

## **ORDINANCE NO. 662**

### **ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS WITHIN THE CORPORATE CITY LIMITS OF WINTERSET**

**WHEREAS**, Iowa Code Section 321.247 authorizes governing bodies of incorporated areas within the State of Iowa to allow the operation of golf carts on city streets by persons possession a valid license, with certain restrictions;

**WHEREAS**, the Winterset City Council desires to authorize the operation of golf carts within the corporate city limits of Winterset with restrictions consistent with the requirements of Iowa Code Section 321.247; and,

**WHEREAS**, to promote the health, safety and well-being of the citizens of the City of Winterset the Winterset City Council desires to impose restrictions and requirements related to the operation of golf carts within the city limits of Winterset in addition to those restrictions required by Iowa Code Section 321.247.

**NOW THEREFORE**, be it ordained by the City Council of Winterset, Iowa, as follows:

**SECTION 1.** Winterset Municipal Code Title III, shall be amended to add Chapter 15, which shall contain the following provisions.

**3.1501 PURPOSE.** The purpose of this Chapter is to permit the operation of golf cart on City streets as authorized by Iowa Code Section 321.247, as amended. The Chapter shall apply whenever a golf cart is operated on any street, alley or parking lot within the corporate City limits of Winterset.

**3.1502 DEFINITION.** “Golf cart” shall mean a four wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf, that is limited in engine displacement to less than 800 cubic centimeters (or the electric equivalent) and total dry weight of less than 800 pounds. Note that a vehicle with appearance of a “golf cart” but satisfying the requirements of 49 CFR 571.500 (i.e., is a “low speed vehicle”) is not subject to this chapter but rather to the Iowa Code Section 321.381A.

**3.1503 PERMIT REQUIRED.** No person shall operate a golf cart on any city street, alley or parking lot within the corporate City limits of Winterset for any purpose unless the golf cart being operated has a special permit issued by the City attached to the right rear of the golf cart. Permits shall be issued by the City Clerk only upon approval of an application for such a permit. Applications for permits shall be submitted by the golf cart owner. Permits shall be issued for a specific golf cart. All permits must be with the golf cart for which it is issued when that golf cart is operated within the corporate City limits.

The City Clerk shall not issue a permit until the applicant has provided the following:

- a. A completed application attesting that the golf cart meets the equipment requirements of this Chapter and Iowa Code Section 321.247, as amended.

- b. A completed application attesting that the golf cart will be operated in compliance with the requirements of this Chapter.
- c. Proof that owner has liability insurance covering the operation of the golf cart on city streets and alleys with limits of liability at least as great as those required by Iowa Code Chapter 321.
- d. Payment of an annual fee in an amount set by resolution of the Winterset City Council, which fee shall be non-refundable.

Permits are valid for one (1) year from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.

Golf carts are not subject to the registration requirements of Iowa Code Chapter 321.

**3.1504 EQUIPMENT REQUIREMENTS.** Golf carts operated upon the streets, alleys and parking lots within the corporate City limits of Winterset shall be equipped with the following minimum safety features:

- a. An unobstructed slow-moving vehicle sign;
- b. Adequate brakes;
- c. An orange bicycle safety flag the top of which shall be a minimum of six feet above the ground level;
- d. Headlights;
- e. Taillights;
- f. Turn signals;
- g. Rearview mirror; and,
- h. Seatbelts for all occupants.

All required equipment shall be in good working condition at all times of operation.

**3.1505 RULES OF OPERATION.** Any person operating a golf cart upon the streets, alleys or parking lots within the corporate City of limits of Winterset shall comply with the following rules of operation:

- a. Must possess a valid driver's license;
- b. Must be at least eighteen (18) years of age;
- c. Golf carts may be operated from sunrise to sunset;
- d. Golf carts may be operated only on gravel or paved, travel portions of a roadway;
- e. Golf carts shall not be operated when the City snow ordinance is in effect;
- f. Golf carts shall not be operated on any sidewalk or trail;
- g. Golf carts shall not be operated upon any City street that is a primary road extension through the City corporate limits. However, golf carts may cross such primary road extensions. For the purposes of this chapter primary road extensions shall include John Wayne Drive (1<sup>st</sup> Street), Summit Street, Highway 169 and Highway 92;

- h. Golf Carts shall not push, pull, drag, or tow external seating, trailers, or implements;
- i. Golf carts are vehicles and shall be subject to the City of Winterset Traffic Code;
- j. No person shall operate a golf cart in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to the same;
- k. The operator of the golf cart shall be responsible for the safety of all passengers on the golf cart and shall not allow reckless or dangerous behavior by passengers on the golf cart;
- l. The operator of the golf cart shall limit the occupancy of the golf cart to the number of seats for which the vehicle is registered and for which there are seatbelts. All occupants shall be in the approved seats and shall wear seatbelts while the golf cart is in operation; and,
- m. Passengers occupying a rear-facing seat shall be at least eighteen (18) years of age.

**3.1506 RULES OF STREET ETIQUETTE.** Any person operating a golf cart upon the streets, alleys or parking lots within the corporate City limits of Winterset shall comply with the following rules of street etiquette:

- a. Golf carts shall be driven as close as practical to the right-hand edge of any street, except when executing a left turn.
- b. 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.
- c. Golf carts may be parked upon any city street within the City of Winterset, Iowa, subject to the same terms and conditions applicable to the parking of automobiles and other motor vehicles, with the exception that golf carts may not park upon any street within the City of Winterset where their operation is otherwise prohibited by city ordinance or the provisions of the Code of Iowa as now existing or hereafter amended.
- d. When two (2) or more golf carts are being operated in the same direction and general vicinity, golf carts shall proceed in single file.
- e. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart. The owner of a golf cart shall be liable for any such injury or damage only if the owner was the operator of the golf cart at the time the injury or damage occurred or if the operator had the owner's consent to operate the golf cart at the time the injury or damage occurred.

**3.1507 ACCIDENT REPORTS.** Either the operator, or someone acting on behalf of the operator, shall immediately notify a law enforcement officer whenever a golf cart is involved in an accident resulting in injury or death to anyone, or property damage in the

amount of \$1,500.00 or more, and shall file an accident report in accordance with Iowa law.

### **3.1508 PENALTIES.**

- a. A person who violates any provision of this chapter is guilty of a simple misdemeanor punishable as a scheduled violation pursuant to Iowa Code chapter 805.8A.
- b. A permit issued by the City pursuant to the provisions of this chapter may be revoked by the City upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. In the event the City finds evidence to revoke a permit pursuant to this provision, the permit holder shall be given written notification of such revocation which revocation shall be effective no less than three (3) days after such notification to the permit holder. The permit holder may appeal the permit revocation to the Mayor by filing a written notice of appeal with the City Administrator within three (3) days of notification of revocation. The revocation shall be stayed pending hearing before the Mayor.
- c. In the event of suspension or revocation there shall be no refund of the permit fee.
- d. Should a permit be suspended or revoked pursuant to this provision, the permit holder shall be ineligible for issuance of a permit pursuant to the provisions of the Chapter for the following periods of time:

First Offense – Twelve (12) consecutive months

Second Offense – Twenty-four (24) consecutive months

Third Offense – Thirty-six (36) consecutive months

Subsequent Offense – Permanently barred

**3.1509 SEVERABILITY.** In the event any section, subsection, provision, sentence, clause, phrase, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, subsection, provision, sentence, clause, phrase, or part thereof that is not adjudged invalid or unconstitutional.

**3.1510 EFFECTIVE DATE.** This ordinance shall be effective after its final passage, approval and publication as provided by law.

This Ordinance was duly passed and adopted by the City Council of the City of Winterset, Iowa, and approved by the undersigned Mayor on the 5<sup>th</sup> day of August 2024.

\_\_\_\_\_/s/\_\_\_\_\_  
Thomas Leners, Mayor  
City of Winterset, Iowa

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Andrew J. Barden  
City Administrator  
City of Winterset, Iowa

I, Andrew Barden, the duly appointed and acting Administrator of the City of Winterset, Iowa, do hereby certify that the foregoing is a true and authentic copy of Ordinance #662 was passed and adopted by the Winterset City Council and approved by the Mayor on the 5<sup>th</sup> day of August 2024 and the said ordinance was duly published in full in the Winterset Madisonian, a weekly newspaper of general circulation within the City, on the 7<sup>th</sup> day of August, 2024 as shown by the publisher's affidavit filed with the office of the Administrator of the City of Winterset, Iowa.

\_\_\_\_\_/s/\_\_\_\_\_  
Andrew Barden, City Administrator/City Clerk