

## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Reports of Traffic Accidents

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.08 Parades Regulated

**60.01 TITLE.** Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Belmond Traffic Code” (and are referred to herein as the “Traffic Code.”)

**60.02 DEFINITIONS.** Where words and phrases used in the Traffic Code are defined by State law, such definitions apply to their use in said Traffic Code and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and phrases used herein, have the following meanings:

*(Code of Iowa, Sec. 321.1)*

1. “Business District” means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

**60.03 ADMINISTRATION AND ENFORCEMENT.** Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Department.  
(*Code of Iowa, Sec. 372.13[4]*)

**60.04 POWER TO DIRECT TRAFFIC.** A peace officer or, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.  
(*Code of Iowa, Sec. 102.4 & 321.236[2]*)

**60.05 REPORTS OF TRAFFIC ACCIDENTS.** The driver of a vehicle involved in an accident within the limits of the City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the City for the confidential use of peace officers and shall be subject to the provisions of Section 321.271 of the *Code of Iowa*.  
(*Code of Iowa, Sec. 321.273*)

**60.06 PEACE OFFICER'S AUTHORITY.** A peace officer is authorized to stop a vehicle to require exhibition of the driver's license of the driver, to serve a summons or memorandum of traffic violation, to inspect the condition of the vehicle, to inspect the vehicle with reference to size, weight, cargo, log book, bills of lading or other manifest of employment, tires and safety equipment, or to inspect the registration certificate, the compensation certificate, travel order, or permit of such vehicle. A peace officer having probable cause to stop a vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.  
(*Code of Iowa, Sec. 321.492*)

**60.07 OBEDIENCE TO PEACE OFFICERS.** No person shall willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.  
(*Code of Iowa, Sec. 321.229*)

**60.08 PARADES REGULATED.** No person shall conduct or cause any parade on any street except as provided herein:

1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the City Manager. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein.
3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

o o o o o o o o o o

# CHAPTER 61

## TRAFFIC CONTROL DEVICES

61.01 Installation  
61.02 Crosswalks  
61.03 Traffic Lanes

61.04 Standards  
61.05 Compliance

**61.01 INSTALLATION.** The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.255)*

**61.02 CROSSWALKS.** The Police Chief is hereby authorized, subject to approval of the Council by resolution, to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or roadway, and at such other places as traffic conditions require.

*(Code of Iowa, Sec. 372.13[4] & 321.255)*

**61.03 TRAFFIC LANES.** The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with this Traffic Code. Where such traffic lanes have been marked, it is unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

*(Code of Iowa, Sec. 372.13[4] & 321.255)*

**61.04 STANDARDS.** Traffic control devices shall comply with standards established by *The Manual of Uniform Traffic Control Devices for Streets and Highways*.

*(Code of Iowa, Sec. 321.255)*

**61.05 COMPLIANCE.** No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this chapter, unless at the time otherwise directed by a peace officer, subject to the exceptions granted the driver of an authorized emergency vehicle under Section 321.231 of the *Code of Iowa*.

*(Code of Iowa, Sec. 321.256)*

o o o o o o o o o o

## CHAPTER 62

# GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations  
62.02 Play Streets Designated  
62.03 Vehicles on Sidewalks  
62.04 Clinging to Vehicle

62.05 Quiet Zones  
62.06 Obstructing View at Intersections  
62.07 Unlawful Acceleration  
62.08 Engine and Compression Brakes

**62.01 VIOLATION OF REGULATIONS.** Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.20B – Proof of security against liability — driving without liability coverage.
3. Section 321.32 – Registration card, carried and exhibited; exception.
4. Section 321.37 – Display of plates.
5. Section 321.38 – Plates, method of attaching, imitations prohibited.
6. Section 321.57 – Operation under special plates.
7. Section 321.67 – Certificate of title must be executed.
8. Section 321.78 – Injuring or tampering with vehicle.
9. Section 321.79 – Intent to injure.
10. Section 321.91 – Penalty for abandonment.
11. Section 321.98 – Operation without registration.
12. Section 321.99 – Fraudulent use of registration.
13. Section 321.104 – Penal offenses against title law.
14. Section 321.115 – Antique vehicles; model year plates permitted.
15. Section 321.174 – Operators licensed.
16. Section 321.174A – Operation of motor vehicles with expired license.
17. Section 321.180 – Instruction permits.
18. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
19. Section 321.193 – Restricted licenses.
20. Section 321.194 – Special minor’s licenses.
21. Section 321.208A – Operation in violation of out-of-service order.
22. Section 321.216 – Unlawful use of license and nonoperator’s identification card.

23. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
24. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
25. Section 321.218 – Operating without valid driver’s license or when disqualified.
26. Section 321.219 – Permitting unauthorized minor to drive.
27. Section 321.220 – Permitting unauthorized person to drive.
28. Section 321.221 – Employing unlicensed chauffeur.
29. Section 321.222 – Renting motor vehicle to another.
30. Section 321.223 – License inspected.
31. Section 321.224 – Record kept.
32. Section 321.232 – Speed detection jamming devices; penalty.
33. Section 321.234A – All-terrain vehicles.
34. Section 321.235A – Electric personal assistive mobility devices.
35. Section 321.247 – Golf cart operation on City streets.
36. Section 321.257 – Official traffic control signal.
37. Section 321.259 – Unauthorized signs, signals or markings.
38. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
39. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
40. Section 321.263 – Information and aid.
41. Section 321.264 – Striking unattended vehicle.
42. Section 321.265 – Striking fixtures upon a highway.
43. Section 321.266 – Reporting accidents.
44. Section 321.275 – Operation of motorcycles and motorized bicycles.
45. Section 321.276 – Use of electronic communication device while driving; text-messaging.
46. Section 321.277 – Reckless driving.
47. Section 321.277A – Careless driving.
48. Section 321.278 – Drag racing prohibited.
49. Section 321.281 – Actions against bicyclists.
50. Section 321.284 – Open container; drivers.
51. Section 321.284A – Open container; passengers.
52. Section 321.288 – Control of vehicle; reduced speed.



53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.306 – Roadways laned for traffic.
61. Section 321.307 – Following too closely.
62. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
63. Section 321.309 – Towing; convoys; drawbars.
64. Section 321.310 – Towing four-wheel trailers.
65. Section 321.312 – Turning on curve or crest of grade.
66. Section 321.313 – Starting parked vehicle.
67. Section 321.314 – When signal required.
68. Section 321.315 – Signal continuous.
69. Section 321.316 – Stopping.
70. Section 321.317 – Signals by hand and arm or signal device.
71. Section 321.318 – Method of giving hand and arm signals.
72. Section 321.319 – Entering intersections from different highways.
73. Section 321.320 – Left turns; yielding.
74. Section 321.321 – Entering through highways.
75. Section 321.322 – Vehicles entering stop or yield intersection.
76. Section 321.323 – Moving vehicle backward on highway.
77. Section 321.323A – Approaching certain stationary vehicles.
78. Section 321.324 – Operation on approach of emergency vehicles.
79. Section 321.324A – Funeral processions.
80. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
81. Section 321.330 – Use of crosswalks.
82. Section 321.332 – White canes restricted to blind persons.
83. Section 321.333 – Duty of drivers approaching blind persons.
84. Section 321.340 – Driving through safety zone.
85. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.

86. Section 321.342 – Stop at certain railroad crossings; posting warning.
87. Section 321.343 – Certain vehicles must stop.
88. Section 321.344 – Heavy equipment at crossing.
89. Section 321.344B – Immediate safety threat; penalty.
90. Section 321.354 – Stopping on traveled way.
91. Section 321.359 – Moving other vehicle.
92. Section 321.362 – Unattended motor vehicle.
93. Section 321.363 – Obstruction to driver’s view.
94. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
95. Section 321.365 – Coasting prohibited.
96. Section 321.367 – Following fire apparatus.
97. Section 321.368 – Crossing fire hose.
98. Section 321.369 – Putting debris on highway.
99. Section 321.370 – Removing injurious material.
100. Section 321.371 – Clearing up wrecks.
101. Section 321.372 – School buses.
102. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
103. Section 321.381A – Operation of low-speed vehicles.
104. Section 321.382 – Upgrade pulls; minimum speed.
105. Section 321.383 – Exceptions; slow vehicles identified.
106. Section 321.384 – When lighted lamps required.
107. Section 321.385 – Head lamps on motor vehicles.
108. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
109. Section 321.387 – Rear lamps.
110. Section 321.388 – Illuminating plates.
111. Section 321.389 – Reflector requirement.
112. Section 321.390 – Reflector requirements.
113. Section 321.392 – Clearance and identification lights.
114. Section 321.393 – Color and mounting.
115. Section 321.394 – Lamp or flag on projecting load.
116. Section 321.395 – Lamps on parked vehicles.
117. Section 321.398 – Lamps on other vehicles and equipment.
118. Section 321.402 – Spot lamps.

119. Section 321.403 – Auxiliary driving lamps.
120. Section 321.404 – Signal lamps and signal devices.
121. Section 321.404A – Light-restricting devices prohibited.
122. Section 321.405 – Self-illumination.
123. Section 321.408 – Back-up lamps.
124. Section 321.409 – Mandatory lighting equipment.
125. Section 321.415 – Required usage of lighting devices.
126. Section 321.417 – Single-beam road-lighting equipment.
127. Section 321.418 – Alternate road-lighting equipment.
128. Section 321.419 – Number of driving lamps required or permitted.
129. Section 321.420 – Number of lamps lighted.
130. Section 321.421 – Special restrictions on lamps.
131. Section 321.422 – Red light in front.
132. Section 321.423 – Flashing lights.
133. Section 321.430 – Brake, hitch, and control requirements.
134. Section 321.431 – Performance ability.
135. Section 321.432 – Horns and warning devices.
136. Section 321.433 – Sirens, whistles, and bells prohibited.
137. Section 321.434 – Bicycle sirens or whistles.
138. Section 321.436 – Mufflers, prevention of noise.
139. Section 321.437 – Mirrors.
140. Section 321.438 – Windshields and windows.
141. Section 321.439 – Windshield wipers.
142. Section 321.440 – Restrictions as to tire equipment.
143. Section 321.441 – Metal tires prohibited.
144. Section 321.442 – Projections on wheels.
145. Section 321.444 – Safety glass.
146. Section 321.445 – Safety belts and safety harnesses; use required.
147. Section 321.446 – Child restraint devices.
148. Section 321.449 – Motor carrier safety regulations.
149. Section 321.449A – Rail crew transport drivers.
150. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
151. Section 321.450 – Hazardous materials transportation.
152. Section 321.454 – Width of vehicles.

153. Section 321.455 – Projecting loads on passenger vehicles.
154. Section 321.456 – Height of vehicles; permits.
155. Section 321.457 – Maximum length.
156. Section 321.458 – Loading beyond front.
157. Section 321.460 – Spilling loads on highways.
158. Section 321.461 – Trailers and towed vehicles.
159. Section 321.462 – Drawbars and safety chains.
160. Section 321.463 – Maximum gross weight.
161. Section 321.465 – Weighing vehicles and removal of excess.
162. Section 321.466 – Increased loading capacity; reregistration.

**62.02 PLAY STREETS DESIGNATED.** The Police Chief shall have authority to declare any street or part thereof a play street and cause to be placed appropriate signs or devices in the roadway indicating and helping to protect the same. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

*(Code of Iowa, Sec. 321.255)*

**62.03 VEHICLES ON SIDEWALKS.** The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

**62.04 CLINGING TO VEHICLE.** No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**62.05 QUIET ZONES.** Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

**62.06 OBSTRUCTING VIEW AT INTERSECTIONS.** It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

**62.07 UNLAWFUL ACCELERATION.** It is unlawful for any person to accelerate any motor vehicle, including but not limited to automobiles, trucks, vans, motorcycles and snowmobiles, in such a manner as to cause screeching sounds which are audible at a distance of 50 feet or more. This section does not apply to emergency vehicles. The minimum fine for a violation of this section is \$30.00.

**62.08 ENGINE AND COMPRESSION BRAKES.** It is unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City limits, 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. This usage which is used in such a manner so as to be audible at a distance of 100 feet from the motor vehicle shall constitute evidence of a prima facie violation of this section.

o o o o o o o o o o

## CHAPTER 63

# SPEED REGULATIONS

### 63.01 General

### 63.02 State Code Speed Limits

### 63.03 Parks, Cemeteries, and Parking Lots

### 63.04 Special Speed Zones

### 63.05 Minimum Speed

**63.01 GENERAL.** Every driver of a motor vehicle on a street shall drive the same at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the street and of any other conditions then existing, and no person shall drive a vehicle on any street at a speed greater than will permit said driver to bring it to a stop within the assured clear distance ahead, such driver having the right to assume, however, that all persons using said street will observe the law.

*(Code of Iowa, Sec. 321.285)*

**63.02 STATE CODE SPEED LIMITS.** The following speed limits are established in Section 321.285 of the *Code of Iowa* and any speed in excess thereof is unlawful unless specifically designated otherwise in this chapter as a special speed zone.

1. Business District – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. **Suburban District** – 45 miles per hour.

**63.03 PARKS, CEMETERIES, AND PARKING LOTS.** A speed in excess of 15 miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

*(Code of Iowa, Sec. 321.236[5])*

**63.04 SPECIAL SPEED ZONES.** In accordance with requirements of the Iowa Department of Transportation, or whenever the Council shall determine upon the basis of an engineering and traffic investigation that any speed limit listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

*(Code of Iowa, Sec. 321.290)*

1. Special 20 MPH Speed Zones. A speed in excess of 20 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. On First Street S.E. from Highway 69/River Avenue to Fifth Avenue S.E.
  - B. On East Main Street from Highway 69/River Avenue to Fifth Avenue S.E.
2. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. On Fifth Street S.E. from Highway 69/River Avenue to 2135 feet east and 2800 feet east of Highway 69/River Avenue to Luick's Lane.
  - B. On Third Street N.E. from 1293 feet east of Luick's Lane to City boundary.
  - C. On Luick's Lane between the southern City limits and Fifth Street S.E.
  - D. On Highway 69/River Avenue 100 feet  $\pm$  south of Fifth Street S.E. to 150 feet  $\pm$  north of Union Pacific Railroad Crossing.
3. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. On Highway 69/River Avenue 100 feet +/- south of Fifth Street S.E. to 1,950 feet +/- south of Fifth Street S.E.
  - B. On Highway 69/River Avenue 110 feet +/- north of the railroad crossing to 920 feet +/- north of the railroad crossing.

**63.05 MINIMUM SPEED.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

*(Code of Iowa, Sec. 321.294)*



## CHAPTER 64

# TURNING REGULATIONS

**64.01** Turning at Intersections  
**64.02** U-Turns

**64.03** Left Turn for Parking

**64.01 TURNING AT INTERSECTIONS.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

*(Code of Iowa, Sec. 321.311)*

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Police Chief may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified above be traveled by vehicles turning at intersections, and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

**64.02 U-TURNS.** It is unlawful for a driver to make a U-turn except at an intersection; however, U-turns are prohibited within the business district, at the following designated intersections and at intersections where there are automatic traffic signals.

*(Code of Iowa, Sec. 321.236[9])*

1. At all East Main Street intersections between Highway 69/River Avenue and Fifth Avenue.

**64.03 LEFT TURN FOR PARKING.** No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

o o o o o o o o o o

## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Through Streets  
65.02 Stop Required  
65.03 Four-Way Stop Intersections  
65.04 Yield Required  
65.05 School Stops

65.06 Pool Portable Stops  
65.07 Stop Before Crossing Sidewalk  
65.08 Stop When Traffic Is Obstructed  
65.09 Yield to Pedestrians in Crosswalks  
65.10 Official Traffic Controls

**65.01 THROUGH STREETS.** Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

*(Code of Iowa, Sec. 321.345)*

1. River Avenue (U. S. Highway 69) from the north corporate limit to the south corporate limit;
2. West Main Street and East Main Street from the west line of Fifth Avenue N.W. and S.W. to the west line of Luick's Lane;
3. First Street N.E. from the east line of River Avenue to the east line of Third Avenue N.E.;
4. Third Street N.E. from the east line of River Avenue to the west line of Luick's Lane;
5. First Street S.E. from the east line of River Avenue to the west line of Luick's Lane;
6. Luick's Lane from the north corporate limit to the south corporate limits (except as indicated in Sections 65.02 and 65.03).

**65.02 STOP REQUIRED.** The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. Every driver of a vehicle shall stop in accordance with the following:

Stop Intersections	Traffic Approaching From These Directions Shall Stop
Alley in Block 19 and Third Avenue NE	East
Alley in Block 20 and Third Avenue NE	West
Second Avenue SE and Fifth Street SE	North
Gabrielson Drive and Second Avenue NE	West
Seventh Street NE and Luick's Lane N	North, West and South
Fourth Avenue SE and Fifth Street SE	North
Lillian Lane and Luick's Lane S	East
Heginger Drive and Luick's Lane S	East
Seventh Street NE and Fourth Avenue NE	North and South
Second Avenue NE and Fifth Street NE	East
Union Pacific Railroad Crossing on Third Avenue NE	North and South
Union Pacific Railroad Crossing on Fourth Avenue NE	North and South
Eighth Avenue NE and Seventh Street NE	South
Luick's Lane South and Fifth Street SE	North, South and West

*(Code of Iowa, Sec. 321.345 & 321.322)*

**65.03 FOUR-WAY STOP INTERSECTIONS.** Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

*(Code of Iowa, Sec. 321.345)*

1. Intersection of Third Street N.E. and Luick's Lane N.
2. Intersection of Fifth Street N.E. and Eighth Avenue N.E.

**65.04 YIELD REQUIRED.** The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. Every driver of a vehicle shall yield in accordance with the following:

*(Code of Iowa, Sec. 321.345)*

1. Intersection of Taylor Avenue and Belmond Road.

**65.05 SCHOOL STOPS.** At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point 10 feet from the approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

*(Code of Iowa, Sec. 321.249)*

1. Intersection of 7<sup>th</sup> Street N.E. and 8<sup>th</sup> Avenue N.E. (north of 7<sup>th</sup> Street N.E.).
2. Intersection of Third Street N.E. and Sunset Drive.
3. Intersection of Seventh Street NE and Ninth Avenue NE.

**65.06 POOL PORTABLE STOPS.** During official hours the swimming pool is open, the manager of the pool shall place portable stop signs at the pool entrance and at the pool exit. Every driver of a vehicle shall stop at the following locations:

1. First Street S.E. at the Franklin Grove Heritage Trail; and,
2. First Street S.E. at the sidewalk into Pool Park parking lot.

**65.07 STOP BEFORE CROSSING SIDEWALK.** The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

*(Code of Iowa, Sec. 321.353)*

**65.08 STOP WHEN TRAFFIC IS OBSTRUCTED.** Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

**65.09 YIELD TO PEDESTRIANS IN CROSSWALKS.** Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

**65.10 OFFICIAL TRAFFIC CONTROLS.** Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

*(Code of Iowa, Sec. 321.255 & 321.256)*

1. Intersection of Main Street and River Avenue.

o o o o o o o o o o

**CHAPTER 66**  
**LOAD AND WEIGHT RESTRICTIONS**

*-- Reserved for Future Use --*

[The next page is 281]



**CHAPTER 67**  
**PEDESTRIANS**

**67.01 Walking in Street**  
**67.02 Hitchhiking**

**67.03 Pedestrian Crossing**

**67.01 WALKING IN STREET.** Pedestrians shall at all times when walking on or along a street, walk on the left side of the street.

*(Code of Iowa, Sec. 321.326)*

**67.02 HITCHHIKING.** No person shall stand in the traveled portion of a street for the purpose of soliciting a ride from the driver of any private vehicle.

*(Code of Iowa, Sec. 321.331)*

**67.03 PEDESTRIAN CROSSING.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

*(Code of Iowa, Sec. 321.328)*

o o o o o o o o o o

**CHAPTER 68**  
**ONE-WAY TRAFFIC**

*-- Reserved for Future Use --*

o o o o o o o o o o

## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb  
69.02 Parking on One-Way Streets  
69.03 Angle Parking  
69.04 Manner of Angle Parking  
69.05 Parking for Certain Purposes Illegal  
69.06 Parking Prohibited  
69.07 Persons With Disabilities Parking

69.08 Municipal Parking Lot  
69.09 All Night Parking Prohibited  
69.10 Truck Parking Limited  
69.11 Snow Removal  
69.12 Loading and Unloading Zones  
69.13 Compact Vehicle Parking Spaces

**69.01 PARK ADJACENT TO CURB.** No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

*(Code of Iowa, Sec. 321.361)*

**69.02 PARKING ON ONE-WAY STREETS.** No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within 18 inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

*(Code of Iowa, Sec. 321.361)*

**69.03 ANGLE PARKING.** Angle or diagonal parking is permitted only in the following locations:

*(Code of Iowa, Sec. 321.361)*

1. On both sides of East Main Street between the east line of River Avenue and the west line of Fifth Avenue N.E. and Fifth Avenue S.E.;
2. Third Avenue S.E. on the west side from Main Street to the alley;
3. First Street S.E. on the north side from Second Avenue S.E. to 200 feet east of Fourth Avenue S.E.;
4. Fourth Avenue N.E. on the west side from Main Street to the alley;
5. Second Avenue S.E. on the east side from First Street S.E. to 150 feet south.

**69.04 MANNER OF ANGLE PARKING.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than 48 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

**69.06 PARKING PROHIBITED.** No one shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
*(Code of Iowa, Sec. 321.358[8])*
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.  
*(Code of Iowa, Sec. 321.358[9])*
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
*(Code of Iowa, Sec. 321.358[10])*
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
*(Code of Iowa, Sec. 321.358[11])*

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

*(Code of Iowa, Sec. 321.358[13])*

14. Churches, Nursing Homes and Other Buildings. A space of 50 feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than 25 sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

*(Code of Iowa, Sec. 321.360)*

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

*(Code of Iowa, Sec. 321.236[1])*

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

*(Code of Iowa, Sec. 321.358[15])*

17. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

18. Front and Side Yards. No person shall park or permit a vehicle to remain on the grass or unpaved area in the front yard, as well as side yards of a corner lot, of residential property, unless such vehicle is parked on an improved driveway or parking pad. *(Ordinance No. 449 – 7/15/2019)*

When directed by resolution of the Council, the City Manager shall cause no parking signs to be placed or curbs to be painted with a yellow or orange color in accordance with such resolution and it shall be unlawful for any person to park or stand a vehicle in any area so painted or sign posted. All areas of the City so painted or sign posted on the date of the adoption of this City Code are hereby ratified and legalized as if by new separate resolution authorized.

**69.07 PERSONS WITH DISABILITIES PARKING.** The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.
  - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.
  - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.
  - B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

**69.08 MUNICIPAL PARKING LOT.** The municipal parking lot located on Lots Two and Three in Block Twenty-six, known as the City library parking lot, shall be open to public parking and use daily between the hours of 6:00 a.m. and 12:00 midnight and closed for public parking and use, except as hereinafter provided, between the hours of 12:00 midnight and 6:00 a.m. No vehicles shall enter or be parked in or otherwise standing in said parking lot, nor shall said parking lot be otherwise used during its closed hours, except during the time a snow emergency parking ban is in effect and except emergency vehicles and vehicles used by library and hospital employees and ambulance service meetings and calls for service during the period beginning one-half hour before and until one-half hour after they are at work or attending ambulance service meetings and emergency calls.

**69.09 ALL NIGHT PARKING PROHIBITED.** No parking is allowed on either side of East Main Street between the east line of River Avenue (U.S. Highway 69) and the west lines of Fifth Avenue N.E. and Fifth Avenue S.E. between the hours of 2:30 a.m. and 6:00 a.m., except vehicles of law enforcement agencies, the police reserve, fire department and ambulances on official business, and except vehicles of physicians and other medical personnel on emergency call.

**69.10 TRUCK PARKING LIMITED.** No person shall park motor trucks licensed for three tons GVW or more; semi-tractors or semi-trailers; trailers other than semi-trailers licensed for one-ton GVW or more; buses (except public school buses); farm implements, whether self-propelled or towed, including but not limited to tractors, grain trailers, goose neck trailers and livestock trailers, or other motor vehicle with trailer attached on any street in violation of the following regulations. The provisions of this section do not apply to pickup, light delivery or panel delivery trucks.

(Code of Iowa, Sec. 321.236[1])

- 1. Business and Residential Districts. In any area of the City zoned "C-1" Commercial or "R-1," "R-2," or "R-3" Residential District for more than two hours in any 24 hour period, on any street.



2. Noise. No semi-tractor shall be parked or left standing with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds in any "C-1" Commercial District, "R-1," "R-2," or "R-3" Residential District, on public or private property, for more than two hours in any 24 hour period.

3. Fuel Trucks. No trucks used to transport gasoline, diesel fuel or propane gas shall be parked or left standing in any "R-1," "R-2," or "R-3" Residential District for more than two hours in any twenty-four period, except at presently established bulk petroleum products stations.

The Council may by motion at a regular or special meeting provide exceptions on a temporary and time-to-time basis from any or all parking restrictions imposed by this section to accommodate sporting events, parades, rallies, celebrations, carnivals and other events of a public nature.

**69.11 SNOW REMOVAL.** A snow emergency shall be in force for the purpose of implementing procedures pertaining to the location, citing, or removal of vehicles parked on City streets and parking lots that would otherwise impede the progress of snow removal within the City.

1. A snow emergency is defined as any accumulation of snow two inches or more.

2. No person shall park, abandon or leave unattended any vehicle on any public street, street parking or alley during any snow emergency proclaimed by the Public Works Director, or their designee, unless the snow has been removed or plowed from said street, street parking or alley and the snow has ceased to fall, except vehicles of law enforcement agencies, fire department and ambulances on official business, and except vehicles of physicians and other medical personnel on emergency call. A snow emergency parking ban shall continue from its proclamation through the duration of the snow or ice storm and the 24 hour period after cessation of such storm except as above provided upon streets which have been fully opened (curb to curb).

3. Such a ban shall be uniform in application and the Public Works Director, or their designee, is directed to widely publicize the requirements, using all available news and social media. When predictions or occurrences indicate the need, the Public Works Director, or their designee, shall declare a snow emergency and shall inform the news and social media to publicize the declaration and the parking rules thereunder. Such emergency shall be extended or shortened when conditions warrant.

4. No person shall park, abandon, or leave unattended any vehicle during a declared Snow Emergency between the hours of 2:00 A.M. until such time the streets have been fully opened (curb to curb), in the Downtown Business District. The Downtown Business District defined as:

- A. First Street NE from River Avenue North to Third Avenue NE.
- B. East Main Street from River Avenue South/North to Fifth Avenue SE/NE.
- C. First Street SE from River Avenue South to Fourth Avenue SE.
- D. First Avenue SE/NE from First Street SE to First Street NE.
- E. Second Avenue SE/NE from Second Street SE to First Street NE.
- F. Fourth Avenue SE/NE from First Street SE to First Street NE.

5. There shall be a fine set by city resolution for each violation of the provisions of this subsection. Members of the police department are hereby authorized to remove or have removed a vehicle from a public street, street parking or alley to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city, when there has been a violation of the provisions of this subsection. In addition to the penalties provided in this subsection, the owner or driver of any vehicle impounded for violation of the provisions of this subsection shall be required to pay the reasonable cost of towing charges and storage.
6. During a declared snow emergency, vehicles may be parked over a public sidewalk in “R-1,” “R-2,” and/or “R-3” zoning districts.
7. Snow removal priority list shall be maintained by the Public Works Director and reviewed annually by that office.

**69.12 LOADING & UNLOADING ZONES.** The Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate loading and unloading zones in areas adjacent to non-residential property. The resolutions establishing the zones shall indicate the length of time the vehicles will be given for loading and unloading.

*(Code of Iowa, Sec. 321.255)*

**69.13 COMPACT VEHICLE PARKING SPACES.**

1. The compact vehicle parking space shall be defined and designated as follows:
  - A. Such compact vehicle parking space shall consist of a parking area not to exceed 120 square feet, being 8 feet in width and 15 feet in length.
  - B. All compact vehicle parking spaces shall be clearly marked with paint on the concrete surface of the parking areas.
  - C. Where it is at all possible, the City shall provide signs designating each compact vehicle parking space visible to the drivers intending to use such space.
2. The following parking spaces are hereby designated as compact vehicle parking only:
  - A. The first parking space available located East of the intersection of Second Avenue SE and First Street SE on both the North side of First Street SE and the South side of First Street SE.
  - B. The first parking space available West of the intersection of Fourth Avenue NE and East Main Street, on the North side of East Main Street.
  - C. The first parking space available East of the intersection of Fourth Avenue SE and East Main Street, on the South side of East Main Street.
3. No person shall park any motor vehicle in a designated compact motor vehicle parking space that does not clearly fit within the boundaries of the painted lines designating such compact vehicle parking space.

## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Vehicle Unattended

70.04 Presumption in Reference to Illegal Parking

70.05 Impounding Vehicles

**70.01 ARREST OR CITATION.** Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate; or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

*(Code of Iowa, Sec. 805.6 & 321.485)*

**70.02 SCHEDULED VIOLATIONS.** For violations of the Traffic Code that are designated by Section 805.8A of the *Code of Iowa* to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8A of the *Code of Iowa*.

*(Code of Iowa, Sec. 805.8 & 805.8A)*

**70.03 PARKING VIOLATIONS: VEHICLE UNATTENDED.** When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the citation as herein provided shall be attached to the vehicle in a conspicuous place.

**70.04 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.** In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

**70.05 IMPOUNDING VEHICLES.** A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

*(Code of Iowa, Sec. 321.236[1])*

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

*(Code of Iowa, Sec. 321.236[1])*

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

*(Code of Iowa, Sec. 321.236[1])*

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

*(Code of Iowa, Sec. 321.236[1])*

[The next page is 301]

## 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 which have not been plowed during the snow season; on such other streets as may be designated by resolution of the Council; and, in the most direct route from the operator's residence to the nearest street designated in the resolution of allowed snowmobile travel.

*(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.
7. Traffic Code. Any person operating a snowmobile shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.
8. Hours of Operation. No snowmobile shall be operated in the City between the hours of 11 p.m. and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

**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. Registered ATVs may be operated upon streets under the jurisdiction and within the corporate limits of the City except on East Main Street between 5<sup>th</sup> Avenue NE/SE to 1<sup>st</sup> Avenue NE/SE and any street with a posted speed limit greater than 25 mph. ATVs may cross over these prohibited streets but not turn onto these streets. ATVs will be allowed on 3<sup>rd</sup> Street NE from Luick's Lane North to the east city limits and Luick's Lane South from 5<sup>th</sup> Street SE to the south city limits.

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

2. **Trails. ATVs shall not be operated on snowmobile trails except where designated.** ATVs shall not be operated on any recreational, bike or walking trail unless the trail is specifically designed to allow use of motor vehicles.

*(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 City parks or upon other City-owned land unless for a special event authorized by the City Council and/or Park Board.
5. Sidewalks. ATVs shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities.
6. Right-of-Way. ATVs shall not be operated upon that portion of a street/alley right-of-way between the curb or edge of the paving and the sidewalk, or 17½' from the curb or edge of the paving if no sidewalk exists, unless engaged in snow removal, maintenance or landscaping activities for the abutting property, except for the purpose of crossing the same to a public street upon which operation is authorized by this chapter.

7. 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.

8. Private Property. ATVs may only be operated on private property with the express consent of the owner.

9. All-Terrain Vehicles Registered. No person shall operate an all-terrain vehicle on any public street or alley for any purpose unless said vehicle is registered with the City.

A. ATV owners may register an ATV with the Police Department using forms provided by the City.

B. The Police Department shall not register a vehicle under this provision until the following has occurred:

(1) Owner has provided evidence that the ATV is registered as required by Iowa law and that such registration is current. The owner/operator shall maintain such registration.

(2) Owner has provided proof of current financial responsibility in accordance with Section 321.20B of the *Code of Iowa*. The owner shall maintain such financial responsibility.

(3) The Police Department has inspected the vehicle to verify it meets the requirements of this chapter.

(4) Owner has paid the registration fee set out below.

C. The registration sticker shall be displayed visibly and prominently on the left rear fender.

D. All registrations issued shall uniquely identify the name and address of the owner/operator.

E. The registration fee shall be \$35.00.

F. Registrations shall be effective from April 1 through March 31. Registrations may be renewed after owner/operator has filed an application to renew with the Police Department and all conditions set out in Section 75.05



(9)(B) and Section 75.05(6) have been met. The fee for renewing registration shall be \$20.00.

10. Equipment. Any ATV registered with the City shall be equipped as required by Sections 321I.12 and 321I.13 of the *Code of Iowa*, including but not limited to: muffler, headlight, tail light and brakes. ATVs shall also be equipped with a bicycle safety flag of fluorescent orange color on a staff holder to put such flag at least five feet above the surface of the street.

11. Operation.

A. No person shall operate an ATV on any city street, alley or right of way who is not at least 18 years of age and does not have a valid Iowa Drivers license.

B. Traffic Code. Any person operating an ATV shall strictly adhere to all traffic signs and signals and all other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

C. Speed. No ATV shall be operated at a speed in excess of the lesser of 25 miles per hour or that posted, nor shall any ATV be operated at a speed greater than is reasonable and proper for the existing conditions.

D. Lights. No ATV shall be operated without a lighted headlight and taillight from sunset to sunrise and at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet ahead.

E. Unattended ATVs and Parking. No person shall leave an ATV unattended on public property while the motor is running or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulations in the City.

F. Hours of Operation. No ATV shall be operated in the City between the hours of 11:00 p.m. and 7:00 a.m. except for emergency situations or for loading or unloading from a transport trailer; except that ATVs may be operated during prohibited hours to perform snow removal activities.

12. Violation and Penalty.

A. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of \$ 100.00 and revocation of the City registration for a period of two months.

B. Any person guilty of violating this ordinance two times in a 12 month period shall be subject to a fine of \$200.00 and revocation of the City registration for a period of two years.

C. Any person guilty of violating this ordinance three times shall be subject to a fine of \$300.00 and permanent revocation of the City registration.

D. Persons violating this ordinance may also be prosecuted, and subject to the penalties set out in, Section 321I.36 of the *Code of Iowa*.

**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 76

# BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Riding on Sidewalks
76.02 Traffic Code Applies	76.09 Towing
76.03 Double Riding Restricted	76.10 Improper Riding
76.04 Two Abreast Limit	76.11 Parking
76.05 Speed	76.12 Equipment Requirements
76.06 Emerging from Alley or Driveway	76.13 Special Penalty
76.07 Carrying Articles	

**76.01 SCOPE OF REGULATIONS.** These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

*(Code of Iowa, Sec. 321.236[10])*

**76.02 TRAFFIC CODE APPLIES.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the Traffic Code of the City applicable to the driver of a vehicle, except as to those provisions that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

*(Code of Iowa, Sec. 321.234)*

**76.03 DOUBLE RIDING RESTRICTED.** A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

*(Code of Iowa, Sec. 321.234[3 and 4])*

**76.04 TWO ABREAST LIMIT.** Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

*(Code of Iowa, Sec. 321.236[10])*

**76.05 SPEED.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

*(Code of Iowa, Sec. 321.236[10])*

**76.06 EMERGING FROM ALLEY OR DRIVEWAY.** The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

*(Code of Iowa, Sec. 321.236[10])*

**76.07 CARRYING ARTICLES.** No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.

*(Code of Iowa, Sec. 321.236[10])*

**76.08 RIDING ON SIDEWALKS.** The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

*(Code of Iowa, Sec. 321.236[10])*

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

*(Code of Iowa, Sec. 321.236[10])*

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

*(Code of Iowa, Sec. 321.236[10])*

**76.09 TOWING.** It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

**76.10 IMPROPER RIDING.** No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding, or otherwise so as to disregard the safety of the operator or others.

**76.11 PARKING.** No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

*(Code of Iowa, Sec. 321.236[10])*

**76.12 EQUIPMENT REQUIREMENTS.** Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

*(Code of Iowa, Sec. 321.397)*

2. Brakes Required. Every bicycle shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

*(Code of Iowa, Sec. 321.236[10])*

**76.13 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense and 30 days for a third offense.

## CHAPTER 77

# BICYCLE LICENSING

**77.01 License Required**  
**77.02 License Plates or Decals**

**77.03 Maintenance of License Records**  
**77.04 Rental Agencies**

**77.01 LICENSE REQUIRED.** No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is attached thereto as provided herein.

*(Code of Iowa, Sec. 321.236[10])*

1. License Application. Application for a bicycle license and license plate or decal shall be made upon a form provided by the City and shall be made to the City Clerk. A license fee of \$2.00 shall be paid to the City before each license is granted.

2. Issuance of License. The Clerk, upon receiving proper application, is authorized to issue a bicycle license that shall be effective immediately.

*(Code of Iowa, Sec. 372.13[4])*

3. Transfer of License. Upon the sale or other transfer of ownership of a licensed bicycle the license shall be transferred to the new owner and the records of the City changed to reflect the new ownership upon request.

*(Code of Iowa, Sec. 321.236[10])*

**77.02 LICENSE PLATES OR DECALS.** License plates or decals are required as follows:

1. Issued. The Clerk, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle and the name of the City.

*(Code of Iowa, Sec. 372.13[4])*

2. Attached to Bicycle. The Clerk shall cause such license plate or decal to be firmly attached to the bicycle for which issued in such position as to be plainly seen from the rear.

*(Code of Iowa, Sec. 321.236[10])*

3. Removal. No person shall remove a license plate or decal from a bicycle during the period for which issued unless said bicycle is dismantled and no longer operated upon any street in the City.

*(Code of Iowa, Sec. 321.236[10])*

**77.03 MAINTENANCE OF LICENSE RECORDS.** The Clerk shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and the number on the frame of the bicycle for which issued, and a record of all bicycle license fees collected.

*(Code of Iowa, Sec. 372.13[4])*

**77.04 RENTAL AGENCIES.** A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license tag is attached thereto as provided herein and such bicycle is equipped with the lamps and other equipment required in Chapter 76 of this Code of Ordinances.

o o o o o o o o o o

## CHAPTER 78

# GOLF CARTS

**78.01 Purpose**  
**78.02 Operation of Golf Carts Permitted**  
**78.03 Prohibited Streets**

**78.04 Operation of Golf Carts**  
**78.05 Golf Carts Registered**

**78.01 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.

**78.02 OPERATION OF GOLF CARTS PERMITTED.** Golf carts registered with the City may be operated upon the streets of the City by persons at least 18 years of age possessing a valid Iowa operator's license, except as prohibited in "Prohibited Streets" section below. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle.

**78.03 PROHIBITED STREETS.** Golf carts may operate upon any City street except for:

1. East Main Street between 5<sup>th</sup> Avenue NE/SE and 1<sup>st</sup> Avenue NE/SE.
2. All streets with a posted speed greater than 25 mph with the exception of:
  - A. 3<sup>rd</sup> Street NE from Luick's Lane to the east City limits.
  - B. Luick's Lane South from 5<sup>th</sup> Street SE to the south City limits.
3. Direct Crossing. Golf carts may make a direct crossing of a prohibited street provided all of the following occur:
  - A. The crossing is made at an angle of approximately ninety degrees (90<sup>o</sup>) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
  - B. The golf cart is brought to a complete stop before crossing the street;
  - C. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and,
  - D. In crossing a divided street, the crossing is made only at an intersection of such street with another street.

**78.04 OPERATION OF GOLF CARTS.** The operators of golf carts shall also comply with the following:

1. Trails. Golf carts shall not be operated on any recreational, bike or walking trail unless the trail is specifically designed to allow use of motor vehicles.
2. Sidewalks. Golf carts shall not be operated upon sidewalks.
3. Right-of-Way. Golf carts shall not be operated upon that portion of a street/alley right-of-way between the curb or edge of the paving and the sidewalk, or 17½' from the curb or edge of the paving if no sidewalk exists, except for the purpose

of crossing the same to a public street upon which operation is authorized by this chapter.

4. Parks and Other City Land. Golf carts shall not be operated in City parks or upon other City-owned land unless for a special event authorized by the City Council and/or Park Board.

5. Equipment. Golf carts operated upon City streets shall be equipped with at least the following:

A. A slow moving vehicle sign.

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

C. Golf carts operated on City streets shall be equipped with adequate brakes.

6. Hours. Golf carts may be operated on City streets only between sunrise and sunset, from the beginning of Daylight Savings Time to the end of Daylight Savings Time.

**78.05 GOLF CARTS REGISTERED.** No person shall operate a golf cart on any public street, or alley for any purpose unless said golf cart is registered by the City.

1. Golf cart owners may register a golf cart with the Police Department using forms provided by the City.

2. The Police Department shall not register a golf cart until the following has occurred:

A. Owner has provided proof of liability insurance covering operation of golf carts on city streets.

B. Police Department has inspected the vehicle to verify it meets the requirements of this chapter.

C. Owner has paid the registration fee set out below.

3. The registration sticker shall be displayed visibly and prominently on the left rear fender.

4. All registrations issued shall uniquely identify the name and address of the owner.

5. The registration fee shall be \$35.00.

6. Registrations shall be effective from April 1 through March 31 of each year.

A. Registration may be renewed after owner has filed an application to renew with the Police Department and all conditions set out in this chapter have been met.

B. Fee for a renewed registration shall be \$20.00.



## CHAPTER 80

# RAILROAD REGULATIONS

**80.01 Definitions**  
**80.02 Obstructing Streets**

**80.03 Crossing Maintenance**  
**80.04 Rights-of-way Fencing**

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

1. “Operator” means any individual, partnership, corporation or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

*(Code of Iowa, Sec. 321.1)*

**80.02 OBSTRUCTING STREETS.** Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of 10 minutes except:

*(Code of Iowa, Sec. 327G.32)*

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

**80.03 CROSSING MAINTENANCE.** Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

*(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])*

*(Code of Iowa, Sec. 364.11)*

**80.04 RIGHTS-OF-WAY FENCING.** Operators owning or using rights-of-way shall fence the rights-of-way within the corporate limits of the City in a manner reasonably calculated to protect persons and property, except where the tract is intersected by streets and alleys.

[The next page is 335]