CHAPTER 105

TRAFFIC CODE

Sections:

105.1 State Definitions Adopted.
105.2 State Provisions Adopted.
105.3 Speed Restrictions.
105.4 Stopping, Standing and Parking.
105.5 Miscellaneous Traffic Offenses.
105.6 Load Limits.
105.7 School Zones Designated.
105.8 Bicycles.
105.9 Snowmobiles.
105.10 Off-Road Utility Vehicles

Section 105.1 State Definitions Adopted

SEC. 105.1.01 STATE DEFINITIONS ADOPTED. Definitions of terms used in the Waverly Traffic Code shall be those definitions set forth in the Code of Iowa at 321.1 and said definitions are hereby adopted by this reference.

Section 105.2 State Provisions Adopted

SEC. 105.2.01 STATE PROVISIONS ADOPTED. Any person who fails to abide by the provisions of the following Iowa statutory laws relating to motor vehicles and the law of the road that are hereby adopted by reference is in violation of this chapter. Citations issued under the following sections shall contain the prefix WA followed by State Code designation.

ORIGINAL AND RENEWAL OF REGISTRATION AND CERTIFICATE OF TITLE

321.18 Vehicles subject to registration--exception.
321.19 General exemptions.
321.28 Failure to register.
321.32 Registration card signed, carried, and exhibited – exception.
321.34 Plates or validation sticker furnished--retained by owner – special plates.
321.35 Plates--reflective materials – bidding procedures.
321.37 Display of plates.
321.38 Plates, method of attaching – imitations prohibited.
321.39 Expiration of registration.
321.42 Lost or damaged certificates, cards and plates - replacements.

TRANSFERS OF TITLE OR INTEREST

321.45 Title must be transferred with vehicle.
321.46 New title and registration upon transfer of ownership-credit.

OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION OR REVOCATION OF REGISTRATION

321.97 Fraudulent applications.
321.98 Operation without registration.
321.99 Fraudulent use of registration.
321.100 False evidences of registration.
321.103 Owner to return evidences of registration and title.
321.104 Penal offenses against title law.

OPERATORS' LICENSES

321.174 Operators licensed – operation of commercial motor vehicles.
321.174A Operation of motor vehicle with expired license.
321.176 Persons exempt from driver's licensing requirements.
321.180 Instruction permits, commercial learner's permit, and chauffer's instruction permit.
321.180A Special Instruction Permit.
321.180B Granduated driver's license for persons aged fourteen through seventeen.
321.181 Temporary permit.
321.193 Restrictions on licenses - penalty.
321.194 Special minors' licenses.
321.198 Military service exception.

CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES

321.201 Authority to cancel license.

VIOLATION OF LICENSE PROVISIONS

321.216 Unlawful use of license or nonoperator's identification card by underage person to obtain tobacco, tobacco products, alternative nicotine products, or cigarettes.
321.218 Operating without valid driver's license or when disqualified - penalties.
321.219 Permitting unauthorized minor to drive.
321.220 Permitting unauthorized person to drive.
321.221 Employing unlicensed chauffeur.
321.222 Renting motor vehicle to another.

OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

321.228 Provisions refer to highways--exceptions.
321.229 Obedience to peace officers.
321.230 Public officers not exempt.
321.231 Authorized emergency vehicles and police bicycles.
321.232 Speed detection jamming devices--penalty.
321.234 Bicycles, animals, or animal-drawn vehicles.
321.234A All-terrain vehicles – highway use.
321.235 Provisions uniform.

POWERS OF LOCAL AUTHORITIES

321.236 Powers of local authorities.
321.237 Signs – requirement – notice.
321.247 Golf cart operation on city streets.
321.248 Parks and cemeteries.
321.249 School zones.
321.250 Equitable reprisals.
321.251 Rights of owners of real property – manufactured home communities or mobile home parks.

TRAFFIC SIGNS, SIGNALS, AND MARKINGS

321.252 Department to adopt sign manual.
321.253 Department to erect signs.
321.254 Local authorities restricted.
321.255 Local traffic-control devices.
321.256 Obedience to official traffic-control devices.
321.257 Official traffic control signal.
321.258 Arrangement of lights on official traffic-control signals.
321.259 Unauthorized signs, signals or markings.
321.260 Interference with devices, signs, or signals--unlawful possession – traffic signal preemption devices.

ACCIDENTS

321.261 Death or personal injuries.
321.262 Leaving scene of the traffic accident prohibited – vehicle damage only – removal of vehicles.
321.263 Information and aid – leaving scene of personal injury accident.
321.264 Striking unattended vehicle.
321.265 Striking fixtures upon a highway.
321.266 Reporting accidents.
321.267 Supplemental reports.
321.268 Driver unable to report.
321.269 Accident report forms.
321.273 City may require reports.

OPERATION OF MOTOCYCLES AND MOTORIZED BICYCLES

321.275 Operation of motorcycles and motorized bicycles.

CRIMINAL OFFENSES

321.276 Use of electronic communication device while driving.
321.277 Reckless driving.
321.277A Careless driving.
321.278 Drag racing prohibited.
321.279 Eluding or attempting to elude pursuing law enforcement vehicle.
321.281 Actions against bicyclists.
321.284 Open containers in motor vehicles – drivers.
321.284A Open containers in motor vehicles – passengers.

SPEED RESTRICTIONS

321.285 Speed restrictions.
321.288 Control of vehicle--reduced speed.
321.289 Speed signs--duty to install.
321.290 Special restrictions.
321.291 Information or notice.
321.292 Civil action unaffected.
321.293 Local authorities may alter limits.
321.294 Minimum speed regulation.
321.295 Limitation on bridge or elevated structures.

DRIVING ON RIGHT SIDE OF ROADWAY--OVERTAKING AND PASSING, ETC.

321.297 Driving on right-hand side of roadway--exceptions.
321.298 Meeting and turning to right.
321.299 Overtaking a vehicle.
321.302 Overtaking and passing.
321.303 Limitations on overtaking on the left.
321.304 Prohibited passing.
321.305 One-way roadways and rotary traffic islands.
321.306 Roadways laned for traffic.
321.307 Following too closely.
321.309 Towing.
321.310 Towing four-wheeled trailers.

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

321.311 Turning at intersections.
321.312 Turning on curve or crest of grade.
321.313 Starting parked vehicle.
321.314 When signal required.
321.315 Signal continuous.
321.316 Stopping.
321.317 Signals by hand and arm or signal device.
321.318 Method of giving hand and arm signals.

RIGHT-OF-WAY

321.319 Entering intersections from different highways.
321.320 Left turns--yielding.
321.321 Entering through highways.
321.322 Vehicles entering stop or yield intersection.
321.323 Moving vehicle backward on highway.
321.324 Operation on approach of emergency vehicles.

PEDESTRIANS RIGHTS AND DUTIES.

321.325 Pedestrians subject to signals.
321.326 Pedestrians on left.
321.327 Pedestrians right-of-way.
321.328 Crossing at other than crosswalk.
321.329 Duty of driver--pedestrians crossing or working on highways.

321.330 Use of crosswalks.
321.331 Pedestrians soliciting rides.
321.332 White canes restricted to blind persons.
321.333 Duty of drivers.
321.334 Penalties.
321.340 Driving through safety zone.

SPECIAL STOPS REQUIRED

321.341 Obedience to signal indicating approach of railroad train or railroad track equipment.
321.342 Stop at certain railroad crossings--posting warning.
321.343 Certain vehicles must stop.
321.344 Heavy equipment at crossing.
321.345 Stop or yield at highways.
321.347 Exceptions.
321.348 Limitations on cities.
321.349 Exceptions.
321.350 Primary roads as through highways.
321.353 Stop before crossing sidewalk--right of way.

STOPPING, STANDING, AND PARKING

321.354 Stopping on traveled way.
321.355 Disabled vehicle.
321.356 Officers authorized to remove.
321.357 Removed from bridge.
321.358 Stopping, standing or parking.
321.359 Moving other vehicle.
321.360 Theaters, hotels and auditoriums.
321.361 Additional parking regulations.

MISCELLANEOUS RULES

321.362 Unattended motor vehicle.
321.363 Obstruction to driver's view.
321.365 Coasting prohibited.
321.366 Acts prohibited on fully controlled-access facilities.
321.367 Following fire apparatus.
321.368 Crossing fire hose.
321.369 Putting debris on highway.
321.370 Removing injurious material.
321.371 Clearing up wrecks.

SCHOOL BUSES

321.372 Discharging pupils – stopping requirements - penalties.
321.372A Prompt investigation of reported violation of failing to obey school bus warning devices – citation issued to driver or owner.
321.373 Required construction – rules adopted.
321.374 Inspection--seal of approval.
321.375 School Bus Drivers – qualifications – grounds for suspension.

321.376 License – authorization – instruction requirement.
321.377 Regional transit system transportation.
321-378 Applicability.
321.379 Violations.
321-380 Enforcement.

SAFETY STANDARDS

321.381 Movement of unsafe or improperly equipped vehicles.
321.382 Upgrade pulls--minimum speed.
321.383 Exceptions--slow vehicles identified.

LIGHTING EQUIPMENT

321.384 When lighted lamps required.
321.385 Head lamps on motor vehicles.
321.385A Citation for unlighted headlamp, rear lamp, or rear registration plate light.
321.386 Head lamps on motorcycles, motorized bicycles and all-terrain vehicles.
321.387 Rear lamps.
321.388 Illuminating plates.
321.389 Reflector required.
321.390 Reflector requirements.
321.392 Clearance and identification lights.
321.393 Color and mounting.
321.394 Lamp or flag on projecting load.
321.395 Lamps on parked vehicles.
321.396 Exception.
321.397 Lamps on bicycles.
321.398 Lamps on other vehicles and equipment.
321.402 Spot lamps.
321.403 Auxiliary driving lamps.
321.404 Signal lamps and signal devices.
321.404A Light restricting devices prohibited.
321.405 Self-illumination.
321.408 Back-up lamps.
321.409 Mandatory lighting equipment.
321.415 Required usage of lighting devices.
321.417 Single-beam road lighting equipment.
321.418 Alternate road lighting equipment.
321.419 Number of driving lamps required or permitted.
321.420 Number of lamps lighted.
321.421 Special restrictions on lamps.
321.422 Red light in front – rear lights.
321.423 Flashing lights.

BRAKES, HITCHES, AND SWAY CONTROL

321.430 Brake, hitch, and control requirements.
321.431 Performance ability.

MISCELLANEOUS EQUIPMENT

321.432	Horns and warning devices.
321.433	Sirens and bells prohibited.
321.434	Bicycle sirens or whistles.
321.436	Mufflers, prevention of noise.
321.437	Mirrors.
321.438	Windshields and windows.
321.439	Windshield wipers.
321.440	Restrictions as to tire equipment.
321.441	Metal tires prohibited.
321.442	Projections on wheels.
321.443	Exceptions.
321.444	Safety glass.
321.445	Safety belts and safety harnesses--use required.
321.446	Child restraint devices.
321.449B	Texting or using a mobile telephone while operating a commercial motor vehicle.

CRIMINAL RESPONSIBILITY

321.482	Violations – simple misdemeanors unless otherwise provided.
321.484	Offenses by owners.
321.485	Notice to appear--promise to appear.
321.486	Authorized bond forms.

LAW ENFORCEMENT

321.492	Peace officers' authority.

Section 105.3 Speed Restrictions

SEC. 105.3.01 SPEED RESTRICTIONS. Any person driving 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 any vehicle upon a street at a speed greater than will permit the person 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 highway will observe the law. The following shall be the lawful speed except as hereinbefore or hereinafter modified, and any speed in excess thereof shall be unlawful:

A. Twenty-five miles per hour in any residence district, business district or any unmarked streets.

B. Fifteen miles per hour in any public park or cemetery.

C. Reasonable and proper speed, but not greater than fifty-five miles per hour at any time between sunrise and sunset, and not greater than fifty miles per hour at any time between sunset and sunrise, on secondary roads unless such roads are surfaced with concrete or asphalt or a combination of both, in which case the speed limits shall be fifty-five miles per hour.

D. However, the following shall be the lawful speed in the areas designated and shall be exceptions to the aforesaid limits:

1. 25 MPH
   a. Bremer Avenue, from the intersection of 5th Street NW to the intersection of 5th Street NE.
   b. 30TH Street NW, from the intersection with 5th Avenue NW to the end of the street.
   c. North Ridge Parkway, from the intersection with Horton Road to the end of the street.

2. 30 MPH
   a. 4th St SW, from Bremer Avenue to 100 feet south of the intersection of 5th Avenue SW.

3. 35 MPH
   a. Bremer Avenue, from the intersection of 5th Street NW to the intersection of 20th Street NW, including ramp.
   b. Bremer Avenue, from the intersection of 5th Street NE to a point 615' west of the intersection of 12th Street SE.
   c. Iowa Highway 3 (Heritage Way), from the intersection of West Bremer Avenue to a point 345' south of the intersection of Heritage Way with West Bremer Avenue.
   d. U.S. Business Highway 218, from the intersection of West Bremer Avenue to a point 300' north of the intersection of 4th Avenue NW.
   e. 4th Street SW, from a point 100' south of 5th Avenue SW to a point 525' south of 8th Avenue SW.
   f. 16th Street SW (Dusty Avenue), from the intersection of 10th Avenue SW to the south City Limits.
   g. 10th Avenue SW, from Iowa Highway 3 (Heritage Way) to a point 950' east of the aforementioned intersection (tangent of curve).
   h. 29th Avenue SW, from 4th Street SW west to railroad tracks (City Limits).
   i. 1st Street NW (Adams Parkway, Horton Road), from 9th Ave NW to 113' north of the intersection with Cedar Lane.
   j. 12th Street NW, from the Chicago Northwestern Railroad crossing north to the City Limits.
   k. 20th Street NW, from Knight Avenue north to 22nd Avenue NW (City Limits).
   l. 5th Avenue NE, from Bremer Road east to the City Limits.
   m. 8th Street SE, from Crestwood Avenue south to the intersection of 17th Avenue SE.
   n. 11th Street SE, from 17th Avenue SE south to the south city limits.
   o. 17th Avenue SE, from 8th Street SE east to 11th Street SE.
   p. 18th Avenue SE, from 11th Street SE east to the end of road.
   q. Bremer Road, from the intersection of 5th Avenue NE to a point 350' north of Copper Terrace.
   r. 30th Street SE, from Iowa Highway 3 south to City Limits.

s. 39th Street NE, from Iowa Highway 3 north to City Limits.
t. 39th Street SE, from Iowa Highway 3 south to City Limits.

4. 40 MPH
   a. 4th Street SW, from a point 525' south of 8th Avenue SW to a point 500' south of the intersection of Oak Ridge Circle/Technology Place.

5. 45 MPH
   a. Bremer Avenue, from a point 615' west of the intersection of 12th Street SE to a point 475' west of the intersection of 30th Street SE.
   b. Iowa Highway 3 (Heritage Way), from a point 345' south of the Bremer Avenue intersection to just south of the entrance for 1900 Heritage Way.
   c. U.S. Business Highway 218, from a point 300' north of the intersection of 4th Avenue NW to the intersection of 24th Street NW.
   d. 4th Street SW, from a point 500' south of the intersection of Oak Ridge Circle/Technology Place to a point 50' south of 29th Avenue SW.
   e. 10th Avenue SW, from a point 950' east of the intersection of Highway 3 (Heritage Way) to 4th Street SW.
   f. Cedar River Parkway, from 4th Street SW east to IA Hwy 3.
   g. 29th Avenue SW/SE, from 4th Street SW to 11th Street SE.
   h. Bremer Road, from a point 350' north of Copper Terrace to the City Limits.
   i. Horton Road, from a point 113' north of the intersection of Cedar Lane north to the City Limits.

6. 50 MPH
   a. Bremer Avenue, from a point 475' west of the intersection of 30th Street SE to a point 235' east of the intersection of Elm Street.

7. 55 MPH
   a. Bremer Avenue, from a point 235' east of the intersection of Elm Street to the east city limits.
   b. Iowa Highway 3 (Heritage Way), from a point just south of the entrance for 1900 Heritage Way out to the west city limits.
   c. U.S. Business Highway 218, from a point 350 feet west of the intersection of 30th Street NW to the west city limits.
   d. 4th Street SW, from a point 50' south of the 29th Avenue SW intersection to the south city limits.

SEC. 105.3.02 TRUCK SPEED LIMITS. It is unlawful for the driver of a freight-carrying vehicle, with a gross weight of over five thousand pounds, to drive the same on any of the streets of the city at a speed exceeding the following:

1. Forty miles per hour for any freight-carrying vehicle equipped with pneumatic tires.

2. Twenty miles per hour for any freight-carrying vehicle equipped with solid rubber tires, if the weight of the vehicle and load is less than six tons, and twelve miles per hour for any freight-carrying vehicle equipped with solid rubber tires, if the weight of the vehicle and load is more than six tons.

SEC. 105.3.03 SPEED REDUCTIONS. The person operating a motor vehicle or motorcycle shall have the same under control and shall reduce the speed to a reasonable and proper rate:

1. When approaching and passing a person walking or riding a bicycle in the traveled portion of a public street.

2. When approaching and passing an animal which is being led, ridden or driven upon a public street.

3. When approaching and traversing a crossing or intersection of a public street, or a bridge, or a sharp turn, or a curve, or a steep descent, in a public street.

SEC. 105.3.04 MINIMUM SPEED REGULATIONS. No person shall 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 speed is necessary for safe operation, or in compliance with law.

SEC. 105.3.05 EMERGENCY VEHICLE SPEED. The speed limitations set forth in Section 105.3.01 shall not apply to authorized emergency vehicles when responding to emergency calls and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the streets, nor shall it protect the driver of any such vehicle from the consequence of his negligence.

SEC. 105.3.06 SPECIAL RESTRICTIONS. Whenever the city council of Waverly shall determine upon the basis of an engineering and traffic investigation that any speed limit hereinbefore set forth 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, except primary road extensions, said council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe. Such speed limit shall be effective when proper and appropriate signs giving notice thereof are erected at such intersections or other place or part of the street.

Section 105.4 Stopping, Standing and Parking

SEC. 105.4.01 METHOD OF PARKING. Except where angle parking is permitted, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right hand wheels of such vehicle parallel with and within eighteen inches of the right hand curb.

SEC. 105.4.02 DOUBLE PARKING. Double parking is prohibited upon all streets, except in an emergency, and then only if an operator capable of moving the vehicle remains therein.

SEC. 105.4.03 STALLS AND SECTIONS. Where now or hereafter stalls or sections may be marked or painted upon the surface of any street or portion thereof, it shall be the duty of the driver or operator of any vehicle to park the same within the limits of one of the stalls or sections and not over or across the lines.

SEC. 105.4.04 PARKING LONG VEHICLES. No part of any vehicle or the load thereon when parked within a diagonal parking district shall extend into the roadway more than a distance of sixteen feet when measured at right angles to the adjacent curb.

SEC. 105.4.05 PLACES PROHIBITED. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

1. On a sidewalk, except a bicycle may stop, stand or park on a sidewalk.
2. That portion of the right-of-way between the curb lines or the lateral lines of a roadway and the adjacent sidewalk or, if there is no sidewalk, the area within six (6) feet of the lateral line of the roadway, unless said area has been previously paved and approved for parking.
3. In front of a public or private driveway.
4. Within an intersection.
5. Within five feet of a fire hydrant.
6. On a crosswalk.
7. Within ten feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within ten feet of points on the curb immediately opposite the ends of a safety zone, unless any city indicates a different length by signs or markings.
9. Within fifty feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign posted.
11. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway outside of cities or within a highway tunnel.
14. At any place where official signs prohibit stopping or parking.
15. Upon any street in the city in violation of the city′s snow removal ordinance.
16. Within any alley except while expeditiously loading or unloading freight, merchandise or materials.

SEC. 105.4.06 TIME LIMIT.

1. It is unlawful for any person or corporation to let stand, remain or park any motor vehicle or non-motorized vehicle, including trailers, whether capable of functioning or not, upon the public highways, streets, avenues, alleys or city parking lots of the city for a continuous period exceeding forty-eight hours. Vehicles violating the ordinance may be ticketed and/or towed at owner's expense.

2. It is the intent and purpose of this section to prevent congestion on the streets of the city due to the parking of vehicles for an unreasonable length of time. Mere transfer of position of the vehicle from one parking space to another in the vicinity shall not circumvent application to this section.

SEC. 105.4.07 TRUCK PARKING. It is unlawful for any person, firm or corporation to park a truck, as hereinafter defined, upon any public street in an area zoned as a residential district for a period of time exceeding one hour, unless the truck is actually being used for the delivery or picking up of

goods, or is necessary in the conduct of the truck owner's work being actually carried on by the owner upon the property abutting the street where the truck is parked, and the parking thus allowed shall be limited to the time of the delivery or picking up of goods, or during the period while work is actually being performed. For purposes of this section, a truck is defined as being any motor vehicle, other than a passenger car, designed for and capable of carrying loads in excess of three-quarters ton. The restrictions set forth in this section shall in no way apply to vehicles commonly known as pickup or panel trucks or station wagons.

SEC. 105.4.08 AUTHORITY TO ESTABLISH TEMPORARY PARKING ZONES. The police chief shall have the authority to cause to be placed and maintained emergency or temporary no parking zones for the duration of an emergency or temporary condition as traffic conditions and public safety may require and also to allow for the maintenance of and snow removal on city streets. In exercising this authority the police chief shall cause to be placed such temporary no parking signs so as to clearly designate the temporary no parking zone. Except in an emergency a no parking restriction established under this section shall not be enforced for a minimum of two hours after the temporary signs have been posted.

SEC. 105.4.09 HANDICAPPED PARKING. Parking spaces reserved for vehicles displaying State approved handicapped parking privileges and specially adopted by the city council are as follows:

1. Street parking.
   - (a) First stall on 1st and 2nd Streets SE on west side;
   - (b) First stall on 2nd Street NE on east side;
   - (c) First stall north of the alley on the east side of 1st Street SE between Bremer and 1st Avenue SE.
   - (d) First two stalls on the North sides of 1st Avenue NW West of 9th Street NW.
   - (e) First stall on the East side of 2nd Street SW south of West Bremer Avenue. (Amended by Ordinance 1048-12/11/18)

2. At Churches.

   (a) St. John's Lutheran Church. The first two stalls on the north side of 4th Avenue SW west of the intersection of 3rd Street and 4th Avenue SW; and The first stall west of the drive on the north side of 4th Avenue SW west of the intersection of 3rd Street SW and 4th Avenue SW;

   (b) First Baptist Church. The first stall on the east side of 3rd Street SW south of the intersection of 1st Avenue SW and 3rd Street SW.

   (c) St. Paul's Lutheran Church. The first stall on the east side of 2nd Street NW north of the intersection of 2nd Avenue NW and 2nd Street NW.

3. City owned parking lots.
   a. **Lot 1** – Northeast public parking lot (adjacent to 1st Street Norheast and 1st Avenue Northeast), SE public parking lot (adjacent to 2nd Street SE and 1st Avenue SE), three spaces as signed.

   b. **Lot 2** – North half of block bordered by 2nd Street NE, Bremer Avenue, 1st Avenue NE and 3rd Street NE., five spaces as signed.

c. **Lot 3** – South half of block bordered by 2nd Street SE, Bremer Avenue, 1st Avenue SE, and 3rd Street SE., four spaces as signed.

d. **Lot 4** – Northeast corner of the block bordered by 1st Street NW, Bremer Avenue, 1st Avenue NW, and 2nd Street NW, two spots as signed.

e. **Lot 5** – Veterans Memorial Public Parking, including parking spaces on city parcels on each side of the alley between 4th Street SW and 5th Street SW in the first block south of Bremer Avenue. NO SIGNS

f. **Lot 6** – 1st Street SE public parking lot (adjacent to 1st Street SE and between 1st Avenue SE and 2nd Avenue SE), three spaces as signed.

g. **Lot 7** – Law Center Public Parking lot, two spaces as signed.

h. **Lot 8** – Civic Center Public Parking Lot – includes three parking stalls, two to the south and one to the north of the east building entrance.

i. Swimming Pool/Kids Kingdom parking lot – three spaces as signed.

j. Golf Course parking lot, four spaces as signed.

k. Brookwood Park public parking lot one space as signed.

l. Waverly Dog Park public parking lot one space as signed.

m. Recycling Center public parking lot one space as signed.

n. Public Services public parking lot two spaces as signed.

These spaces shall be marked with signs designating their use for handicapped parking only as per the Uniform Traffic Code. Persons using these restricted parking spaces shall have displayed on their vehicle a handicapped identification as issued by the Iowa Department of Transportation. Persons other than handicapped using these spaces shall be in violation of this code section.
(Amended by Ordinance 1048-12/11/18)

SEC. 105.4.10 ADDITIONAL PARKING RESTRICTIONS. Particular parking restrictions specially adopted by the city council are as follows: (Amended subsection 59 by Ordinance 1140 and Published 03/19/2024)

1. <u>One a.m. to six am.</u> All parking is prohibited on the following streets and avenues between the hours of one a.m. and six a.m.:

   a. <u>Bremer Avenue</u> from 5th Street East to the Canadian National Illinois Central Railroad crossing on West Bremer Avenue.

   b. <u>10th Street SW</u>, between Bremer Avenue and 2nd Avenue SW.

   c. <u>5th Street SW</u> On the west side between Bremer Avenue and 1st Avenue SW.

d. 3rd Street SW One the west side between Bremer Avenue and 1st Avenue SW.

e. 2nd Street SW between Bremer Avenue and 1st Avenue SW.

f. 1st Street SW between Bremer Avenue and 2nd Avenue SW.

g. 1st Street NW between Bremer Avenue and 6th Avenue NW.

h. 1st Street East between 1st Avenue NE and 1st Avenue SE.

i. 2nd Street East between 1st Avenue NE and 1st Avenue SE.

j. 3rd Street East between 1st Avenue NE and 1st Avenue SE.

k. 4th Street NW between Bremer Avenue and 1st Avenue NE.

l. 1st Avenue NE between 1st Street NE and 3rd Street NE.

m. 1st Avenue SE between 1st Street SE and 4th Street SE.

2. 1st Avenue NE – 30 minute parking on the south side of 1st Avenue NE, 69½ feet east of the intersection of 1st Avenue and 4th Street NE and ending 109½ feet east of said intersection 4 spaces as signed.

3. 1st Avenue NE Parking on the south side from 3rd Street NE to the Law Center parking lot driveway is restricted to law enforcement vehicles only. (Ordinance 1048-12/11/18)

4. 2nd Avenue SW It is unlawful to park any vehicle on 2nd Avenue SW between 10th Street SW and the Illinois Central Railroad tracks; and on the south side of 2nd Avenue SW between 8th Street SW and 10th Street SW.

5. 2nd Street SE It is unlawful to park any vehicle on the west side of 2nd Street SE from 1st Avenue SE north to the alley which runs east and west between 1st Street SE and 2nd Street SE, for a period of more than ten minutes, between the hours of 8:00 a.m. and 6:00 p.m., Mondays through Saturdays.

6. 2nd Street SE It is unlawful to park any vehicle on the east side of Second Street S.E. from the intersection of First Avenue S.E. north to alley which runs east and west between Second Street S.E. and Third Street S.E., for a period of more than ten minutes between the hours of 8:00 a.m. and 6:00 p.m., Mondays through Saturdays.

7. Unless otherwise provided in this Code, all parking on city streets, where allowed, shall be parallel parking. Angle parking is authorized, and parallel parking is prohibited at the following locations:

   a. 1st Avenue NE. On the south side of 1st Avenue NE starting at approximately 58 feet from 2nd Street NE and continuing to 3rd Street NE
   b. 1st Avenue NE. On the north side of 1st Avenue NE from 3rd Street NE to a point 137 feet east of 3rd Street NE.
   c. 1st Avenue NE. On the south side of 1st Avenue NE between 4th and 5th Street NE.

d. 1st Avenue NE. On the north side of 1st Avenue NE from 3rd Street NE to a point 137 feet east of 3rd Street NE.
e. 1st Avenue SE. On the north side of 1st Avenue SE between 2nd and 3rd Street SE.
f. 2nd Street NE On the east side of 2nd Street NE between 1st Avenue NE and alley to north.
g. 2nd Street NW. On the east side of 2nd Street NW between 1st Avenue and 2nd Avenue NW.
h. 3rd Street NW. Northbound on 3rd Street NW from West Bremer Avenue to 1st Avenue NW angle parking is authorized. (Amended by Ordinance 1048 – 12/11/18)
i. 3rd Avenue NW. On the north and south side of 3rd Avenue NW between 15th Street and 16th Street NW.
j. 3rd Avenue NW. On the south side of 3rd Avenue NW between 1st Street NW and alley.
k. 3rd Street NE. On the east side of 3rd Street NE between 1st Avenue NE and alley to north.
l. 5th Street NE. On the west side of 5th Street NE between Bremer Avenue and 1st Avenue NE.
m. 4th Avenue SW. On the north and south side of 4th Avenue SW between 3rd Street SW and 4th Street SW.
n. 5th Aveue SW. On the south side of 5th Avenue SW from 7th Street SW to 8th Street SW.
o. 9th Street SW. On the east and west side of 9th Street SW between Bremer Avenue and alley.
p. 11th Street NW. Angle parking is authorized and parallel is prohibited at the following locations: On the east side of 11th Street NW between West Bremer Avenue and the alley and from the alley to 1st Avenue NW. Parallel parking on the West side of 11th Street NW is prohibited. (Ordinance 976 02-17-14) To establish two-way direction traffic regulations for the alley within the 100 block of 11th Street NW. (Ordinance 989 11-24-14)
q. 15th Street NW. On the east side of 15th Street NW and 166 feet north of West Bremer Avenue.

8. 4th Street SW It is unlawful to park any vehicle on either side of 4th Street SW (Highway 218) between Bremer Avenue West and 29th Avenue SW

9. 5th Avenue NW. It shall be unlawful to park or leave unattended any vehicle on:
a. The north side of 5th Avenue NW between 12th Street NW and the Cedar Valley Railroad tracks.
b. The south side of 5th Avenue NW between the intersection of 12th Street NW and a point 121 feet west of the centerline of 13th Street NW.
c. The north side of 5th Avenue NW between 8th Street NW and 12th Street NW with the exception that vehicles may be parked on the north side of 5th Avenue NW for a period not to exceed twenty minutes between 9th Street NW and 11th Street NW (as vacated and transferred to Wartburg College) in the areas marked and designated as “loading zones.”
d. The south side of 5th Avenue NW between 8th Street NW and 12th Street NW.

10. 5th Street NW It shall be unlawful to park or leave unattended any vehicle on:
a. The west side of 5th Street NW from Bremer Avenue to 7th Avenue NW.
b. The west side of 5th Street NW, between 7th Avenue NW and a point located three hundred fifty feet north of the center of the intersection of 5th Street NW and 7th Avenue NW.
c. The east side of 5th Street NW from West Bremer Avenue to the alley located on Block 48, Harmon and Levalley's addition to Waverly, Iowa.

11. 6th Street SW It is unlawful to park any vehicle upon the east side of 6th Street SW between Bremer Avenue and 1st Avenue SW It is also unlawful to park any vehicle on the west side of 6th Street SW between Bremer Avenue and a point one hundred fifty feet south of Bremer Avenue.

12. 8th Street NE It is unlawful to park any vehicle on:
a. The west side of 8th Street NE between East Bremer Avenue and 2nd Avenue NE.
b. The east side of 8th Street NE.

13. 8th Street NW It is unlawful to park any vehicle on the east side of 8th Street NW between 4th Avenue NW and 5th Avenue NW.

14. 8th Street SW It is unlawful to park any vehicle within five (5) feet of either side of the alley curb on the west side of 8th Street SW, and the east side of 8th Street SW, between the two driveway curb cuts, which lie directly across from the alley located on the west side of 8th Street SW.

15. 12th Street NW It is unlawful to park any vehicle on:
a. The west side of12th Street NW from Bremer Avenue to 7th Avenue NW; and from the south side Gateway Blvd. sidewalk that connects with pedestrian ramps on both sides of 12th Street NW north to the city limits.
b. It shall be unlawful to park any vehicle on the east side of 12th Street NW from the Illinois Central Railroad tracks to 7th Avenue NW; and from the south side Gateway Blvd sidewalk that connects with pedestrian ramps on both sides of 12th Street NW north to the city limits.
c. It is unlawful to park any vehicle on either side of 12th Street NW between Bremer Avenue and 1st Avenue NW.
d. It shall be unlawful to park any vehicle on the east of 12th Street NW between Wilson Avenue and 5th Avenue NW; and south of Wilson Avenue 265 feet.

16. Cedar Lane. It is unlawful to park any vehicle on Cedar Lane from 2nd Avenue NE north to Horton Rd, except in designated parking areas.

17. High School Area.
A. It shall be unlawful to park or leave unattended any vehicle on the following streets for a period of more than two hours between the hours of 8:00 A. M. and 4:00 P. M., Monday through Friday while school is in session: Fourth Avenue SW.
B. It shall be unlawful to park or leave unattended any vehicle on the following streets:
   a. On the east side of Sunset Street between 2nd Avenue SW and 4th Avenue SW.
   b. On the west side of Iowa Street between 2nd Avenue SW and 4th Avenue SW.
   c. On the north side of 3rd Avenue SW between Sunset Street and Iowa Street.

18. Business Highway 218. It shall be unlawful to park any vehicle on either side Business of Highway 218 commencing at the West City limits and continuing along Highway 218 to the intersection with Bremer Avenue.

19. 20th Street NW. No parking shall be allowed on 20th Street NW between 3rd Avenue NW and Bremer Avenue.

20. Municipal Parking Lots. It shall be unlawful to park any vehicle in the following designated municipal parking lots in violation of the following restrictions. A twenty-four-hour parking limitation shall apply in the following municipal lots except those spaces defined as Reserve Parking. (Ordinance 997 – Published on 6/30/15)

    a. **Lot 1** – NW quarter of block bordered by 1st Street NE and 1st Avenue NE.

    b. **Lot 2** – North half of block bordered by 2nd Street NE, Bremer Avenue, 1st Avenue NE, and 3rd Street NE.

    c. **Lot 3** – South one-half of block bordered by 2nd Street SE, Bremer Avenue, 1st Avenue SE, and 3rd Street SE.

    d. **Lot 4** – Northeast corner of the block bordered by 1st Street NW, Bremer Avenue 1st Avenue NW, and 2nd Street NW.

    e. **Lot 5** – Veterans Memorial Public Parking, including parking spaces on city parcels on each side of the alley between 4th Street SW and 5th Street SW in the first block south of Bremer Avenue. This parking area shall permit Overnight Parking.

    f. **Lot 6** – 1st Street SE public parking lot (adjacent to 1st Street SE and between 1st Avenue SE and 2nd Avenue SE).

    g. **Lot 7** – Law Center Public Parking Lot. This parking lost be Twenty-Four Hour Parking.

    h. **Lot 8** – Civic Center Parking Lots. No overnight parking.

    i. **Other** – All parking lots at city parks and facilities, including the Dog Park and Golf Course parking lots. No overnight parking.

21. Reserve Parking.
The west four spaces of the south sub-lot, the west four non-handicapped spaces of the central sub-lot, and the west four spaces of the north sub-lot of the City Parking Lot in the northwest quarter of the block bounded by 1st Street NE, 1st Avenue NE, 3rd Street NE, and Bremer Avenue are hereby established as Big 6 Development Reserve Parking and parking is restricted except to those residents of the Big 6 Development and requires a permit. Spaces designated as Reserved Parking in Lots #1-3 of Municipal Parking Lots Section 105.4.10.40 are also restricted to those residents who have been issued an annual Reserve Parking Permit from the City of Waverly City Clerk's Office. Reserved parking spaces shall be designated through the use of City owned and maintained signage. Residents residing in the Big 6 Redevelopment Project will be assigned parking spaces and permits with corresponding identification. Said residents and businesses will be issued a parking permit in exchange for

an annual fee of $50.00 payable to the City of Waverly at the City Clerk's office on or before January 1 of each year. In the event of a new occupant, at an aforesaid location, the permit is transferrable, and issues of unused monetary portion will be decided between the parties. The new occupant must supply the City Clerk's office new contact information through filling out a permit application. The City of Waverly will reissue a replacement permit due to it being lost or stolen at the cost of $25.00. Beginning the date of passage of this ordinance, Council may change the annual fee and replacement fee through a resolution.

22. Near Certain Intersections. It is unlawful to park any motor vehicle within thirty-five feet of any intersection of 4th Street SW (Highway 218) and 1st Avenue SW through 8th Street SW, and within any intersection of Bremer Avenue (Highway 3) and all streets intersecting therewith from the Illinois Central railroad tracks to the east city limits. The thirty-five foot limitation set forth shall commence at the back sidewalk line of each intersecting street.

23. Snow Routes. The following public streets within the City of Waverly are hereby designated official snow routes, and shall be so identified by signs conforming to Iowa State Department of Transportation guidelines:

a. 12th Street NW from Bremer Avenue to North Corporate Limits.

b. Ridgewood Boulevard from 12th Street NW to Cedar River Drive

c. Cedar River Drive from Ridgewood Boulevard to 7th Avenue NW

d. 7th Avenue NW from 12th Street NW to 5th Street NW

e. 5th Street NW from 7th Avenue NW to 5th Avenue NW

f. 5th Avenue NW from Business 218 to 1st Street NW

g. 20th Street NW from Business 218 to 5th Avenue NW

h. Business 218 from Bremer Avenue out to West City Limits (including ramp)

i. 1st Street NW from Bremer Avenue to Adams Parkway

j. Adams Parkway/Horton Road from 1st Street NW to North Corporate Limits

k. 3rd Street NE from 2nd Avenue NE to Bremer Avenue

l. Bremer Avenue from Illinois Central Railroad tracks to 8th Street NE;

m. 8th Street NE from Bremer Avenue to 2nd Avenue NE;

n. 2nd Avenue NE from 3rd Street NE to Bremer Road; Bremer Road to East City Limits

o. 16th Street SW from Bremer Avenue to 10th Avenue SW

p. 10th Avenue SW from Hwy 3 to 4th Street SW

q. Cedar River Parkway from 4th Street SW to Hwy 3

r. 2nd Avenue SW from 16th Street SW to 1st Street SW

s. 10th Street SW from Bremer Avenue to 2nd Avenue SW

t. 4th Street SW from Bremer Avenue to 8th Avenue SW

u. 1st Street SW from Bremer Avenue to 8th Avenue SW

v. 8th Avenue SW from 4th Street SW to 1st Street SE

w. 1st Street SE from 8th Avenue SE to Cedar River Parkway

x. 8th Street SW from 2nd Avenue SW to 5th Avenue SW

y. 7th Avenue SE from 1st Street SW to 4th Street SE

z. 4th Street SE from 7th Avenue SE to Crestwood Avenue

aa. 15th Street NW from West Bremer Avenue to 3rd Avenue NW

bb. 3rd Avenue NW from 15th Street NW to 24th Street NW

cc. 24th Street NW between Business 218 and West Bremer Avenue

dd. West Bremer Avenue from 24th Street NW to Business 218

A snow removal emergency shall be deemed to exist after an accumulation of any amount of snow on city streets, or after declaration of a snow removal emergency by the public works director, through a public radio announcement. Said emergency shall be deemed to continue for a period of twenty-four hours thereafter unless such period of time shall be shortened or extended by declaration of the public works director. The public works director may declare a snow emergency in accordance with the above prior to snow fall occurring if based on weather predictions and existing snow conditions such declaration is warranted to ensure the clear use of snow routes during the next twenty-four hour period through a public radio announcement. It shall be unlawful for any person to park or leave unattended or unoccupied any vehicle upon a designated snow route within the City of Waverly during the existence of a snow removal emergency. The parking restrictions shall be inapplicable to vehicles parked upon a street within a city block in any designated snow route that has been cleared of snow from curb to curb, for the entire length of the block. Any vehicle parked or left unattended upon a designated snow route in violation of this section may be towed or removed at its owner's expense through police authorization and the owner of any vehicle parked or left unattended in violation of this section shall be subject to fine for illegal parking.

24. 2nd Avenue NE It shall be unlawful to park or leave unattended any vehicle on the north side of 2nd Avenue NE from 1st Street NE to 8th Street NE

25. 16th Street SW. It shall be unlawful to park or leave unattended any vehicle for more than two hours during school hours on the east side of 16th Street SW from 4th Avenue SW to Leitha Terrace.

26. Centennial Oaks Golf Club Addition–prohibit parking on:
    a. East side of 3rd Street SW from Oak Ridge Circle south to 29th Ave. SW;
    b. The west side of 3rd Street SW starting 260 feet north of Eagle Ridge Drive thence south to 29th Ave. SW;
    c. The south side of Eagle Ridge Drive from 3rd Street SW to 8th Street SE;
    d. The north side of Eagle Ridge Drive from 3rd Street SW to a point 736 feet west and south of Mulligan Circle.
    e. The west and north sides of August Lane.
    f. The north side of St. Andrews Place.

27. Parkview Estates – prohibit parking on:
    a. East side of Park 26th Street from Park 2nd Avenue to Park 3rd Avenue;
    b. North Side of Park 2nd Avenue from 24th Street NW to a point 171 feet west of Park 26th Street.

28. 29th Avenue SW. Prohibit parking on the North and south side of 29th Avenue SW from 4th Street SW to 11th Street SE.

29. Oak Ridge Circle. Prohibit parking on the North and south side of Oak Ridge Circle from 4th Street SW to 3rd Street SW.

30. 8th Street SW. Prohibit parking on the west side of 8th Street SW from 2nd Avenue SW to 5th Avenue SW.

31. Waverly Business Park. Prohibit parking on Technology Place, 8th Street SW and 16th Avenue SW.

32. Copper Terrace Third Addition. Prohibit parking on:
    a. The west and north sides of Copper Terrace.
    b. The west side of Platinum Place.

33. Rolling Hills Addition – Prohibit parking on:
    a. North side of Viola Drive
    b. North side of Monaghan Drive
    c. West side of Terrace Drive

34. Jadestone Subdivision – Prohibit parking on:
    a. South side of Dalton Drive
    b. North side of Shepherd Avenue
    c. West side of Frank Street
    d. East side of Charlene Street
    e. East side of 13th Street NW from Dalton Drive to Park Avenue NW

35. 1st Street SE. Prohibit parking on the West side of 1st Street SE between the driveways of 910 and 914 1st Street SE.

36. High Point First Addition – Prohibit parking on:
    a. north side of 2nd Avenue NE from 12th Street NE to Bremer Road
    b. west side of 12th Street NE from 1st Avenue NE northward to end of street
    c. north side of Gavin Drive from 12th Street NE to Carson Circle
    d. east and south sides of Gavin Drive north of Carson Circle
    e. east side of Carson Circle

37. Impala Subdivision – Prohibit parking on:
    a. south side of Bel Air Drive
    b. east side of Riviera Place
    c. north side of Catalina Avenue
    d. west side of Camaro Drive
    e. west side of Chevelle Lane

38. Prairie Park First Addition: Prohibit parking on:
    a. North side of Tumbleweed Trail
    b. West side of Evans Street
    c. West side of Thistle Lane
    d. West side of Wild Rose Lane
    e. West side of Prairie Drive
    f. West side of Clover Lane

39. Wartburg College Area: Prohibit parking on:
    a. North side of 1st Avenue NW from 90 feet west to 90 feet east of the Wartburg Boulevard raised median (west and east extensions)
    b. South side of 1st Avenue NW from 12th Street NW 90 feet east of the Wartburg Boulevard raised median (east extension)
    c. West side of 7th Street NW from 2nd Avenue NW to 4th Avenue NW, excluding designated off-street parking
    d. West side of Wartburg Boulevard from Bremer Avenue to 2nd Avenue NW
    e. West side of Wartburg Boulevard from Bremer Avenue to 90 feet north of the Wartburg Boulevard raised median (north extension)

40. Stone Haven Addition Plat IV – Prohibit Parking on:
    a. inside alignment of Flintstone Drive from 16th Avenue SW to 1st Street SE
    b. northwest side of Rubble Road
    c. north side of 16th Avenue SW from 3rd Street SW to 1st Street SE

41. 39th Street SE – Prohibit Parking on:
    a. Both sides of 39th Street SE from East Bremer Avenue south to City limits
    b. Both sides of 39th Street NE from Bremer Avenue north to City Limits.

42. 2nd Street SE – Prohibit parking on the east side of 2nd Street SE from 1st Avenue SE north to alley.

43. 3rd Street SE – Prohibit parking on the west side of 3rd Street SE from 1st Avenue SE north to alley.

44. Wilson Avenue – Prohibit parking on both sides of Wilson Avenue to 160 feet west of 12th Street NW.

45. 3rd Street NW: 3rd Street NW from 100 feet north of the West Bremer Avenue centerline to 1st Avenue NW, shall be a northbound one-way street.

46. Eisenach Village – Prohibit parking on:
a. The north and west sides of Knight Avenue;
b. The south side of Knight Avenue from 20th Street NW east for 150 feet;
c. The south and east sides of Bach Drive;
d. The north side of Martin Avenue.

47. Anna Estates – Prohibit parking on:
a. The west side of Knight Avenue from Eisenach Village to Park Avenue;
b. The east side of Bany Avenue;
c. The north side of Bartels Avenue.

48. Iowa Highway 3 (Bremer Avenue)

a. On primary highways at signalized intersections, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic-control signal and a distance of 20 feet beyond the far sidewalk. At non-signalized intersections, parking will be prohibited 55 feet in advance of the near sidewalk and 22 feet beyond the far sidewalk.

b. On minor side streets controlled with stop signs, with two through lanes and two parking lanes (parallel or diagonal), parking will be prohibited a distance of 35 feet in advance of the near sidewalk or stop sign and a distance of 35 feet beyond the far sidewalk. On minor side streets controlled with stop signs, with four through lanes and two parallel or diagonal parking lanes, parking will be prohibited a distance of 35 feet in advance of the near sidewalk or stop sign and a distance of 20 feet beyond the far sidewalk.

c. On minor side streets with traffic control signals, with two through lanes and two parallel parking lanes, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic signal and a distance of 35 feet beyond the far sidewalk. On minor side streets with four through lanes and parallel or diagonal parking lanes, parking will be prohibited a distance of 20 feet in advance of the near sidewalk or traffic signal and a distance of 20 feet beyond the far sidewalk.

49. Cedar River Parkway/10th Avenue SW – Prohibit parking on both sides of the arterial road at any time from Heritage Way to IA Hwy 3 East.

50. Omni Development Second Addition/Stone Haven IV – No parking on the West side of 1st Street SE from Flintstone Dr. to the Cedar River Parkway.

51. Whitetail Bluff – Prohibit parking on:
a. The south side of Deerfield Circle;
b. The east side of Fawn Hollow;
c. The north side of Red Fox Trail.

52. 2nd Avenue Place (SW) – No parking on the south side of 2nd Avenue Place from 10th Street SW to the end of the street.

53. 13th Avenue SW
    a. No parking on any side of 13th Avenue SW, west of 4th Street SW.
    b. No parking on the south side of 13th Avenue SW from 4th Street SW to 3rd Street SW.
    c. No parking on the north side of 13th Avenue SW from 200 feet west of 3rd Street SW to 4th Street SW.

54. Jensen Addition – No parking on either side of 30th Street NW from 5th Avenue NW to end of street.

55. Northridge Parkway – No parking on either side of 30th Street NW from 5th Avenue NW to end of street.

56. Crestwood Avenue – No parking on either side of Crestwood Avenue from 4th Street SE to 8th Street SE.

57. 8th Street SE – No parking on either side of 8th Street SE from Crestwood Avenue to 17th Avenue SE, except that part of the west side of 8th Street SE between Cedar River Parkway and a point 450 feet northerly thereof that have improved, designated parking areas.

58. 4th Avenue NW – No parking on the north side of 4th Avenue NW from 7th Street NW to 8th Street NW.

59. 6th Avenue NW – No parking on the north side of 6th Avenue NW from the East line of 7th Street NW to the West line of 6th Street NW. (Amended by Ordinance 1143 and Published 06/04/2024)

60. West Bremer Avenue – No parking on the north side of West Bremer Avenue from 21st Street NW to 23rd Street NW. (Ordinance 1150, Third Reading Passed 07/15/24; Published 07/23/24)

61. Restricted Parking – Except as otherwise provided in this Ordinance, unrestricted parking is allowed in a municipal lot except as specifically restricted by council resolution. The City shall post a sign indicating restricted spaces within municipal lots as designated by council resolution. (Ordinance 1155, Third Reading Passed 10/21/24; Published 10/29/24)

62. Stone Meadows Subdivision –
    Stone Lane: No parking on the west side of Stone Lane from Cedar River Parkway south 900'. No parking on the east side of Stone Lane from Cedar River Parkway to Riverbend Road.

    Riverbend Road: No parking on the north side of Riverbend Road.

    Rock Ridge Road: No parking on the east side of Rock Ridge Road. No parking on the west side from Cedar River Parkway to Riverbend Road.
    (Ordinance 1181, Third Reading Passed 08/17/26; Published 08/25/64)

SEC. 105.4.11 ILLEGAL PARKING FINES

A. A fine of $20.00 shall be issued by the Waverly Police Department for illegal parking within the City of Waverly, Iowa. This fine shall apply to all illegal parking activities within the City of

Waverly, Iowa, except for improper use of a persons with disabilities parking space or permit and those illegal parking activities for which a conflicting fine is specifically provided for by the Code of Iowa. A fine for improper use of a persons with disabilities parking space; or improper use of a persons with disabilities parking permit shall be $100.00.

These fines may be charged and collected upon a simple notice of fine in the form of a parking ticket payable to the Waverly Police Department Clerk at the Bremer-Waverly Law Enforcement Center.

The $20.00 fine shall increase to $25.00 if the parking violation is not paid within 30 days of the date upon which the violation occurred.

All fines collected by the City pursuant to the above paragraphs shall be retained by the City.

B. The fine established herein shall be effective June 1, 2025.

C. In any proceedings for violation of the parking provisions of this ordinance, the registered owner or title owner involved in said violations shall constitute in evidence a prima facie presumption that the owner of such vehicle, as defined by State of IA 321.1.90, was the person who parked or placed such vehicle at the point where such violation occurred.

D. A parking ticket issued under paragraph A of this section shall contain the following statement: “Failure to pay parking fines owed by you can be grounds for refusing to renew your motor vehicles registration.”

E. Notwithstanding this Ordinance violation of this Section may be prosecuted under the provisions of Iowa Code Sections 805.7 to 805.13 or as any other traffic violation.

Section 105.5 Miscellaneous Traffic Offenses

SEC. 105.5.01 THROUGH TRUCK TRAFFIC PROHIBITED.

1. Through truck traffic is prohibited on the following described streets:
   (a) Third Avenue NW from 15th Street west to U.S. Highway 218.
   (b) Third Avenue NW from 21st Street NW to 24th Street NW.
   (c) Twenty-fourth Street NW from 3rd Avenue NW to U.S. Highway 218.

2. For purposes of this section trucks shall be defined as any freight carrying vehicle with a license for a gross weight of six tons or more.

3. Any trucks which have a destination within the above described limits and all street maintenance trucks are expressly excepted from the provisions of this section. It being the purpose of this section to prohibit passage of trucks over the street as a means of reaching a destination other than one situated within the above described limits.

4. These streets shall be adequately signed to indicate the above restrictions as per the Uniform Traffic Code.

SEC. 105.5.02 MEETING AND TURNING TO RIGHT. Persons on horseback or in vehicles, including motor vehicles, meeting each other on public streets shall give one-half of the traveled way thereof by turning to the right.

SEC. 105.5.03 STOPPING VEHICLE ON SIGNAL BY OFFICER. Operators of vehicles upon the streets of the city shall, upon signal of the traffic or police officer, immediately drive the same to the nearest curb or to the side of the street and bring the same to stop, there to await the communications, orders or directions of such officer. The fact, if established, that the operator had committed no offense for which he was subject to arrest shall not constitute a defense to a prosecution under this section.

SEC. 105.5.04 ENTERING FROM PRIVATE DRIVEWAY. The driver of a vehicle about to enter or cross a street from a private road, driveway or building shall yield the right-of-way to all vehicles approaching on the street.

SEC. 105.5.05 U-TURNS. It is unlawful for any person operating a motor vehicle to make U-turns at the following street intersections of the city: West Bremer Avenue and First Street West; West Bremer Avenue and Fourth Street West; East Bremer Avenue and First Street East; East Bremer Avenue and Second Street East; East Bremer Avenue and Third Street East; First Avenue SE and First Street SE; West Bremer Avenue and Twelfth Street West and East Bremer Avenue and Fourth Street East.

SEC. 105.5.06 CAUSING EXCESSIVE NOISE. It is unlawful for any person in operating a motor vehicle within the city to so accelerate or decelerate the vehicle in such a matter as to cause excessive noise by the friction of the tires of the vehicle on a city street or other pavement except when such acceleration or deceleration is reasonably necessary to avoid a collision.

SEC. 105.5.07 REMOVING DANGER SIGNALS. Any person who removes, throws down, destroys or carries away from any street, alley or public place any lamp, lantern, flare or other light, barricade or danger signal, within the city, erected and placed therein for the purpose of guarding or enclosing unsafe or dangerous places or giving warning or notice thereof, is guilty of a misdemeanor.

SEC. 105.5.08 AVOIDING BARRICADES. Any person who drives a vehicle around, through, avoids or in any other way ignores any barricade or warning in any street, alley or public place within the city, erected and placed therein for the purpose of construction, or placed therein by the order of the police chief, is guilty of a misdemeanor.

SEC. 105.5.09 SAFETY STANDARDS. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway or street any vehicle or combination of vehicles which is in unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper conditions and adjustment as required in the Code of Iowa, or in this chapter, or which is equipped in any one or more unsafe tires or which is equipped in any manner in violation of the Code of Iowa or this chapter of the Waverly City Code.

SEC. 105.5.10 GOLF CARTS. The purpose of this section is to permit the operation of golf carts on streets in the city as authorized by Section 321.247 of the Code of Iowa, as amended. This section applies whenever a golf cart is operated on any street under the following conditions:

1. “Golf cart” means a three or four wheeled recreational vehicle generally used for the transportation of persons in the sport of golf on a golf course. Golf cart does not include an all-terrain vehicle (ATV) or other similarly designed and operated vehicles.

2. Any person operating a golf cart upon any city street must be 16 (sixteen) years of age or older and have in his or her possession a valid motor vehicle driver’s license.

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

4. Golf carts shall not be operated upon any city street which is a primary road extension through the city but shall be allowed to cross the city street which is a primary road extension through the city.

5. Golf carts shall not be allowed to operate on public sidewalks, bike paths, multi-purpose trails, or upon public green spaces such as parks, except under conditions set forth in a special events permit.

6. Golf carts operated upon any street shall be equipped with a slow-moving vehicle sign and a bicycle safety flag and shall have adequate brakes.

7. Golf carts shall be driven as close as practical to the right-hand edge of any street, except when executing a left turn.

8. Golf carts shall yield the right-of-way to other motor vehicles and pedestrians at all uncontrolled intersections regardless of the dictates of Section 321.319 of the Code of Iowa.

9. Golf carts shall be operated on city streets only from sunrise to sunset, regardless of whether the golf cart is equipped with lights.

10. The number of riders on a golf cart shall not exceed the number of occupants for which the golf cart is designed, and all riders must be seated on a seat designed for that purpose and seats shall not be overcrowded.

11. No person shall ride on, and no operator shall allow a person to ride on, a golf cart or on any portion thereof, not designed or intended for the conveyance of passengers.

12. No person shall operate a golf cart on a city street while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more. (Iowa Code Section 321J.2)

13. No person shall operate a golf cart upon a public street or highway while in possession of an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. (Iowa Code Section 321.284)

14. An operator of a golf cart on a city street shall maintain proof of financial responsibility as required by Iowa Code Section 321A.1(11)

15. A person who violates subsections (1) through (11) of this section is guilty of a simple misdemeanor punishable as a non-scheduled violation under Iowa Code.
(Repealed and Replaced by Ordinance 1115 – Published on 12/27/2022)

SEC. 105.5.12 No person shall ride or use a skateboard, coaster, roller skates, roller blades or similar devices on a street, alley or public property except at designated crosswalks while crossing the street in the area bounded by First Avenue North, First Avenue South, Fifth Street East and Sixth Street West and shall include the named streets, alleys and public property, within the described area. No person shall ride, use or operate a skate board, coaster, or roller skates, roller blades, or similar device on any sidewalk on Bremer Avenue from First Street East to Fourth Street East.

Section 105.6 Load Limits

SEC. 105.6.01 CERTAIN VEHICLES PROHIBITED ON STREETS. No person, firm or corporation shall move or cause to be moved any traction engine, automobile truck or other heavy vehicle or conveyance of any machinery so constructed that the wheels thereof cut, tear or otherwise injure any bridge, street or pavement, without first using planks to protect the pavement, bridge or street from any injury whatsoever.

SEC. 105.6.02 DRAGS PROHIBITED ON STREETS. No person, firm or corporation shall drag or cause to be dragged anything that will cut, injure or destroy the pavement on any street of the city.

SEC. 105.6.03 MAKING RUTS IN PAVEMENT. No person, firm or corporation or agent thereof, or driver of any heavily loaded vehicle or wagon, belonging to any such person, firm or corporation, shall follow a certain path with one wheel of such vehicle along the curb or gutter of any paved street so that such vehicle may cut the pavement by reason of repeatedly following such path and cause or make a cut or rut in the pavement.

SEC. 105.6.04 STREET EMBARGO--AUTHORIZED. The public works director is authorized, upon approval of the city council, to embargo certain streets and alleys within the city limits.

SEC. 105.6.05 STREET EMBARGO--LOAD LIMIT COMPLIANCE REQUIRED. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time.

Section 105.7 School Zones Designated

SEC. 105.7.01 SCHOOL ZONE NO. 1 DESCRIBED. **W/SR High School/Middle School.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 1:

> Starting at the center point of the intersection of 11th Street SW and 4th Avenue SW, thence running west to the center point of 16th Street SW to Leitha Terrace and running north along 16th Street to 2nd Avenue SW.

SEC. 105.7.02 SCHOOL ZONE NO. 2 DESCRIBED. **Prairie West Elementary**. The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 2:

> Starting 300 feet east of the intersection of 30th Street NW and 5th Avenue NW / Business 218, thence west to a point 300 feet west of the intersection of 30th Street NW and 5th Avenue NW / Business 218..

SEC. 105.7.03 SCHOOL ZONE NO. 3 DESCRIBED. **Northridge Elementary.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 3:

> Starting at a point on Horton Rd that is 300 feet south of the intersection of Horton Rd and Northridge Parkway, thence north to a point on Horton Rd that is 300 feet north of the intersection of Horton Rd and Northridge Parkway.

SEC. 105.7.04 SCHOOL ZONE NO. 4 DESCRIBED. **Southeast Elementary**. The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 4:

> Starting at the center point of the intersection of 3rd Street SE and 7th Avenue SE, thence running east to 4th Street SE, then running south to the center point of 4th Street SE and Crestwood.

SEC. 105.7.05 SCHOOL ZONE NO. 5 DESCRIBED. **Margaretta Carey Elementary.** The area embraced in the following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 5:

> Starting at the center point of the intersection of 4th Street NW and 9th Avenue NW, thence running east to the center point of 2nd Street NW and 9th Avenue NW.

SEC. 105.7.06 SCHOOL ZONE NO. 6 DESCRIBED. **West Cedar Elementary.** The area embraced in the, following described real estate is a school zone within the city and shall hereafter be designated as school zone No. 6:

> Starting at the center point of the intersection of West Bremer Avenue and 15th Street NW, thence running north to the center point of 3rd Avenue NW, thence running west to the center point of 17th Street NW.

SEC. 105.7.07 VEHICLE OPERATION. Every person, firm or corporation driving a motor vehicle shall bring their motor vehicle to a complete stop at least thirty-three feet from any movable stop signs that are placed upon or near the boundary lines of the school zones.

Section 105.8 Bicycles

SEC. 105.8.01 DEFINITIONS

For purposes of this chapter, the following terms are defined:

1. "Bicycle" means either of the following:

a. A device having up to four wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.
b. A device having up to three wheels with a saddle or seat for the rider, fully operable pedals, and an electric motor of less than seven hundred fifty watts that meets the requirements of one of the following classes of a low-speed electric bicycle:
    i. "Class 1" means a device equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour or more.
    ii. "Class 2" means a device equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of twenty miles per hour or more.
    iii. "Class 3" means a device equipped with a motor that may be used to provide assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour or more.

SEC. 105.8.02 OBSERVANCE OF TRAFFIC RULES. Bicycle operators have the same rights and duties as the operators of vehicles. All persons operating bicycles upon any street or sidewalk within the city shall observe all traffic rules, including, but not limited to, traffic signs and highway stop signs and shall signal any change of direction or course of travel in the same manner as such signals are required under the law governing the use of motor vehicles upon streets and highways. Bicycle operators shall not weave in and out of traffic.

SEC. 105.8.03 SINGLE-FILE OPERATING. Bicycles shall be operated single file in business districts and upon sidewalks in residential districts, but may be operated not over two abreast elsewhere. Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction shall operate as near to the right-hand side of the traveled portion of the roadway as practicable except under any of the following situations:

A. When two or more lanes are available in the same direction the bicycle shall have full rights to the right-hand lane.
B. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
C. When preparing for a left turn at an intersection or into a private road or driveway.
D. When reasonably necessary for the bicyclist to avoid conditions, including but not limited to, fixed or moving objects, pedestrians, animals, or surface hazards.

SEC. 105.8.0 4 E Q U I P M E N T REQUIRED.

1. Lights - Every bicycle shall be equipped with a lamp on the front exhibiting a white light and a lamp on the rear exhibiting a red light both visible from a distance of three hundred feet the hours of one-half hour before sunset to one-half hour after sunrise; except that a red reflector may be used in lieu of a rear light. A peace officer operating a police bicycle is not required to use either front or rear lamps if duty so requires.
2. Speedometer – A class 3 low-speed electric bicycle shall not be operated unless it is equipped with speedometer that displays its speed in miles per hour.

SEC. 105.8.05 OPERATING ON SIDEWALKS. Bicycles may be operated upon the sidewalks in the residential district and the business district.

SEC. 105.8.06 RIGHTS OF PEDESTRIANS. Pedestrians upon sidewalks shall have the right-of-way at all times over persons using or operating bicycles upon any sidewalks not herein prohibited, and any person using or operating a bicycle upon any sidewalk shall turn off the sidewalk at all times when meeting or passing pedestrians.

SEC. 105.8.07 TOWING UNLAWFUL. It is unlawful for any person operating a bicycle to be towed or to tow any other vehicle upon the streets of the city. The exception to this is devices designed to be towed by a bicycle. It is also unlawful for any person operating a bicycle to follow an emergency vehicle at any time.

SEC. 105.8.08 CARRYING EXTRA PASSENGERS. Extra passengers shall not be carried upon a bicycle at any time except upon a suitable device constructed for passengers.

SEC. 105 .8.09 IMPROPER OPERATING FORBIDDEN.

1. It is unlawful for any person operating a bicycle within the city limits to operate in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise riding with disregard for either the operator's safety or the safety of others.
2. A person under the age of sixteen shall not operate a class 3 low-speed electric bicycle. A person under the age of sixteen may ride as a passenger in compliance with 105.8.08.

SEC. 105.8.10 VIOLATION--PENALTY. Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1.24.010 of this code, or and further, any bicycle used in violation of this ordinance may be impounded by the police department for not less than five days for first offense, for ten days for second offense, and for thirty days for the third offense.
(Ordinance 985 – Published on 12/01/14)

Section 105.9 Snowmobiles

SEC. 105.9.01 PURPOSE. The purpose of this chapter is to provide reasonable rules and regulations for the maintenance and operation of snowmobiles and to establish areas where snowmobiles may be used for the safety and general welfare in the city.

SEC. 105.9.02 SNOWMOBILE DEFINED. For use within this chapter the following term is defined as follows: Snowmobile - means any self-propelled vehicle weighing less than 1,000 pounds which utilizes wheels with low pressure tires and is designed to operate on land or ice or is equipped with sled type

runners or skis and with belt type tread or any combination thereof and is designed for travel on snow, land or ice, except any vehicle registered as a motor vehicle under the current Chapter of the Code of Iowa.

SEC. 105.9.003 MANNER OF OPERATION. No person shall operate a snowmobile in the city except as hereafter provided.

(1) Registration. No snowmobile shall be operated in the City unless registered pursuant to state law and unless the identifying number set forth in the registration is displayed on each side of the snowmobile.

(2) Equipment. All snowmobiles shall be equipped with muffling devices, lights and other equipment required by state law or regulation.

(3) Traffic Code. Snowmobile operators shall observe all state and local traffic control regulations and devices. Snowmobiles shall not operate within the city limits at a speed in excess of 15 miles per hour.

(4) Careless Operation. No person shall operate a snowmobile in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(5) Intoxicated. No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(6) Lights. No person shall operate a snowmobile upon a public street without a lighted headlight and tail light.

(7) Unattended. No operator or owner shall leave or allow a snowmobile to remain running or unattended on public property while the motor is running or with keys in the ignition switch.

(8) Flag. No snowmobile shall operate upon public property without displaying a flag in an area not less than 6 x 9 inches of fluorescent orange color on a staff holder to put such flag at least five (5) feet above the ground.

(9) A snowmobile may make a direct crossing from a street or highway provided:

a. The crossing is made at an angle approximately 90° to the direction of the street or highway and at a place where no structure prevents a quick or safe crossing.

b. Snowmobiles must be brought to a complete stop before crossing the shoulder or main traveling way of the street or highway.

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

(10) Hours of Operation Limited. No snowmobiles shall be operated within the city limits of the City of Waverly between the hours of 12:00 midnight and 6:00 am. subject, however, to the following exceptions: during periods of local emergency the mayor may suspend these restrictions, and clubs and social groups of snowmobile operators may obtain permits for the operation of snowmobiles outside these prescribed hours from the police chief by making advance application. The police chief shall have the authority to prescribe the hours of operation of each permit granted.

(11) Thaw Ban. Snowmobiles shall not operate during a publicized thaw ban in areas posted to prohibit such operations.

(12) Deadman Throttle. No snowmobile shall be operated within the city unless equipped with ″deadman″ throttle which when pressure is removed from the accelerator throttle causes the engine to be disengaged from the drive mechanism.

(13) No snowmobile shall operate on private property without express consent of the owner.

(14) Snowmobiles shall not be allowed to operate on city parks, golf course, cemetery or other public property.

(15) Sidewalk or Parking. No snowmobile shall be operated upon the public sidewalk, nor shall they be operated upon 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 ordinance.

SEC. 105.9.04 STREETS. Snowmobiles shall not operate on any street within the city except for the following designated streets which may be used for the sole and exclusive purpose of ingress and egress from the city limits.

(1) Horton Road from Three Rivers Park north to the north city limits.

(2) 20th Street NW from the railroad tracks south to Heritage Way.

(3) Heritage Way from 20th Street NW to the south city limits

(4) 5th Avenue NW from 20th Street NW to the west city limits.

(5) 39th Street NW from 5th Avenue NW north to the city limits.

(5a) 29th Avenue SW from the West City limits east to 4th Street SW (Highway 218), thence north on the west right-of-way only of 4th Street SW to 13th Avenue SW across the highway at 13th Avenue SW to stop at the Super 8 Motel.

(5b) Across 4th Street SW (Highway 218), at the intersection of 29th Avenue SW, thence South on the East right-of-way only of 4th Street SW to the South City Limits.

(6) Subject to valid lease agreements with the property owners, the following route is designated as a snowmobile route within the City of Waverly.

a. Starting on the east side of the intersection of 20th Street NW and the Cedar Valley railroad tracks; SE parallel to the railroad tracks on the east side to Wilson Avenue, west on Wilson Avenue to the west side of the railroad tracks. Thence, SE parallel to the railroad tracks on the west side to Bremer Avenue.

b. No snowmobiles shall operate on this route between the hours of 9:00 p.m. and 6:00 a.m.

(7) Three Rivers Park is hereby designated as a loading site for snowmobiles.

SEC. 105.9.05 ROADWAY PROHIBITED. For purposes of this chapter, no snowmobile may use the paved portion of the roadway except for purposes of crossing the same as provided in Section 105.9.03 (9).

SEC. 105.9.06 STATE CODE COMPLIANCE. Snowmobiles and operators of snowmobiles within the city shall comply with all provisions of Chapter 321G of the current Code of Iowa.

Section 105.10 Off-Road Utility Vehicles

105.10.01 PURPOSE. The purpose of Sections 105.10.01 through 105.10.10 is to establish registration of Off-Road Utility Vehicles (ORVs) for operation on certain streets within the City of Waverly as authorized and pursuant to Section 321.234A and Chapter 321I of the Code of Iowa, 2011 as amended.

105.10.02 DEFINITIONS. Off-road utility vehicle (ORV) means a motorized vehicle with not less than four and not more than eight nonhighway 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:

"Off-road utility vehicle - type 1" means an off-road utility vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
"Off-road utility vehicle - type 2" means an off-road utility vehicle, other than a type 1 off-road utility vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
"Off-road utility vehicle - type 3" means an off-road utility vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.

105.10.03 GENERAL REGULATIONS. No person shall operate an Off-Road Utility Vehicle (ORV) within the City limits of the City of Waverly, Iowa in violation of the provisions of Chapter 321I of the Code of Iowa or rules enacted by the Iowa Department of Natural Resources governing the registration, numbering, equipping or manner of operation; or the provisions of Sections 105.10.01 through 105.10.10 of this Code.

105.10.04 OFF-ROAD UTILITY VEHICLES REGISTERED. No person shall operate an Off-Road Utility Vehicle on any public street or alley for any purpose unless said vehicle is registered with the City of Waverly. The City of Waverly will not register an All-Terrain Vehicle (ATV), as defined by Iowa Code 321G.1, for operation under this ordinance.

1. ORV owners shall register an ORV with the Waverly Police Department using forms provided by the Police Department.

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

    a. The ORV is registered with the Iowa DNR and such registration is displayed in accordance with Iowa Code 321I.

b. Owner(s) has provided a policy of liability insurance which is insuring the person named as insured and any person using an insured ORV with the express or implied permission of the named insured against loss from liability imposed by law for damages arising out of the ownership, maintenance, or use of an insured ORV. The owners shall maintain such financial responsibility.

c. The Police Department has inspected the ORV to verify it meets the requirements of this Ordinance.

d. 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/operator.

5. The biennial registration fee with the City of Waverly shall be twenty-five dollars ($25.00). Registrations expire on December 31st.

6. Registrations shall be assigned to the owner of an ORV. When the owner of a registered ORV transfers, sells or assigns ownership of the ORV to another person, the owner shall remove the registration sticker from the ORV.

105.10.05 EXEMPT VEHICLES

1. Registration is not required for the following ORVs:
   a. A vehicle owned by the United States, this state, or another state, or by a governmental subdivision of a state and is used for: Enforcement, Search and rescue, Official research and studies.

   b. ORVs used exclusively for agricultural purposes.

105.10.06 EQUIPMENT. Any ORV registered with the City of Waverly shall be equipped as required by Section 321I.12 and 321I.13 of the Code of Iowa, including but not limited to: muffler, headlight, taillight, turn signals and brakes. ORV's 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 (5') above the surface of the street, and slow-moving vehicle sign attached to the rear of the ORV. Trailers attached to an ORV must display taillights. No attachment, other than a trailer, shall extend beyond 2' of the ORV, nor shall the attachment block required safety equipment.

105.10.07 OPERATION.

1. No person shall operate an ORV on any city street, alley or right of way who is not at least sixteen (16) years of age and does not have a valid Iowa Driver's license.

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

3. Speed. No ORV shall be operated at a speed in excess of the lesser of thirty-five (35) miles per hour or that posted, nor shall any ORV be operated a speed greater than is reasonable and proper for the existing conditions.

4. Lights. No ORV shall be operated without a lighted headlight and taillight at such other times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of five hundred feet ahead.

5. Unattended ORV's and Parking. No person shall leave an ORV unattended on public property while the motor is running, or the keys are in the ignition switch. Owner/Operators shall comply with all parking regulation in the City.

6. Hours of Operation. No ORV shall be operated in the City of Waverly from sunset to sunrise. ORV's may be operated during prohibited hours to perform snow removal activities.

7. Passengers. The number of occupants shall not exceed the number of seats installed by the manufacturer in said vehicle. Passengers on an ORV must be able to place both feet flat on the floorboards with their backs resting against the seat back.

8. A person shall not operate an ORV while under the influence of intoxicating liquor or narcotics or habit-forming drugs in accordance with 321J.

105.10.07 LOCATIONS.

1. City Streets. Registered ORV's may be operated upon streets under the jurisdiction and within the corporate limits of the City of Waverly. ORV's shall not be operated upon any city street that is a primary road extension or state highway. For the purpose of this ordinance Bremer Avenue (East city limits to 20th St West Bremer), 4th Street SW, 20th Street SW/Heritage Way, and Cedar River Parkway/10th Avenue SW shall be considered primary road extensions. ORV's may cross such primary road extensions provided all the following occur:

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

    b. The off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the roadway.

    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.

2. Trails. ORV's shall not be operated on any recreational, bike or walking trail unless the trail is specifically designated to allow use of ORV's.

3. Sidewalks. ORV's shall not be operated upon sidewalks unless the operator is engaged in snow removal or sidewalk maintenance activities for the abutting property.

4. "Parking". ORV's shall not be operated upon that portion of a street right-of-way between the curb or edge of street paving and the sidewalk referred to as the "parking" unless engaged in snow removal, maintenance, or landscaping activities for the abutting property.

5. City Parks and other land owned by the City of Waverly. ORV's shall not be operated in City parks or upon other city owned land unless for a special public event authorized by the Police Chief.

6. Private Property. ORV's may only be operated on private property with the express consent of the owner.

105.10.08 ACCIDENT REPORTS. Either the operator, or someone acting for the operator, shall immediately notify a law enforcement officer whenever an ORV is involved in an accident resulting in injury or death to anyone, or property damage amounting to fifteen hundred ($1,500) or more.

105.10.09 STOPPING AND INSPECTING. A peace officer may stop and inspect an ORV operated, parked, or stored on public streets, highways, public lands, or frozen waters of the state to determine if the ORV is registered, numbered, or equipped as required by 321I.

105.10.10 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of one-hundred dollars ($100.00) and revocation of the City of Waverly registration for a period of two months.

2. Any person guilty of violating this ordinance two times in a twelve (12) month period shall be subject to a fine of two hundred ($200.00) and revocation of the City of Waverly registration for a period of two years.

3. Any person guilty of violating this ordinance three times shall be subject to a fine of three-hundred dollars ($300.00) and permanent revocation of the City of Waverly registration.

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

(Ordinance 1098 – Published on 3/15/22)

105.11 AUTOMATED TRAFFIC ENFORCEMENT (Added Section by Ordinance 1141 and Published 03/26/2024)

Chapter 105.11 Automated Traffic Enforcement

105.11.01 Authority and Management
105.11.02 Definitions
105.11.03 Civil Fine for Automated Traffic Citations; No Reporting
105.11.04 Exemptions from Civil Fine for Automated Traffic Citations
105.11.05 Review of Detected Violation by City Designee
105.11.06 Notice of Automated Traffic Citation; Fines
105.11.07 Vehicle Owners Obligations Concerning an Automated Traffic Citations
105.11.08 Contesting an Automated Traffic Citation
105.11.09 Failure to Timely Pay or Challenge Automated Traffic Citation

105.11.01 Authority and Management.

In accordance with its police powers, the City may deploy, erect, or cause to have erected an Automated Traffic Enforcement System for capturing images of motor vehicles that violate traffic laws by failing to obey red light traffic signals at intersections designated by the Chief of Police or designee, by failing to obey pedestrians' right of way at locations designated by the Chief of Police or designee, or failing to obey speed regulations within the City.

The Police Department shall retain supervisory control over the System. The System may be managed by a private contractor that owns and operates the requisite equipment. The contractor shall provide photographic and/or video images of any potential violations to the Police Department to review and, in the event the Police Department determines a vehicle was operated in violation of the City's traffic control ordinances, the Police Department shall direct that a notice of Automated Traffic Citation be issued to the vehicle owner in accordance with this Chapter 105.11.

105.11.02 Definitions.

1. **Automated traffic citation** shall mean a notice of violation generated in connection with the Automated Traffic Enforcement System.
2. **Automated traffic enforcement contractor** shall mean the company or entity, if any, with which the City contracts to provide equipment and/or services in connection with the Automated Traffic Enforcement System.
3. **Automated traffic enforcement system** shall mean an electronic system consisting of a photographic, video, and/or electronic camera and a vehicle sensor installed to work in conjunction with an official traffic controller or Police Department employee to automatically produce photographs, video, or digital images of each vehicle violating a traffic control device, traffic ordinance, or speed restriction standard.
4. **Vehicle owner** shall mean the person or entity identified by the Iowa Department of Transportation, or identified by any other state vehicle registration office, as the registered owner of a vehicle detected violating a traffic law by failing to obey red light traffic signals at intersections designated by the Chief of Police or designee, by failing to obey pedestrians' right of way at locations designated by the Chief of

Police or designee, or failing to obey speed regulations within the City. Notwithstanding the foregoing, in the event the Iowa Department of Transportation or any other state vehicle registration office identifies a person or entity as the lessee of the vehicle, that lessee shall be the vehicle owner for the purposes of this Chapter 105.11. In the event a state registration office does not specify whether a person or entity listed on the registration for the vehicle is the owner or the lessee of the vehicle, any person or entity listed on the vehicle registration may be deemed the vehicle owner and held jointly and severally responsible for a violation of this section.

105.11.03 Vehicle Owner Subject to Civil Fine for Automated Traffic Citations.
Unless an exemption applies, as set forth in Section 105.11.04, the following violations shall be subject to a civil fine:

1. If a vehicle is detected crossing a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light or arrow, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
2. If a vehicle is detected failing to yield to a pedestrians' right of way at a system location when the vehicle would be required to yield to a pedestrian in accordance with State Code of Iowa 321.327, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
3. If a vehicle is detected traveling at a speed above the posted limit, the Vehicle Owner shall be subject to a civil fine as scheduled below in subsection 105.11.06.
4. In no event will an Automated Traffic Citation be sent or reported to the Iowa Department of Transportation or similar department of any other state for the purpose of being added to the Vehicle Owner's driving record.

105.11.04 Exemptions from Civil Fine for Automated Traffic Citations.
The following shall not be considered violations for purposes of the Automated Traffic Enforcement System:

1. The operator of the vehicle in question was issued a uniform traffic citation for the violation in question pursuant to the City of Waverly Code of Ordinances Chapter 105 or Chapter 321 of the Code of Iowa.
2. The violation occurred at any time after the vehicle in question or its state registration plates were reported to a law enforcement agency as having been stolen, provided, however, the vehicle or its plates had not been recovered by the vehicle owner at the time of the alleged violation.
3. The vehicle in question was an authorized emergency vehicle.
4. The Waverly Police Officer inspecting the recorded image determines the vehicle in question entered the intersection to yield the right-of-way to an emergency vehicle or at the direction of a public safety official.
5. The Waverly Police Officer inspecting the recorded image determines the vehicle in question was lawfully participating in a funeral procession.

The foregoing list of exemptions from Section 105.11.04 shall not be construed as limiting the defenses available to challenge an Automated Traffic Citation or defend a municipal infraction.

105.11.05 Review of Detected Violation by City Designee.
Upon notification of a detected violation, the detected violation shall be reviewed by a sworn Waverly Police Officer to determine whether a violation occurred.

105.11.06 Notice of Automated Traffic Citation; Fines.

1. Upon a review conducted pursuant to Section 105.11.05 confirming that a violation, as described in Section 105.11.03, occurred, a notice of an Automated Traffic Citation will be mailed to the vehicle owner for each such violation recorded by the Automated Traffic Enforcement System. The Automatic Traffic Enforcement Contractor shall mail the notice within thirty (30) days after receiving information about the vehicle owner. The notice shall include the name and address of the vehicle owner; the vehicle make, if available and readily discernable; the vehicle registration number; the violation alleged; the time, date, and location of the alleged violation; the applicable fine; information for payment of the assessed fine; information as to the manner and form in which the Automated Traffic Citation may be challenged; and that the basis of the notice is a photographic or video record generated by the Automatic Traffic Enforcement System.
2. Any violation of subsection 105.11.03 (1) and 105.11.03 (2) above shall be subject to a civil fine of one hundred dollars ($100).
3. Any violation of subsection 105.11.03 (3) above shall be subject to a civil fine as scheduled in the table below. The civil fine shall be doubled for any violation committed in a designated construction zone (as provided by the Code of Iowa).

Miles Per Hour Above Speed Limit	Civil Fine	Construction Zone Civil Fine
11 to 20	$75	$150
21 to 25	$100	$200
26 to 30	$150	$300
31 or more	$200	$400

105.11.07 Vehicle Owners Obligations Concerning an Automated Traffic Citation.
Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner shall either pay the fee associated with the citation or challenge the citation, in accordance with Section 105.11.08.

105.11.08 Contesting an Automated Traffic Citation.
A vehicle owner may contest an Automated Traffic Citation as follows:

1. Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation sent to the Vehicle Owner, the Vehicle Owner may either pay the fee associated with the citation or challenge the citation by submitting a written challenge to the citation. Any such written challenge or request must be on a form specified by and available from the City as indicated on the notice, and be sent to the City according to the instructions on that form. Upon receipt of a written challenge, a Waverly Police Officer shall determine whether the citation should be rescinded. Within thirty (30) days after the City receives such a challenge, the City

shall notify the Vehicle Owner whether the challenge to the Automated Traffic Citation is successful, in which case, the citation shall be rescinded. Otherwise, the citation will stand. Thereafter, the City may seek voluntary payment and/or file the citation as a municipal infraction against the vehicle owner, in accordance with Section 105.11.09.

2. Within thirty (30) days from the date appearing at the top of a notice of Automated Traffic Citation, the Vehicle Owner may request a municipal infraction be filed pursuant to Iowa Code §364.22 in lieu of the options of payment and/or challenge listed in 105.11.08(1) above or after an unsuccessful challenge. Such a request must be filed prior to the due date of the initial fine or date set by the member of the Waverly Police Department following the written challenge detailed above in Subsection 105.11.08(1). Such a request will result in a court order requiring the Vehicle Owner to file an answer and appearance with the Clerk of Court, as well as setting the matter for trial before a judge or magistrate. If the Court finds the Vehicle Owner guilty of the municipal infraction, mandated court costs will be added to the amount of the fine imposed by this ordinance.

105.11.09 Failure to Timely Pay or Challenge Automated Traffic Citation.
If the recipient of an Automated Traffic Citation does not either pay the fine by the due date on the original citation or successfully challenge the citation as provided herein, the City may file a municipal infraction against the Vehicle Owner in accordance with Waverly Code of Ordinances Chapter 23 and Section 364.22 of the Code of Iowa, seeking judgement for the applicable civil fine provided in Subsections 105.11.06(2) and 105.11.06(3) plus applicable state mandated filing fee and court costs. If judgement is entered for the City in the municipal infraction proceeding, the City may, subject to applicable law, pursue enforcement of the judgement together with interest as permitted by law. Collection of that judgement may include referral to the State of Iowa Income Offset Program administered by the Department of Administrative Services, State Accounting Enterprise. Notwithstanding the City's right to file a municipal infraction, the City may first seek voluntary payment of the fine by sending a written request for payment to the Vehicle Owner and/or referring the matter to a private service agent to conduct collection in accordance with all applicable law.