

**CITY OF CLARKSVILLE
CITY COUNCIL DEPARTMENT MEETING
June 15, 2020**

The Clarksville City Council met in regular session June 15, 2020, at City Hall at 6:30 p.m. with Mayor Kenneth Smith in the chair and Council members Roger Doty, Brock Lodge, Diane Renning and Larry Voigts present. Todd Fails was present via Zoom.

The following Department Heads and employees were in attendance: Kristen Clark, Library Director; Barry Mackey, Police Chief; Matt Kampman, Maintenance Superintendent; Ryan McCully, Maintenance Assistant; Kayla Hinders, Financial Administration.

Motion Renning, Doty, to approve appointment of Ann Moon as Part-time Library Aid, effective 07/01/2020.

RCV – Ayes: Doty, Fails, Renning, and Voigts. Nays: Lodge. MC.

Motion Renning, Doty to approve the reappointment of Norma Kane as Library Board Trustee through June 2026.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Renning, Doty, to table property improvements special building permit for Alex Anthofer, 109 S. Main St.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Renning, Voigts, to approve deck ramp building permit for Linda Jacobs, 526 W. Weare St.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Doty, Renning, to approve shed building permit for Dustin Wellman, 707 S. Church St.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Renning, Doty, to approve consent agenda: Monthly Departmental Reports as submitted by Department Heads.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Voigts, Fails, to approve May financial reports and June expenditures as presented by the Deputy City Clerk.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Doty, Fails, to table Bruce Hoodjer Agreement contractor liability insurance through Lodge Electric as a subcontractor.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: Renning. MC.

Motion Voigts, Fails, to approve liquor license and Iowa Retail Cigarette/Tobacco/Nicotine/Vapor permit for Dollar General.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Lodge, Doty, to adopt Ordinance 288: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY AMENDING CHAPTER 75: ALL-TERRAIN VEHICLES AND SNOWMOBILES AND CHAPTER 77: GOLF CARTS AND UTVS

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

SECTION 1. Chapter 75 of the Code of Ordinances for the City of Clarksville, Iowa, is repealed in its entirety and replaced with the following:

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

75.08 Permits and Permit Holders

75.09 Snow Removal and Maintenance

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

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

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

7. "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)

5. "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.

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)

1. Off-road motorcycles are not permitted on city streets.

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])

A. A person may drive a snowmobile from its normal place of storage or the person's residence, in a direct route to and from the City limits, on the designated routes. The snowmobile shall, at all times, be operated in a single-file manner, in the proper lane of traffic as close to the curb as possible under existing circumstances, and at a rate of speed not to exceed 10 miles per hour. Such operation is only permitted between the hours of 7:00 a.m. and 11:00 p.m. The designated routes are as follows:

(1) Mather Street from E. Prospect Street to E. Maple Street, west on E. Maple Street to snowmobile trail in Heery Woods.

(2) W. Poisal Street from N. Mather Street to N. London Street, south on N. London Street to E. Superior Street (C-33), east on E. Superior Street to east City limits.

(3) Prospect Street from N. Mather Street to N. Hilton Street, north on N. Hilton Street to W. Slimmer, west on W. Slimmer Street to west City limits.

(4) N. Traer Street from W. Slimmer Street to W. Jefferson Street, enter snowmobile trail to W. Jefferson Street (trail runs adjacent to railroad tracks), travel southeast past City lagoons and continue south out of City limits.

B. Sanctioned snowmobile clubs or similar organizations may be exempted from the provisions of this section, if authorized by the Police Chief, for rallies, regular meetings or other similar meetings in order to allow travel to and from such places.

C. All operators of snowmobiles are required to stop at every street intersection within the City limits, whether or not it is posted with a stop sign.

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 any State agency, the County, or the City to a street, roadway, or highway designated as an all-terrain vehicle trail by any State agency, the County, or the City.

75.06 EQUIPMENT. Off-road utility vehicles 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. It shall be in good working condition.

75.07 HOURS. Off-road utility vehicles may be operated on City streets only between sunrise and sunset. Off-road utility vehicles shall not be operated when visibility is such that there is insufficient light to see persons and vehicles at a distance of 500 feet. Even though an off-road utility vehicle has lights on it, this does not permit operations after sunset.

75.08 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)

75.09 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)

75.10 PERMITS AND PERMIT HOLDERS. For the persons who wish to operate golf carts, UTVs or ATVs as mode of transportation within the City, the following shall apply.

1. An application for a permit shall be made on a form supplied by the City.
2. The application shall contain the name and address of the applicant and the make, model, year, and serial number of the vehicle.
3. The applicant shall provide a valid driver's license issued by the Iowa Department of Transportation and be 16 years of age or older on the date of issuance.
4. The applicant shall provide and maintain an owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in the State of Iowa to or for the benefit of the person named in the policy as insured and insuring the person named as insured and any person using the vehicle with the express or implied permission of the named insured against loss from liability imposed by the law for damages arising out of the ownership, maintenance or use of an insured golf cart in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the *Code of Iowa*.
5. The annual cost for such a permit shall be \$30.00 annually and is payable at the time the permit is granted. Permits may be granted for one year and will be 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 of that year and will not be pro-rated.
6. All permits shall be issued for a specific motorized vehicle, except as otherwise stated. Permit holders will be issued a number and will purchase three-inch minimum reflective numbers affixed to the left side of the vehicle on the back.
7. 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 license fee.
8. This permit provision will be waived for vehicles used by officials, workers, and volunteers of the City Celebration.

75.11 SNOW REMOVAL AND MAINTENANCE. ATVs or UTVs may only be operated upon private property with express consent of the owner thereof or while engaged in snow removal, landscaping, or other maintenance activities. No ATV or UTV shall be operated upon sidewalks unless engaged in snow removal or maintenance activities, nor shall they be operated upon that portion of the street located between the curb line and sidewalk or property line commonly referred to as the "parking" except for purposes of snow removal, maintenance, or landscaping activities.

SECTION 2. Chapter 77 of the Code of Ordinances for the City of Clarksville, Iowa, is repealed in its entirety and replaced with the following:

CHAPTER 77

GOLF CARTS

77.01 Purpose

77.02 Definitions

77.03 Operation of Golf Carts Permitted

77.04 Prohibited Streets

77.05 Equipment

77.06 Hours

77.07 Permit Required

77.08 Regulations

77.09 Unlawful Operation

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 DEFINITIONS. As used in this chapter, unless the context otherwise requires:

1. "Golf cart" means a three- or four-wheeled recreational vehicle generally used for transportation of persons in the sport of golf and which is limited in engine displacement of no more than 800 cubic centimeters and total dry weight of no more than 800 pounds.
2. "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.
3. "Operator" means a person who operates or is in actual physical control of a golf cart.
4. "Roadway" means that portion of a highway improved, designated or ordinarily used for vehicular travel.
5. "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.

77.03 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 77.04 of this chapter. Golf carts are between March 1 and November 31.

77.04 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.

1. Golf carts shall not be operated on State Highway 188 (Main Street), or any portion of County Road C-33 (Superior Street) other than to make a direct crossing.
2. Golf carts shall not be operated on any City street during which time the street is designated as an official detour route for Iowa Highway 188 or County Road C-33.

77.05 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. It shall be in good working condition and equipped with a mirror to provide the driver with adequate vision from behind.

77.06 HOURS. Golf carts may be operated on City streets only between sunrise and sunset. Golf carts shall not be operated when visibility is such that there is insufficient light to see persons and vehicles at a distance of 500 feet. Even though a golf cart has lights on it, this does not permit operations after sunset.

77.07 PERMIT REQUIRED. Golf carts may be operated on the streets of the City after first obtaining a permit as provided Section 75.08.

77.08 REGULATIONS.

1. No one under age five shall be allowed to ride on golf cart unless restrained in an approved car seat with a factory installed restraint system (seat belt). As per Section 321.446 of the *Code of Iowa*, any vehicle requiring State registration must have child restraint systems in place for passengers 11 years old or younger or less than 20 pounds.
2. The number of occupants in the motorized golf cart may not exceed the design occupant load.

77.09 UNLAWFUL OPERATION. A person shall not drive or operate a golf cart:

1. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
2. In or on any park, playground, or sidewalk or upon any public property except with the permission of the governing body thereof.
3. At a speed in excess of 15 miles per hour.
4. On the bike trail at any time.

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 City Council of the City of Clarksville, Iowa, the 15 day of June, 2020.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Motion Fails, Lodge, to waive the second and third reading of Ordinance No. 288: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLARKSVILLE, IOWA, BY AMENDING CHAPTER 75: ALL-TERRAIN VEHICLES AND SNOWMOBILES AND CHAPTER 77: GOLF CARTS AND UTVS.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Passed by the Council the 15 day of June, 2020, and approved this 15 day of June 2020.

Motion Lodge, Voigts, to approve Resolution 20-720: A RESOLUTION OF THE CITY OF CLARKSVILLE, IOWA, TO APPROVE ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES TO BE OPERATED WITHIN THE CITY LIMITS

BE IT RESOLVED, by the City Council of the City of Clarksville, Iowa:

1. In accordance with Ordinance 288, Chapter 75:

A. Prohibited Streets. ATVs and UTVs shall not be operated upon any City street that is a primary road extension through the City. However, ATVs and UTVs may cross such a primary road extension.

- (1) ATVs and UTVs shall not be operated on State Highway 188 (Main Street), or any portion of County Road C-33 (Superior Street) other than to make a direct crossing.
- (2) ATVs and UTVs shall not be operated on any City street during which time the street is designated as an official detour route from Iowa Highway 188 or County Road C-33.

RCV – Ayes: Doty, Fails, Lodge, Renning, and Voigts. Nays: None. MC.

Resolution adopted, signed by the Mayor and hereby made a portion of these minutes.

Motion Fails, to adjourn the regular City Council meeting at 7:46 p.m.

Kenneth A. Smith
Mayor

Attest: Kayla Hinders

Deputy City Clerk/Treasurer