

ORDINANCE NO. 870

AN ORDINANCE ADDING CHAPTER 74 TO THE ELDORA MUNICIPAL CODE

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

Section 1. **Purpose.** The purpose of this ordinance is to add Chapter 74 Golf Carts to the Eldora Municipal Code.

CHAPTER 74

GOLF CARTS

74.01 Purpose

74.02 Definitions

74.03 Operation of Golf Carts Permitted

74.04 Operation Prohibited

74.05 Equipment

74.06 Hours

74.07 Permit

74.08 Traffic Code

74.09 Liability and Insurance

74.10 Accident Reports

74.11 Violations

74.01 PURPOSE. The purpose of this chapter is to regulate the operation of golf carts within the City as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter shall be applicable whenever a golf cart is operated on any street or alley, within the City as provided in this chapter.

74.02 DEFINITIONS. For use in this chapter the following terms are defined:

1. "Golf Cart" means a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than 25 miles per hour, whose purpose can include, but is not limited to, the playing of golf and is generally designed to carry persons including the driver.

74.03 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City by persons who are 16 years of age or older and have a valid operator's license, except as prohibited in Section 75.04 of this chapter. While operating on a city street the number of passengers permitted on a golf cart shall not exceed the number of seats intended for passengers. While on city streets operators must have on their person or in the golf cart proof of the required insurance and registration.

74.04 OPERATION PROHIBITED. The operators of golf carts shall comply with the following restrictions as to where golf carts may be operated within the City:

1. Streets. Golf carts shall be operated only upon streets that have designated by the City, for the purposes of traveling from one area to another. Golf carts shall not be allowed to operate on the following City streets:

- A. Edgington Avenue in its entirety.
- B. Washington Street in its entirety.
- C. 21st Street from Edgington Avenue to the dead end.
- D. 24th Street from Edgington Avenue to the dead end.
- E. Rick Collins Way in its entirety.

Any person residing on a street on which golf carts are prohibited is permitted to operate on said street for the purpose of going directly to and from said person's residence by the most direct route to a street where operation is permitted. The direct crossing of prohibited streets is allowed only for the purpose of crossing to continue route.

2. Railroad Right-of-Way. Golf carts shall not be operated on an operating railroad right-of-way. A golf cart may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

3. Trails. Golf carts shall not be operated on all-terrain vehicle trails except where so designated.

4. Parks and Other City Land. Golf carts shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. Golf carts shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking" except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

6. Special Exemptions. The Chief of Police is authorized to permit golf carts to operate on restricted City streets for certain special events.

74.05 EQUIPMENT. Golf carts operating on City streets must be equipped with adequate breaks, a slow-moving vehicle sign that extends above the roofline and a bicycle safety flag.

74.06 HOURS. Golf carts may only be operated on City streets between sunrise and sunset, regardless of whether the golf cart is equipped with headlights and/or taillights, as determined by the National Oceanic and Atmospheric Administration.

(Code of Iowa, Sec. 321.247)

74.07 PERMIT. No person shall operate a golf cart on any public street, or alley for any purpose unless the operator possesses a City of Eldora permit to operate a golf cart on City streets, issued by the City Clerk. The granted permit will be valid for the calendar year (January 1 through December 31st) in which it is purchased with required fee set by resolution of the Council.

74.08 TRAFFIC CODE. Any person operating a golf cart, for which a permit has been issued, 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.

74.09 LIABILITY AND INSURANCE. The owner and operator of the golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart. The owner 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. Owner must show proof of liability insurance prior to the granting of a valid golf cart permit and must maintain said insurance and produce proof thereof while the golf cart is used as provided hereunder.

74.10 ACCIDENT REPORTS. Whenever a golf cart is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1,000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

74.11 VIOLATIONS. Any violation of this ordinance is a simple misdemeanor with a scheduled fine of \$100.

(Code of Iowa, Sec. 321.247 & 805.8A(3))

Section 3. **Effect.** All other Sections of said Chapters shall remain unchanged and in full force and effect.

Section 4. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or enforceable as to any person or circumstances, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 5. **Effective Date.** This ordinance and the Eldora City Code shall be in full force and shall take effect, from and after the adoption and publication of this ordinance.

Passed and approved by the City Council of the City of Eldora, Iowa this 8th day of December, 2020.

David W. Dunn, Mayor

ATTEST:

Chandra Kyte, City Clerk

Introduced: 10-13-2020
Passed 1st Consideration: 10-13-2020
Passed 2nd Consideration: 11-10-2020
Passed 3rd Consideration: 12-08-2020
Passed & Adopted: 12-08-2020