

CITY OF KANAWHA - ORDINANCE NO. 020822

ORDINANCE NO. 020822 AN ORDINANCE AMENDING THE CODE OF THE CITY OF KANAWHA, IOWA, PERTAINING TO "ELECTRIC SCOOTERS," "MOTORIZED SCOOTERS," "LOW SPEED VEHICLES," and "MOTORIZED CARTS," AS SET FORTH IN SECTION 3-3-63 TO 3-3-64, RESPECTIVELY.

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

SECTION 1. The Code of the City of Kanawha, Iowa, is amended by deleting Section 3-3-63 through 3-3-64: 3-3-68 and 3-3-69, respectively, and substituting in lieu thereof:

3-3-63 DEFINITIONS. When used in this Ordinance, the following terms shall have the following meanings:

1. "Electric Scooter": Means and electrically driven scooter with two (2) or more wheels and designed so that the rider or operator stands, sits, or kneels on the vehicle while the same is in motion, and having a top attainable speed of less than twenty-five (25 mph) miles per hour. Examples of this would be Segway, Razor

2. "Motorized Scooter": Means a motor driven scooter equipped with two (2) or more wheels and designed so that the rider or operator stands, or sits, or kneels on the vehicle while the same is in motion, and having a top attainable speed of less than twenty-five (25 mph) miles per hour. Any Motorized Scooter capable of being licensed in the state of Iowa may operate within that license.

3. "Low Speed Vehicle/Utility Vehicle": Means any four to six wheeled vehicle whose top speed is greater than twenty (20 mph) miles per hour. Examples of this would be a Kubota RTV, JD Gator, Bobcat Toolcat, Kawasaki Mule, Polaris Brutus, EZ Go Terrain/2Five and Suzuki Kei/Carry or other like vehicles from other manufacturers.

4. "Motorized cart": Means every motor vehicle having no less than three wheels and an unladen weight off 1300 pounds or less which cannot operate at more than twenty-five (25 mph) miles per hour. Examples being a cart regularly used on a golf course to transport people and golf clubs like EZ Go, Yamaha, Club Car etc.

5. "Operate": Means to control the operation of the vehicle.

6. "Operator": Means a person who operates or is in actual control of a vehicle.

7. "Street": Means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

3-3-64a. USE OF CERTAIN STREETS WITHIN THE CITY BY TRAFFIC IN MOTORIZED CARTS AND LOW SPEED VEHICLES.

1. From and after the effective date hereof, Council may from time to time designate certain streets or portions of streets within the City for use by persons operating motorized carts provided that each of said streets or section of streets, shall meet at least the following minimum criteria:

a. The official speed limit established for said street or portion of streets shall be no more than 25 mph.

b. The street or portion of streets must, in the opinion of Council, have sufficient capacity, lighting and right-of-way to safely accommodate all such traffic, including ordinary motor vehicle traffic as well as pedestrians.

2. Low Speed Vehicles/Utility Vehicles may operate on any street within the city limits of the City of Kanawha so long as the operator thereof meets the criteria required for an Iowa Driver's License, strictly observes all traffic signs, speed regulations and signals and all other traffic rules and regulations the same as any other motor vehicle and obeys the orders and directions of any police officer of the City authorized to direct or regulate traffic. Low speed vehicles/Utility Vehicles may be operated at all times provided that they have working approved lighting including not less than 2 headlamps, 2 tail lamps with brake lamps, left and right turn signals both front and rear. The lighting must be approved by the police department upon the registration process and the registration form must indicate "approved for night use." Low Speed Vehicle/Utility Vehicles meeting the above-mentioned criteria will be allowed to operate at all times of the year and on all streets within Kanawha, Iowa.

3-3-64b USE OF CERTAIN STREETS WITHIN THE CITY BY TRAFFIC IN MOTORIZED SCOOTERS AND ELECTRIC SCOOTERS. From and after the effective date hereof, Council may from time to time designate certain streets or portions of streets within the City for use by persons operating motorized scooters or electric scooters provided that each of said streets or section of streets, shall meet at least the following minimum criteria:

1. The official speed limit established for said street or portion of streets shall be no more than 25 mph.

2. The street or portion of streets must, in the opinion of Council, have sufficient capacity, lighting and right-of-way to safely accommodate all such traffic, including ordinary motor vehicle traffic as well as pedestrians.

3. May not be operated on Main Street except to cross over at any intersection.

3-3-64c. RULES APPLICABLE

TO THE OPERATION OF MOTORIZED CARTS. From and after the effective date hereof, no person shall operate any motorized cart, motorized scooter or low speed vehicle upon any public street designated for such use unless such person shall fully comply with and operate such vehicle in accordance with the following rules:

1. No person shall drive or otherwise operate any motorized cart or low speed vehicle unless that person shall have in his or her possession at all times a valid driver's license.

2. No person shall drive or otherwise operate any motorized cart, motorized scooter, or electric scooter vehicle except during daylight hours, or such more restrictive hours may be prescribed by City Council for each street or portion of streets over which the operation of such vehicles is permitted. No person shall drive or otherwise operate any motorized cart, motorized scooter, or electric scooter vehicle except from the beginning of daylight savings time through the end of daylight savings time. Motorized carts may be operated at all times on all streets provided that they have working approved lighting including not less than 2 headlamps, 2 tail lamps with brake lamps, left and right turn signals both front and rear. The lighting must be approved by the police department upon the registration process and the registration form must indicate "approved for night use."

3. No person shall drive or otherwise operate any motorized cart, motorized scooter, electric scooter or low speed vehicle except in complete compliance with the Uniform Rules of the Road and all other applicable traffic laws relating to the operation of motor vehicles and pedestrian traffic.

4. No person shall drive or otherwise operate any motorized cart, motorized scooter, electric scooter or low speed vehicle in any manner except a safe and courteous manner, having due regard for the conditions of the street, weather conditions and the safety of others.

5. Motorized carts without the above mentioned lights shall be equipped with a slow moving vehicle sign and a bicycle safety flag and will be prohibited from operating on Main Street. Motorized carts operated on city streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body.

3-3-64d. REGISTRATION FEES. Every owner of a motorized cart of low speed vehicle shall be required, prior to the operation of any such motorized cart or low speed vehicle on any street, to register the same at the Police Department and obtain a registration decal which

shall at all times be conspicuously displayed upon such cart or vehicle, and remain thereon until such time as such cart or vehicle shall be sold or destroyed, or such license shall be revoked under the terms of this Ordinance. Each such registration and decal shall last for a period of one (1) year and shall be renewable on an annual basis. Every registration decal or renewal thereof shall expire on December 31st of each ensuing year.

Registration fees and renewal fees shall be \$25.00 for each such vehicle, or such other amount as Council may from time to time in their discretion set.

3-3-64e. EXEMPTIONS. The provisions of this Ordinance shall not apply to:

1. Public Safety Officials while in performance of their official duties.

2. The use of such vehicles in a safe and reasonable manner in a parade which has been approved by City Officials.

3. Such vehicles while being operated on private property, except that the provisions of Section 3-3-60 of this ordinance shall apply to the operation of all such vehicles in the City, regardless of location or ownership of property.

3-3-64f. VIOLATIONS. Any person who violates any provision of this ordinance shall be guilty of an ordinance violation of the City of Kanawha, Iowa, and shall be subject to the jurisdiction of the Iowa District Court as by law provided, except notwithstanding, any other provision contained herein to the contrary, any person violating any provision of the ordinance may, in the discretion of law enforcement and prosecutorial officials, be charged with a State Law violation. Violations of the ordinance may be punished by a fine, as by law provided, and/or revocation of the registration decal authorized by the provisions of this ordinance.

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

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of February, 2022, and approved this ___ day of February, 2022.

Gloria Sobek, Mayor

Attest: Sharon Grimm, City Clerk

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