

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OELWEIN,
IOWA, BY ESTABLISHING CHAPTER 22 ARTICLE XI GOLF CARTS

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

SECTION 1. Chapter 22, Article XI “Golf Carts” is hereby adopted, same to include the following terms and provisions.

22-260 PURPOSE.

The purpose of this chapter is to approve the operation of golf carts within the City limits under certain limited circumstances.

22-261 DEFINITIONS.

1. "Alcoholic beverage" means any beverage containing more than one-half of one percent of alcohol by volume including alcoholic liquor, wine, and beer.
2. "Golf cart" means motorized flotation-tire vehicle equipped with four low-pressure tires, is limited in engine displacement to less than 500 cubic centimeters but a minimum of 200 cubic centimeters, or electric powered, and in total dry weight of not more than 1,000 pounds, with seats of a bench design not intended to be straddled by the operator and a steering wheel for control.
3. "Roadway(s)," as defined by Code of Iowa Section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel. “Roadway(s)” includes dedicated and improved City alleyways.

22-262 GOLF CART OPERATION.

Golf carts may be operated on Roadways within the City limits of the City consistent with and subject to the following regulations, as allowed by Chapter 321.247 of the Code of Iowa.

1. Golf Carts shall only be allowed to operate within the City limits from sunrise to sunset, as established by the National Weather Service. Golf Carts operated by Ambulance, Fire, and Law Enforcement agencies, in the performance of official agency operations, are exempt from the hours of operation limitation.
2. Golf Carts may only be operated when equipped with the following operable equipment:
 - A. Adequate brakes.
 - B. Slow moving vehicle sign.
 - C. An orange safety flag mounted at a flag height of 5 feet from the surface of the roadway.
 - D. Rear view or side mirrors.
 - E. Adequate exhaust and muffler systems.
 - F. Windshield

- G. Headlamps meeting DOT standards
- H. Brake lamps meeting DOT standards
- I. Turn Signals meeting DOT standards

3. Golf Carts may only be operated on Roadways by persons over the age of 18 who possess a valid driver's license.
4. Golf Carts shall not be operated at speeds in excess of twenty-five (25) miles per hour.
5. Golf Carts shall not be operated in a careless, reckless, or negligent manner so as to:
 - A. Endanger any person.
 - B. Cause injury or damage to person or property.
 - C. Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
6. No person operating or in the passenger area of Golf Cart shall possess an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.
7. No person shall operate a Golf Cart while driving impaired from an intoxicating beverage and/or narcotic and/or habit-forming drug.
8. No Golf Cart shall be operated with more persons on the vehicle than it was designed to carry, including any appropriately mounted/installed rear facing after-market seat. In furtherance of this provision, the following shall apply
 - A. No more than one person per single seat, or two persons per bench seat shall be allowed.
 - B. Under no circumstances shall more than two persons ever ride in a rear seat, regardless of design.
 - C. Under no circumstances shall any passenger be seated on the lap of another person.
 - D. The operator and all passengers shall be seated at all times during Golf Cart operation.
 - E. No part of any person, operator or passenger, may extend beyond the side of the Golf Cart.
9. No person under the age of six (6) years of age shall be allowed as a passenger on a Golf Cart.
10. Any person operating a Golf Cart within the City limits shall adhere to all applicable traffic signs and signals, City of Oelwein Ordinances, State Law and regulations, and shall at all times obey the orders and direction of law enforcement.
11. Golf Carts may only park on Roadways in designated parking spots.

22-263 GOLF CART OPERATION LIMITS.

1. Golf carts shall not be operated upon any Roadway which is a primary road extension through the City but shall be allowed to cross a Roadway which is a primary road extension through the City, at approximately a ninety (90) degree angle after yielding the right of way to cross traffic. Primary road extensions shall include all sections of Roadways identified as _____.

Golf Carts operated by Ambulance, Fire, and Law Enforcement agencies, in the performance of official agency operations, are exempt from the above limitations.

2. Golf Cart operation is prohibited on:

- A. Any recreational, bike or walking trail unless the trail is specifically marked as being approved for Gold Cart operation.
- B. Sidewalks.
- C. City parks or any other land owned by the City, unless specifically marked as being approved for Gold Cart operation or otherwise authorized by the City Council.
- D. Private property without the consent of the property owner.

22-264 ROADWAY ETIQUETTE

1. Except when executing a left turn, Golf Carts shall be operated as close as practical to the right-hand edge of any Roadway.
2. When necessary to prevent congestion of traffic, Golf Carts shall be pulled off the to the right-hand edge of the Roadway and stopped to allow motor vehicle traffic traveling in the same direction to pass.
3. When two or more Golf Carts are travelling in the same direction on the same Roadway, they shall be operated in a single file fashion, and shall not pass one another.

22-265 INSPECTION and PERMIT.

1. Before any Golf Cart may be legally operated on Roadways as permitted herein, the Golf Cart must pass an inspection to be performed by the Oelwein Police Department, said inspection to verify that the Golf Cart is equipped as required herein. There shall be an inspection fee paid at the time of the inspection to the Police Department in the amount set by Resolution of the City Council. Upon passing the inspection, a permit and registration decal will be issued by the Police Department. The identification number shall be prominently displayed on the rear of the Golf Cart located in the middle of the slow-moving vehicle sign. All Permits, regardless of the exact date of issue, will expire on the third December 31st following issuance. Permit fees will not be prorated based upon the date of issuance. Businesses engaged in the retail sale of Golf Carts are exempt from these Permitting provisions.

- A. The Oelwein City Council may grant exemptions from the requirement to pass an inspection and obtain a permit for special events.

22-266 OPERATING A GOLF CART WITHOUT VALID PERMIT.

If a person is found to be operating a Golf Cart without a Police Department issued permit or is operating a Golf Cart after having said person's privilege to do so suspended under the terms of this chapter, they shall be subject to a civil penalty in the amount of \$300.00, and shall be prohibited from obtaining a permit for a period of 12 months following the date of violation, or conviction, if a hearing is requested and held, whichever is later.

22-267 LIABILITY INSURANCE REQUIREMENTS.

At minimum a policy with bodily injury at \$500,000.00 per person, \$500,000.00 per incident and property damage of \$100,000.00 or combined single limits (bodily injury and property damage) or \$500,000.00 or equivalent is required for the operation of a Golf Cart. Upon request the operator is

required to show proof of financial liability meeting the minimum requirements listed above. A proof of financial liability coverage card may be produced in paper or electronic format.

22-268 SUSPENSION OF PRIVILEGE.

If, over the course of a 12-month period, the operator of a Golf cart is cited for two or more violations of the provisions of this chapter or violation of applicable City or State traffic code violations while operating a Golf Cart, said person's privilege to operate a Golf Cart under the terms and provisions of this chapter shall be suspended for a period of 12 months.

22-269 VIOLATION AND PENALTY.

1. Any person guilty of violating the provisions herein shall be guilty of a simple misdemeanor and shall be subject to a fine of Two-Hundred-Fifty Dollars (\$250.00) and/or a Municipal Infraction Citation as allowed by Chapter ____ of the City Code of Ordinances.

2. Any person guilty of violating this ordinance two or more times over a period of twelve (12) months, shall be guilty of a simple misdemeanor and shall be subject to a fine up to but not in excess of Six Hundred and Twenty-Five Dollars (\$625.00) and/or a Municipal Infraction Citation as allowed by Chapter ____ of the City Code of Ordinances.

3. Persons violating this ordinance may also be prosecuted and subject to the penalties as set out in Chapters 321, 321I, and 321J, Code of Iowa.

22-270 INSPECTIONS - WARNING - TERMINATION OF USE.

A peace officer may stop and inspect any Golf Cart operated or parked within City Limits to determine if the Golf Cart is registered, numbered, or equipped as required by the Code of Iowa, the Iowa Administrative Code, and/or this Chapter. The officer shall not inspect an area that is not essential to determine compliance with the requirements. If the officer determines that the vehicle is not in compliance, the officer may issue a warning memorandum to the operator. The warning memorandum shall indicate the items found which are not in compliance and shall direct the owner or operator of the vehicle to correct the items and return a copy of the warning memorandum with the proof of compliance to the Police Department within fourteen (14) days. If proof of compliance is not provided within fourteen (14) days, the owner and/or operator will be issued a citation and operation privileges will be subject to immediate suspension.

22-271 RESPONSIBILITY OF OWNER

1. The owner of a Golf Cart shall not permit the vehicle to be used or operated in violation of this chapter.

2. The owner of a Golf Cart operated in violation of this chapter shall be subject to a civil penalty as a municipal infraction in an amount not to exceed five hundred dollars (\$500.00).

22-272 NEGLIGENCE and ASSUMPTION OF RISK

1. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart.

2. All persons who operate or ride on Golf Carts on Roadways do so at their own risk and peril. The city has no liability under any theory of liability related to the operation of Golf Carts on said Roadways or other authorized, or unauthorized, areas.

22-273 ACCIDENT REPORTS

1. Whenever a golf cart is involved in an accident resulting in injury or death to anyone shall immediately by the quickest means of communication give notice of such accident to the sheriff of the county in which said accident occurred, or the nearest office of the state patrol, or to any other peace officer as near as practicable to the place where the accident occurred.

2. Whenever a golf cart is involved in an accident resulting in property damage amounting to one-thousand five-hundred dollars (\$1,500.00) or more, the Owner or the Operator shall take immediate steps to notify law enforcement as required by Iowa Code.

SECTION 2. SERVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. Effective _____, this ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____, 2023, and approved this _____ day of _____, 2023.

Brett DeVore, Mayor

ATTEST:

Dylan Mulfinger, City Administrator

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 2023.

City Clerk