles or Vehicles in Side or Rear Yards Prohibited. It shall be unlawful for any person, corporation or legal entity to park or allow the parking of or store an unlicensed or inoperable motor vehicle or vehicle anywhere in the side or rear yard, including upon any driveway or driveway extension, unless the motor vehicle or vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable motor vehicle or vehicle shall not constitute a defense to the finding that such motor vehicle or vehicle is in violation of this section.
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Chapter 10.08

THROUGH STREETS, STOP INTERSECTIONS AND YIELD SIGNS

Sections:

- 10.08.010** Arterials designated.
- 10.08.020** Stop signs—Posting—Compliance.
- 10.08.030** Complete stops required.
- 10.08.040** School stop signs.
- 10.08.050** Four-way stop intersections.
- 10.08.060** Traffic-control signals—Intersection of Gilbertville Road and U.S. Highway 20.
- 10.08.065** Traffic-control signals—Intersection of Plaza Drive and Dubuque Road.
- 10.08.070** Yield intersections established.

10.08.010 Arterials designated.

A. The following described streets, highways and/or portions thereof situated in the city of Elk Run Heights, Iowa, when properly signposted, are established as and declared to be through streets, also known as arterial streets:

Street	Portion of Street Designated as Through Streets
U.S. Highway No. 20	From the west corporation line to the east corporation line of the city of Elk Run Heights.

Lafayette Road	From the west corporation line to the westerly line of Gilbertville Road; and from the easterly line of Gilbertville Road to the east corporation line of the city of Elk Run Heights.
McCoy Road	From the southerly line of Lafayette Road to the south corporation line of the city of Elk Run Heights.
Gilbertville Road	From the southerly line of U.S. Highway No. 20 to the east corporation line of the city of Elk Run Heights.
Elk Run Street	From the east line of McCoy Road to the southwesterly line of Gilbertville Road.
Michigan Drive	From the east line of McCoy Road to the west line of James Street.
James Street	From the south line of Michigan Drive to the south line of Elk Run Street.
Marie Avenue	From the East line of McCoy Road to the southwesterly line of Gilbertville Road.
Plaza Drive	From the south line of Gilbertville Road to the south line of Dubuque Road.

B. Penalties. A violation of any provision of this chapter shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days. (Ord. 143, 1989; prior code § 6.3)

10.08.020 Stop signs—Posting—Compliance.

Stop signs shall be erected at all entrances to through streets, except as provided by Sections 10.08.010 and 10.08.030 of this chapter and at one or more entrances to stop intersections. Every driver of a vehicle shall stop at such stop sign or at a clearly marked stop line before entering an intersection, except when directed to proceed by a peace officer or traffic-control signal. (Prior code § 6.6)

10.08.030 Complete stops required.

Whenever a stop sign or signs is in place at the above designated intersection at any of the times above listed, all drivers of vehicles, including motor vehicles or teams, before passing such sign and before entering such intersection shall bring their vehicles or team to a full and complete stop and then proceed in a careful and prudent manner. (Prior code § 6.2)

10.08.040 School stop signs.

On all school days at Elk Run Heights from eight-thirty a.m. to 9:15 a.m., from 11:15 a.m. to 1:20 p.m. and from 3:15 p.m. to four p.m., a movable stop sign or signs shall be placed at east end of bridge on Lafayette Road in Elk Run Heights, at entrance and exit of Elk Run School Drive and between two hundred and three hundred block on Sutton Avenue. (Prior code § 6.1)

10.08.050 Four-way stop intersections.

A four-way stop sign shall be installed at the following intersections:

A. Gilbert Drive and McCoy Road. Every driver of a vehicle shall stop in obedience to such four-way stop sign except when directed to proceed by a peace officer.

B. Gilbertville Road and Lafayette Road. Every driver of a vehicle shall stop in obedience to such four-way stop sign except when directed to proceed by a peace officer.

C. Gilbertville Road and Marie Avenue. Every driver of a vehicle shall stop in obedience to such four-way stop sign except when directed to proceed by a peace officer. (Ord. 118 § 1, 1984; prior code § 6.7) (Ord. No. 244, § 1, 12-13-2016)

**10.08.060 Traffic-control signals—
Intersection of Gilbertville
Road and U.S. Highway 20.**

A traffic-control signal shall be installed at the intersection of Gilbertville Road and

U.S. Highway No. 20. Every driver of a vehicle shall stop in obedience to the traffic-control signal except when directed to proceed by a peace officer. (Prior code § 6.14)

**10.08.065 Traffic-control signals—
Intersection of Plaza Drive
and Dubuque Road.**

A traffic-control signal shall be installed at the intersection of Plaza Drive and Dubuque Road. Every driver of a vehicle shall stop in obedience to the traffic-control signal except when directed to proceed by a peace officer. (Ord. 144, 1989)

**10.08.070 Yield intersections
established.**

A. Yield signs shall be erected at entrances to the following streets:

1. Everett Street entering Marie Avenue;
2. Everett Street entering Elk Run Street;
3. Reserved.
4. Toneff Drive entering James Street;
5. Ann Street entering Michigan Drive.

B. Every driver of a vehicle approaching a yield sign shall slow down and stop, if necessary, and yield the right-of-way to all vehicles approaching from the right or left on the intersecting street which are so close as to constitute an immediate hazard. If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield the right-of-way and a violation of this chapter. (Ord. 145, 1989; prior code § 6.8)

(Ord. No. 216, § 1, 5-11-2010)

Chapter 10.12**CONTROLLED-ACCESS
FACILITIES****Sections:**

- 10.12.010** **Controlled access facility defined.**
- 10.12.020** **Establishment.**
- 10.12.030** **Unlawful uses designated.**

10.12.010 **Controlled access facility defined.**

For the purpose of this chapter, a controlled-access facility means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right of easement of access, light, air or view by the reason of the fact that their property abuts upon such controlled-access facility. (Prior code § 6.15)

10.12.020 **Establishment.**

There are fixed and established controlled-access facilities on the primary road system extension improvement, Project No. F-1049(3) Primary Road No. US 20 relocation with the city of Elk Run Heights, Iowa, described as follows:

From STA. 1163 + 20.7
(West corporation line)
to STA. 1192 + 54.9
(East corporation line)
regulating access to and from
STA. 1163 + 20.7 to
STA. 1192 + 54.9

abutting properties along the highway, all in accordance with the plans for such improvement identified as Project No. F-1049(3) on file in the office of the city clerk. (Prior code § 6.17)

10.12.030 **Unlawful uses designated.**

It is unlawful for any person to:

A. Drive a vehicle over, upon or across any curb, central dividing section or other separation or dividing line on such controlled-access facilities;

B. Make a left turn or a semicircular or U turn except through an opening provided for that purpose in the dividing curb section, separation or line;

C. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section or line;

D. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled-access facility property. (Prior code § 6.16)

Chapter 10.26**ALL-TERRAIN VEHICLES****Sections:**

- 10.26.010 Purpose.**
- 10.26.020 Definitions.**
- 10.26.030 General regulations.**
- 10.26.040 Operation of all-terrain vehicles.**
- 10.26.050 Negligence.**
- 10.26.060 Accident reports.**
- 10.26.070 Permit.**
- 10.26.080 Equipment.**
- 10.26.090 Times of operation.**
- 10.26.100 Reserved.**
- 10.26.110 Penalty.**

10.26.010 Purpose.

The purpose of this chapter is to regulate the operation of any all-terrain vehicle, off-road motorcycle, or off-road utility vehicle within the city.

(Ord. No. 242, § 1, 1-10-2017)

10.26.020 Definitions.

For use in this chapter, the following terms are defined:

"All-terrain vehicle" means a motorized flotation-tire vehicle with not less than three low-pressure tires, but not more than six low-pressure 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. (Code of Iowa, Sec. 321I.1)

"Off-road motorcycle" 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 of the Code of Iowa, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles. (Code of Iowa, Sec. 321I.1)

"Off-road utility vehicle" means a motorized flotation-tire vehicle, with not less than four and not more than eight low-pressure tires, that is limited to 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 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. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles. (Code of Iowa, Sec. 321I.1)

(Ord. No. 242, § 1, 1-10-2017)

10.26.030 General regulations.

No person shall operate an all-terrain vehicle, off-road motorcycle or off-road utility vehicle within the city in violation of Chapter 321I of the Code of Iowa or any vehicle 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)

(Ord. No. 242, § 1, 1-10-2017)

10.26.040 Operation of all-terrain vehicles.

The operators of all-terrain vehicles shall comply with the following restrictions as to where all-terrain vehicles may be operated within the city:

A. Streets. All-terrain and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the council for the sport of driving all-terrain vehicles. (Code of Iowa, Sec. 321I.10(1 & 3)).

B. Trails. All-terrain and off-road utility vehicles shall not be operated on snowmobile trails except where designated. (Code of Iowa, Sec. 321I.10(4))

C. Railroad Right-of-Way. All-terrain and off-road utility vehicles shall not be operated on an operating railroad right-of-way, but 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(1)(h))

D. Parks and Other City Land. All-terrain and off-road utility vehicles shall not be operated in any park, playground or upon any other city-owned property without the express permission of the city.

E. Sidewalk or Parking. All-terrain and 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." (Ord. No. 242, § 1, 1-10-2017)

10.26.050 Negligence.

The owner and operator of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle is liable for any injury or damage occasioned by the negligent opera-

tion of said vehicle. The owner of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle shall be liable for any such injury or damage only if the owner was the operator of the vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate the vehicle at the time the injury or damage occurred. (Code of Iowa, Sec. 321I.19)

(Ord. No. 242, § 1, 1-10-2017)

10.26.060 Accident reports.

Whenever all-terrain vehicle, off-road motorcycle, or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars 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. 321I.11)

(Ord. No. 242, § 1, 1-10-2017)

10.26.070 Permit.

The following requirements apply to permit fees for operators of any all-terrain vehicle, off-road motorcycle, and off-road utility vehicle:

A. No person shall operate an all-terrain vehicle, off-road motorcycle, off-road utility vehicle on any public street or alley, for any purpose, unless the operator possesses a City of Elk Run Heights permit to operate said vehicle within Elk Run Heights, Iowa.

B. Owners and operators of an all-terrain vehicle, off-road motorcycle, or off-road utility vehicle may apply for a permit from the City of Elk Run Heights on forms provided by the city and available at city hall.

C. An authorized employee or agent of the City of Elk Run Heights shall not issue a permit until the owner or operator has provided the following:

1. Evidence that the owner or operator is at least eighteen years of age and possesses a valid Iowa driver's license.

2. Proof that the owner or operator has liability insurance covering operation of the vehicle.

3. Proof that the vehicle complies with the equipment standards enumerated in Section 10.26.080 of this Chapter.

D. All permits shall be issued for a specific vehicle. Permit holders will be issued a number to affix to the rear fender or similar component.

E. The initial fee for such permits shall be twenty dollars. Permits will be granted for one year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31. Once a person has purchased a permit, they can renew their permit annually for a renewal fee of five dollars.

F. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refunds for the permit fee.

G. All permits shall uniquely identify the name and address of the owner or operator.

(Ord. No. 242, § 1, 1-10-2017; Ord. No. 247, § 1, 5-9-2017)

10.26.080 Equipment.

All vehicles governed by this chapter shall be equipped with a minimum of the following features:

A. A safety flag, the top of which shall be a minimum of five feet from ground level.

B. Adequate brakes.

C. A muffler that allows the vehicle to operate without violating the city's noise ordinance.

D. A mirror that allows the operator to view behind the vehicle.

E. Working turn signals.

F. All equipment necessary to keep the vehicle in good mechanical condition and thoroughly safe for transportation of passengers.

G. Working headlights, tail lights and brake lights.

(Ord. No. 242, § 1, 1-10-2017)

10.26.090 Times of operation.

Operational Restrictions. ATVs, UTVs and off-road motorcycles governed by this chapter may be operated at posted speed limits, except that they shall not be operated on city streets during poor visibility, due to dense smoke, fog or other inclement weather conditions, or when there is insufficient light to clearly see any person and/or vehicle, at a distance of five hundred feet.

(Ord. No. 242, § 1, 1-10-2017; Ord. No. 247, § 1, 5-9-2017)

10.26.100 Reserved.

Editor's note—Ord. No. 247, § 1, adopted May 9, 2017, repealed § 10.26.100, which pertained to speed and derived from Ord. No. 242, § 1, adopted Jan. 10, 2017.

10.26.110 Penalty.

In addition to the suspension or revocation of the permit, any violator of this chapter is guilty of a municipal infraction of this Code of Ordinances.

(Ord. No. 242, § 1, 1-10-2017)

Sample H

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

75.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

2. “Off-road motorcycle” 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 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

3. “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.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

(Code of Iowa, Sec. 321G.1)

75.03 GENERAL REGULATIONS. 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 a snowmobile within the City in violation of the provisions of Chapter 321G 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.

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile 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. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f])

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. Snowmobiles 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” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

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

3. Railroad Right-of-Way. ATVs 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])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs 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.”

6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

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

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner's consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to \$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)

Chapter 10.28**GOLF CARTS****Sections:**

- 10.28.010 Purpose.**
- 10.28.020 Definitions.**
- 10.28.030 Reserved.**
- 10.28.040 Equipment.**
- 10.28.050 Unlawful operation.**
- 10.28.060 Permits.**
- 10.28.070 Operational restrictions.**
- 10.28.080 Penalty.**

10.28.010 Purpose.

The purpose of this chapter is to permit and regulate the operation of golf carts within the City of Elk Run.
(Ord. No. 243, § 1, 1-10-2017)

10.28.020 Definitions.

For use in this chapter, the following terms are defined:

"Golf cart" means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is limited in engine displacement of less than eight hundred cubic centimeters and total dry weight of less than eight hundred pounds.

"Operate" means to ride in or on, other than as a passenger, use or control the operation of a golf cart in any manner, whether or not the golf cart is moving.

"Operator" means a person who operates or is in actual physical control of a golf cart.

"Roadway" means that portion of a highway improved, designated or ordinarily used for vehicular travel.

"Street" or "highway" means that entire width between property lines of every way or place of whatever nature when any part

thereof is open to the use of the public, as a matter of right, for the purpose of vehicular travel.

(Ord. No. 243, § 1, 1-10-2017)

10.28.030 Operation on roadways, street or highways.

A. Golf carts shall not be operated on _____ Street(s) other than to make a direct crossing.

B. Golf carts may be operated on the streets of Elk Run after first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a motorized golf cart on roadways, or portions thereof, with the City of Elk Run.

C. The operation of the golf carts, on city streets, is to be only by persons possessing a valid driver's license and eighteen years of age or older.

D. It is unlawful for any parent, guardian, or other person having the care, custody and control of a minor under the age of eighteen years to knowingly permit or allow such a minor to violate the provisions of this chapter.

E. Reserved.

F. The number of occupants in the motorized golf cart may not exceed the design occupant load.

(Ord. No. 243, § 1, 1-10-2017; Ord. No. 248, § 1, 5-9-2017)

10.28.040 Equipment.

Golf carts shall be equipped with a minimum of the following features:

A. A safety flag, the top of which shall be a minimum of five feet from ground level.

B. Adequate brakes to be operated on city streets.

C. All equipment necessary to keep the golf cart in good mechanical condition and thoroughly safe for transportation of passengers.

D. A mirror that allows the operator to view behind the vehicle.

E. Working headlights, tail lights, brake lights and turn signals.
(Ord. No. 243, § 1, 1-10-2017; Ord. No. 248, § 1, 5-9-2017)

10.28.050 Unlawful operation.

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 public owned property except with the permission of the governing body thereof.
(Ord. No. 243, § 1, 1-10-2017)

10.28.060 Permits.

The following requirements apply to permit fees for operators:

A. No person shall operate golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Elk Run Heights permit to operate said vehicle within Elk Run Heights, Iowa.

B. Owners and operators of a golf cart may apply for a permit from the City of Elk Run Heights on forms provided by the city and available at city hall.

C. An authorized employee or agent of the City of Elk Run Heights shall not issue a permit until the owner or operator has provided the following:

1. Evidence that the owner or operator is at least eighteen years of age and possesses a valid Iowa driver's license.

2. Proof that the owner or operator has liability insurance covering operation of the vehicle.

3. Proof that the vehicle complies with the equipment standards enumerated in Section 10.28.040 of this chapter.

D. All permits shall be issued for a specific vehicle. Permit holders will be issued a number to affix to the left side rear fender or similar component.

E. The fee for such permits shall be twenty dollars. Permits will be granted for one year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31. Once a person has purchased a permit, they can renew their permit annually for a renewal fee of five dollars.

F. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There shall be no refunds for the permit fee.

G. All permits shall uniquely identify the name and address of the owner or operator.
(Ord. No. 243, § 1, 1-10-2017; Ord. No. 248, § 1, 5-9-2017)

10.28.070 Operational restrictions.

All golf carts governed by this chapter may be operated at posted speed limits, except that they shall not be operated on city streets during poor visibility, due to dense smoke, fog or other inclement weather conditions, or when there is insufficient light to clearly see any person and/or vehicle, at a distance of 500 feet.

(Ord. No. 248, § 2, 5-9-2017)

10.28.080 Penalty.

In addition to the suspension or revocation of the permit, any violator of this chapter is guilty of a municipal infraction of this Code of Ordinances.

(Ord. No. 243, § 1, 1-10-2017; Ord. No. 248, § 2, 5-9-2017)

Sample K

CHAPTER 77

GOLF CARTS

77.01 Purpose
77.02 Operation of Golf Carts Permitted
77.03 Prohibited Streets

77.04 Equipment
77.05 Hours

77.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on streets in the City as authorized by Section 321.247 of the *Code of Iowa*. This chapter applies whenever a golf cart is operated on any street or alley.

77.02 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City by persons possessing a valid driver's license, except as prohibited in Section 77.03 of this chapter.

77.03 PROHIBITED STREETS. Golf carts shall not be operated upon any City street that is a primary road extension through the City. However, golf carts may cross such a primary road extension.

77.04 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a slow-moving vehicle sign and a bicycle safety flag at all times during operation and shall be equipped with adequate brakes.

77.05 HOURS. Golf carts may be operated on City streets only between sunrise and sunset.

A couple ideas to consider if the City requires a permit.

77.11 PERMIT REQUIRED.

1. No person shall operate a golf cart on any City street without first obtaining a permit from the Police Chief.
2. An application for a permit shall be made on a form furnished by the Police Chief and shall contain the following:
 - A. The name and address of the owner of the golf cart and the location where the cart is kept.
 - B. The make, color and type of golf cart, together with a general description of the cart and any identifying numbers it may have.

- C. The proposed route on the City streets that the golf cart will follow to go to and from the golf course.
- 3. The permit application shall be accompanied by a permit fee in the amount of five dollars (\$5.00), which shall be an annual fee due on January 1 of each year.
- 4. If the Police Chief determines that the application is in order and complies with the requirements of this chapter, the Police Chief shall issue the permit and a tag, sticker or other device to be displayed on the golf cart. The permit shall contain an identifying number and set out the route the golf cart shall follow in traveling to and from the golf course.

71.10 PERMITS. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Walford permit to operate a golf cart on City streets, issued by the City Clerk of Walford, Iowa.

- 1. Golf cart owners may apply for a permit from the Walford City Clerk on forms provided by the City.
- 2. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - A. Evidence that the operator is at least 16 years of age, and possesses a valid Iowa driver's license.
 - B. Proof that owner/operator has liability insurance covering operation of golf carts on City streets in the amount required by the *Code of Iowa*.
- 3. All permits shall be issued for a specific golf cart. Permits holders will be issued a number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component.
- 4. The fee for such permits shall be twenty-five dollars (\$25.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at anytime during the year but will be valid only through December 31.
- 5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

CHAPTER 71

OPERATION OF GOLF CARTS ON CITY STREETS

71.01 Purpose	71.07 Hours of Operation
71.02 Definition	71.08 Speed
71.03 Operation of Golf Carts Permitted	71.09 Inspection
71.04 Prohibited Streets	71.10 Permits
71.05 Unlawful Operation	71.11 Penalty
71.06 Equipment	

71.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City of Walford, Iowa.

71.02 DEFINITION. "*Golf cart*" means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.

71.03 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon streets of the City by persons possessing a valid Iowa operator's license, and at least sixteen (16) years of age except as prohibited in the City's Traffic Code (Chapters 60 through 70) or this chapter.

71.04 PROHIBITED STREETS. Golf carts shall not be operated upon or cross Highway 151. Golf carts shall not be operated upon but may cross Linn/Benton Road.

71.05 UNLAWFUL OPERATION.

1. No golf carts shall be operated or parked upon City sidewalks.
2. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.
3. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.
4. No golf cart shall carry more passengers than the golf cart is designed for.

71.06 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a minimum of the following safety features.

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.
3. Adequate brakes.
4. Headlights and tail lights.

This sample is provided as an example for discussion purposes only. We encourage the City to confer with legal counsel to decide if the regulations are appropriate for your City and to edit as necessary in order to work best for your community. Iowa Codification is not advocating a position nor vouching for the content of the example.

5. Rear view mirror—driver’s side.

71.07 HOURS OF OPERATION. Golf carts may be operated on City streets only between sunrise and sunset.

71.08 SPEED. No golf cart shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour. Posted speed must be followed in accordance with the *Code of Iowa*.

71.09 INSPECTION. No golf cart shall be permitted or operated upon the streets of the City of Walford until the golf cart passes inspection by the Sheriff’s Department.

71.10 PERMITS. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Walford permit to operate a golf cart on City streets, issued by the City Clerk of Walford, Iowa.

1. Golf cart owners may apply for a permit from the Walford City Clerk on forms provided by the City.
2. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - A. Evidence that the operator is at least 16 years of age, and possesses a valid Iowa driver’s license.
 - B. Proof that owner/operator has liability insurance covering operation of golf carts on City streets in the amount required by the *Code of Iowa*.
3. All permits shall be issued for a specific golf cart. Permits holders will be issued a number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component.
4. The fee for such permits shall be twenty-five dollars (\$25.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at anytime during the year but will be valid only through December 31.
5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

71.11 PENALTY. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a municipal infraction under Chapter 3 of this Code of Ordinances, for which the penalty is a maximum of \$750.00 for the first offense and a maximum of \$1,000.00 for each repeat offense.

(Code of Iowa, Sec. 321.247)

This sample is provided as an example for discussion purposes only. We encourage the City to confer with legal counsel to decide if the regulations are appropriate for your City and to edit as necessary in order to work best for your community. Iowa Codification is not advocating a position nor vouching for the content of the example.

CHAPTER 74

OPERATION OF GOLF CARTS ON CITY STREETS

74.01 Purpose

74.02 Definitions

74.03 Operation of Golf Carts Permitted

74.04 Prohibited Streets

74.05 Unlawful Operation

74.06 Equipment

74.07 Hours of Operation

74.08 Speed

74.09 Permits

74.10 City Celebration Waiver

74.11 Penalty

74.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City of Palo, Iowa.

74.02 DEFINITION. "*Golf cart*" means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, and has an engine displacement of less than 800 cubic centimeters.

74.03 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon streets of the City by persons possessing a valid Iowa operator's license and who is at least sixteen (16) years of age. All traffic regulations applicable to the operation of motor vehicles on streets, roads, and highways of the State of Iowa and the City of Palo shall apply to the operation of a golf cart on the streets and alleys of the City of Palo, including the insurance requirements of Iowa Code Section 321A.21.

74.04 PROHIBITED STREETS. Golf carts shall not be operated upon Blairs Ferry Road and East Covington Road. However, golf carts may cross Blairs Ferry Road and East Covington Road.

74.05 UNLAWFUL OPERATION.

1. No golf cart shall be operated in or on any park, playground, sidewalk, or upon any public property except with the permission of the governing body thereof.
2. No golf carts shall be parked upon City sidewalks.
3. No golf cart shall be operated while the operator is under the influence of intoxicating liquor, narcotics or habit forming drugs.
4. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.
5. No golf cart shall carry more passengers than the golf cart is designed to accommodate.

This sample is provided as an example for discussion purposes only. We encourage the City to confer with legal counsel to decide if the regulations are appropriate for your City and to edit as necessary in order to work best for your community. Iowa Codification is not advocating a position nor vouching for the content of the example.

74.06 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a minimum of the following safety features.

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.
3. Adequate brakes.
4. Headlights and tail lights, condition of operation on at all times.
5. Rear view mirror—driver’s side.

74.07 HOURS OF OPERATION. Golf carts may be operated on City streets only between one-half hour (1/2) after sunrise and one-half hour (1/2) before sunset. No twilight operation.

74.08 SPEED. No golf cart shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour. Posted speed limits must otherwise be followed in accordance with the *Code of Iowa*.

74.09 PERMITS. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Palo permit to operate a golf cart on City streets, issued by the office of the City Clerk of Palo, Iowa.

1. Golf cart owners and operators may apply for a permit from the office of the Palo City Clerk on forms provided by the City.
2. The office of the Clerk shall not issue a permit until the owner or operator has provided the following:
 - A. Evidence that the operator is at least 16 years of age, and possesses a valid Iowa driver’s license.
 - B. Proof that owner/operator has liability insurance covering operation of golf carts on City streets in accordance with Iowa Code Section 321A.21.
3. All permits shall be issued for a specific golf cart. Permits must be kept in the golf cart at all times.
4. The fee for such permits shall be ten dollars (\$0.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at anytime during the year but will be valid only through December 31.
5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

74.10 CITY CELEBRATION WAIVER. The permit requirements of Section 74.09 shall be waived for golf carts used by officials, workers, and volunteers while carrying out duties related to and during a City Celebration. All such operators must be at least sixteen (16) years of age and possess a valid driver’s license.

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74.11 PENALTY. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor, punishable as a scheduled violation under Iowa Code.

(Code of Iowa, Sec. 321.247)

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CHAPTER 77

GOLF CARTS

77.01 Purpose
77.02 Traffic Code Applies
77.03 Riding on Golf Carts
77.04 Operation Permitted
77.05 Prohibited Areas
77.06 Driver's License Required

77.07 Equipment
77.08 Hours of Operation
77.09 Registration
77.10 Speed Limit
77.11 Permit Required

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

77.02 TRAFFIC CODE APPLIES. Every person operating a golf cart upon a street or alley shall be granted all of the rights and privileges and shall be subject to all the duties and obligations applicable to the driver of a vehicle and to the laws of the State declaring the rules of the road applicable to the driver of the vehicle, except as to those provisions which by their nature can have no application.

77.03 RIDING ON GOLF CARTS. There shall be no more than two (2) persons riding in or on a golf cart while it is being operated on a City street. A person operating a golf cart shall not ride other than on a permanent regular seat attached thereto.

77.04 OPERATION PERMITTED. Golf carts may be operated on certain streets only for the purpose of traveling from a point of origin to and from a golf course located in the City. In so doing, the shortest and most direct street route to and from the point of origin to the golf course shall be used. No golf cart shall be operated on any street solely for entertainment or pleasure.

77.05 PROHIBITED AREAS.

1. Golf carts shall not be operated in any public park, cemetery or other public grounds or on any public sidewalk.
2. No golf cart shall be operated on private property without the express consent of the owner.
3. Golf carts shall not be operated upon any City street which is a primary road extension through the City, however, golf carts may cross such primary road extensions provided that:

- A. The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and
- B. The golf cart is brought to a complete stop before crossing the street or highway; and
- C. The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard; and
- D. The crossing is made only at an intersection of such street or highway with another public street or highway.

77.06 DRIVER'S LICENSE REQUIRED. Any person operating a golf cart upon any City street shall possess a valid motor vehicle license issued by the State.

77.07 EQUIPMENT. Golf carts operated upon any street shall be equipped with a slow-moving vehicle sign and a bicycle safety flag at all times during operation, and shall have adequate brakes.

77.08 HOURS OF OPERATION. Golf carts may be operated on City streets only from sunrise to sunset.

77.09 REGISTRATION. Golf carts operated on City streets are not required to be registered under Chapter 321 of the Code of Iowa; however, the operator of a golf cart is subject to the financial responsibility provisions of Chapter 321A of the Code of Iowa.

77.10 SPEED LIMIT. No golf cart shall be operated on any City street at a speed in excess of fifteen (15) miles per hour.

77.11 PERMIT REQUIRED.

1. No person shall operate a golf cart on any City street without first obtaining a permit from the Police Chief.
2. An application for a permit shall be made on a form furnished by the Police Chief and shall contain the following:
 - A. The name and address of the owner of the golf cart and the location where the cart is kept.
 - B. The make, color and type of golf cart, together with a general description of the cart and any identifying numbers it may have.
 - C. The proposed route on the City streets that the golf cart will follow to go to and from the golf course.

3. The permit application shall be accompanied by a permit fee in the amount of five dollars (\$5.00), which shall be an annual fee due on January 1 of each year.
4. If the Police Chief determines that the application is in order and complies with the requirements of this chapter, the Police Chief shall issue the permit and a tag, sticker or other device to be displayed on the golf cart. The permit shall contain an identifying number and set out the route the golf cart shall follow in traveling to and from the golf course.

Chapter 10.20

SNOWMOBILES

Sections:

- 10.20.010 Purpose.**
- 10.20.020 Snowmobile defined.**
- 10.20.030 Operation limitations.**
- 10.20.040 Traffic regulations govern use.**
- 10.20.050 Safe operation required.**
- 10.20.060 Equipment—General requirements.**
- 10.20.070 Equipment—Mufflers required.**
- 10.20.080 Operator’s license or safety certificate required.**
- 10.20.090 Insurance.**
- 10.20.100 Use on private property—Consent required.**
- 10.20.110 Speed limits.**
- 10.20.120 Unattended in public areas unlawful.**
- 10.20.130 Towing restrictions.**

10.20.010 Purpose.

The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of snowmobiles and to establish areas where snowmobiles may be used for the safety and general welfare within the corporate limits of the city of Elk Run Heights, Iowa. (Prior code § 11.1)

10.20.020 Snowmobile defined.

For use within this chapter, “snowmobile” means any self-propelled vehicle weighing less than one thousand

pounds which utilizes wheels with pneumatic tires and is designed to operate on land or water and is equipped with sled type runners or skis, and endless belt-type tread, or combination thereof, and is designed for travel on snow, land or ice. (Prior code § 11.2)

10.20.030 Operation limitations.

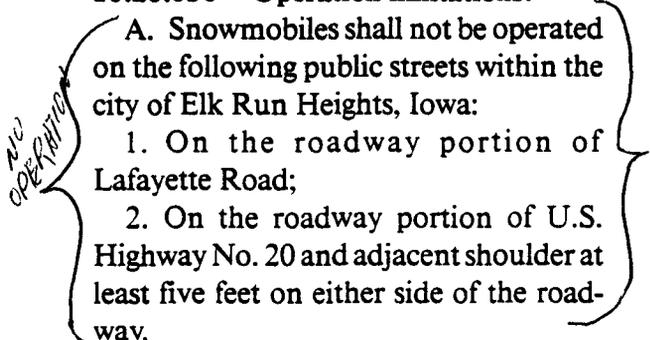
A. Snowmobiles shall not be operated on the following public streets within the city of Elk Run Heights, Iowa:

1. On the roadway portion of Lafayette Road;
2. On the roadway portion of U.S. Highway No. 20 and adjacent shoulder at least five feet on either side of the roadway.

B. A snowmobile may make a direct crossing of a prohibited street or highway provided:

1. The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the street or highway;
3. The driver yields the right-of-way to all oncoming and cross traffic which constitutes an immediate hazard; and
4. In crossing a street or highway, the crossing is made only at an intersection of such street or highway with another street or highway.

C. Snowmobiles shall be permitted on all other streets within the corporate limits of the city of Elk Run Heights, Iowa, but only for the purpose of traveling from one area of operation to another area of



operation, and no snowmobiles shall be driven on any street solely for entertainment or pleasure. (Prior code § 11.3)

10.20.040 Traffic regulations govern use.

Snowmobile operators shall be required to observe all traffic ordinances of the city of Elk Run Heights, Iowa. (Prior code § 11.4(7))

10.20.050 Safe operation required.

Snowmobiles shall be operated in a safe, reasonable and proper manner under all existing circumstances. (Prior code § 11.4(4))

10.20.060 Equipment—General requirements.

All snowmobiles shall be equipped in accordance with state law. (Prior code § 11.4(6))

10.20.070 Equipment—Mufflers required.

All snowmobiles operated on permitted streets shall be equipped with a muffler in good working order to prevent excessive and unusual noises. (Prior code § 11.4(1))

10.20.080 Operator's license or safety certificate required.

No snowmobile shall be operated on permitted streets by anyone without a valid operator's license pursuant to the provisions of Chapter 321 of the Code of

Iowa or a safety certificate issued pursuant to Chapter 321.G of the Code of Iowa. (Ord. 128 (part), 1988: prior code § 11.4(3))

10.20.090 Insurance.

No person shall operate a snowmobile within the city of Elk Run Heights, Iowa without liability insurance coverage on both the snowmobile and the snowmobile operator. (Prior code § 11.4(8))

10.20.100 Use on private property—Consent required.

No snowmobiles shall be operated on private property without the express consent of the owner of the private property. (Prior code § 11.4(5))

10.20.110 Speed limits.

While operating snowmobiles on permitted streets, the speed of the snowmobiles shall not exceed fifteen miles per hour. (Prior code § 11.4(2))

10.20.120 Unattended in public areas unlawful.

It shall be unlawful for any owner or operator to leave or allow the snowmobile to be or remain unattended on public property while the motor is running; or with keys for starting the vehicle left in the ignition. (Prior code § 11.4(9))

10.20.130 Towing restrictions.

No sled, or similar object, shall be pulled by a snowmobile unless a rigid tongue-type towbar is used for such pulling. (Prior code § 11.4(10))

Chapter 10.24

TRUCKS

Sections:

10.24.010 Jake braking.

10.24.010 Jake braking.

A. Prohibited Noises. Within the city limits of Elk Run Heights, it is unlawful for any person to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for the purpose of assisting braking on any semi-tractor, commonly referred to as jake braking.

B. Notice. This section shall not be enforced until the city has posted signs near each major entrance to the city indicating that jake braking is prohibited. (Ord. 177 §§ 1, 2, 1998)

62.07 ENGINE BRAKES AND COMPRESSION BRAKES. It is unlawful for the driver of any vehicle to use or operate within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in excessive, loud, unusual, or explosive noise from such vehicle, except in the case of an emergency to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

62.12 ENGINE BRAKES AND COMPRESSION BRAKES.

1. It is unlawful for the driver of any vehicle to use or operate (or for any person to cause to be used or operated) within the City any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle, which results in excessive, loud, unusual, or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of 300 feet from the motor vehicle shall constitute evidence of a *prima facie* violation of this section.

OR

2. The usage of an engine brake, compression brake, or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to emit more than 80 decibels of noise when the vehicle is driven by, as measured at 50 feet, shall constitute evidence of a *prima facie* violation of this section.