

AN ORDINANCE AMENDING TITLE 10, "VEHICLES AND TRAFFIC," OF THE LOWDEN CODE OF ORDINANCES TO ADD CHAPTER 10.22, "GOLF CARTS," TO PERMIT GOLF CARTS TO BE OPERATED ON CITY STREETS AND ESTABLISHING CONDITIONS FOR OPERATION AND A PERMIT REQUIREMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOWDEN, IOWA:

SECTION 1. Title 10 of the Lowden Code of Ordinances is hereby amended to add Chapter 10.22, "Golf Carts," to read as follows:

10.22.010. Purpose. The purpose of this Chapter is to permit and regulate the operation of golf carts within the City of Lowden, Iowa.

10.22.020. Definitions.

A. "Golf cart" means a three (3) or four (4) wheeled recreational vehicle generally used for transportation of persons in the sport of golf that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight of less than eight hundred (800) pounds. Four-wheelers, "Gators," ATVs and all recreational vehicles that are defined as such shall be excluded from this Ordinance and will not be issued a permit, nor shall be permitted to operate on City streets or highways.

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

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

D. "Roadway" means the portion of a highway improved, designed or ordinarily used for vehicular travel.

E. "Street or highway" means the entire width between the lines of every right-of-way or place of whatever nature, when any part thereof is open to the public for use as a matter of right, for the purpose of vehicular travel.

10.22.030. Operation on City Streets or Highways. Permitted persons, as provided in this Ordinance, may drive, operate or control motorized golf carts as defined herein during authorized times on City streets under the jurisdiction of the City. Golf carts shall not be operated or controlled on a City street which is a primary road extension, namely Washington Avenue, through the City, except to the extent necessary to cross a City street which is a primary road extension through the City.

10.22.040. Parental or Guardian Responsibility. It is unlawful for any parent, guardian or other person having the care, custody or control of a minor under the age of sixteen (16) years to knowingly or negligently permit or allow such a minor to operate a golf cart or violate the provisions of this Chapter in any other way.

10.22.050. Times of Operation. The operation of golf carts on City streets is permitted between sunrise and sunset. No golf carts shall be operated when visibility is such that there is insufficient light to clearly see a person in vehicles at a distance of five hundred (500) feet.

10.22.060. Operation Regulations.

A. No more than two (2) adult persons shall ride in any area intended for passengers, except for children, accompanied by an adult driver, as described below.

B. No persons shall occupy the area of the golf cart normally intended for transportation of golf equipment.

C. All riders must be seated at all times.

D. While operating, any rider must be seated on the seat and no part of the body of the rider shall extend beyond the sides of the cart. Children must be accompanied by an adult driver and must follow all requirements of this section, except the capacity limits, as long as all children are seated on the seat and no part of the body of the child extends beyond the sides of the cart.

10.22.070. Unlawful Operation. No person shall drive or operate a golf cart:

A. In a careless, reckless or negligent manner as to create or cause unnecessary tire squealing or skidding; simulate a temporary race; causes a wheel to unnecessarily lose contact with the ground; causes the vehicle to unnecessarily turn abruptly or sway; or endanger the person or property of another or cause injury or damage thereto.

B. While under the influence of intoxicating liquor or narcotics or habit-forming drugs, whether prescribed or nonprescribed.

C. In or on any park, playground, sidewalk, recreational trail or other publicly owned property, except with the written permission of the governing body thereof.

D. No golf cart shall be operated or parked upon City sidewalks.

E. No golf cart shall be operated upon that portion of the street located between the curb line and the sidewalk or property line, referred to as the "right-of-way," except for the purpose of crossing the same to a public street upon which operation is authorized by this Ordinance.

F. No items shall ever be towed by a golf cart.

G. No golf cart shall be operated upon private property without the express consent of the owner thereof and only in compliance with all other provisions of this Ordinance.

H. The operator of any golf cart shall be at least sixteen (16) years of age and possess a valid Iowa driver's license.

I. No golf cart shall be operated in a manner which violates Chapter 321, Code of Iowa, which shall be and is adopted as applicable to the operation of golf carts in the City. No golf cart shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour.

10.22.080. Permits and Permit Holders.

A. An applicant for a permit shall be made on a form supplied by the City, which will contain the name and address of the applicant, the make, model, year and serial number of the golf cart.

B. The applicant shall provide a valid, nontemporary driver's license and shall be sixteen (16) years or older on the date of issuance.

C. The applicant shall provide and maintain public liability insurance and bodily injury insurance in the amounts required by the Iowa Code for operation of motor vehicles on public streets and highways.

D. The annual cost for such permit is Twenty-Five Dollars (\$25.00) payable at the time the permit is granted. Permits will expire each December 31, regardless of the date issued. There will be no full or partial refund of the permit fee.

E. Each permit shall be issued for a specific motorized golf cart and individual, except as otherwise stated.

F. Permit holders will be issued a number, which shall be affixed to the driver's side rear of the golf cart.

G. The permit may be suspended or revoked by the City Council upon finding evidence that the permit holder has violated the conditions of the permit, has abused the privilege of being a permit holder or has violated this Ordinance. There will be no refund of the permit fee.

10.22.090. Equipment. Golf carts operated upon City streets shall be equipped with the following:

A. A state approved slow-moving vehicle sign.

B. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level.

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

D. A visible permit number.

E. Appropriate noise control device, such as a muffler.

F. Operational taillights.

10.22.100. Penalty. In addition to the suspension or revocation of the permit, a person who has violated this Chapter is guilty of a simple misdemeanor that may be punishable as a criminal citation or a municipal infraction.

SECTION 2. Repealer. All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

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

SECTION 4. Effective Date. This Ordinance shall be in effect after its final passage, approval and publication as required by law.

PASSED AND APPROVED this 7th day of November, 2011.

CITY OF LOWDEN, IOWA

By: _____
Dan Hamdorf, Mayor

ATTEST: _____
Peggy Kedley, City Clerk