

ORDINANCE NO. 214

**AN ORDINANCE AMENDING
CHAPTER 10.26 OF THE
DANVILLE MUNICIPAL CODE
PERMITTING THE LIMITED OPERATION OF
GOLF CARTS UPON CITY STREETS**

The purpose of this chapter is to permit the operation of golf carts on certain municipal streets within the corporate limits of the City of Danville, Iowa, as authorized in Iowa Code Section 321.247. This chapter applies whenever a golf cart is operated on any street or alley of the City of Danville, Iowa.

Be it enacted by the Danville City Council:

Section 1. Chapter 10.26 of the Danville Municipal Code is amended to read as follows:

Section 2 DEFINITIONS. “Golf cart” means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.

Section 3 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City of Danville by persons possessing a valid full Iowa driver’s license. Golf cart operators shall observe all state and local traffic control regulations and devices.

Section 4 EQUIPMENT REQUIRED. A golf cart operated on city streets within the City of Danville shall be equipped with a minimum of the following safety features:

- A. A 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. Functioning brakes;
- D. Rear view mirror;
- E. Functioning noise control device such as a functioning muffler.

Section 5 PERMITS. No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a permit from the City of Danville to operate a golf cart on City streets, issued by the City Clerk of Danville, Iowa.

- A. Golf cart owners may apply for a permit from the City Clerk on forms provided by the City.
- B. The Clerk shall not issue a permit until the owner/operator has provided the following:
 - a. Evidence that the operator possesses a valid full Iowa driver’s license.
- C. All permits shall be issued for a specific golf cart. Permit holders will be issued a permit sticker to affix to the left side rear fender or similar component.
- D. The fee for such permits shall be twenty dollars (\$20.00).

- E. The permit will be valid during the calendar year within which it is issued and shall be renewed annually. Permits may be purchased anytime during the year, but will be valid only through December 31 of the year in which the permit was purchased.
- F. A permit may be suspended or revoked by the City Council as a result of any violation of this Ordinance. For purposes of suspension or revocation, all operator offenses shall be attributed to the Owner.
 - a. The period of suspension or revocation for first time offenses shall be for six months.
 - b. The notice of revocation, including a description of the violation, shall be provided in writing and served by ordinary mail to the owner of the golf cart at the address shown on the permit application.
 - c. There will be no refund of the permit fee.

Section 6 OPERATION REGULATIONS. The following apply to the operation of a golf cart within the City:

- A. Any operator of a golf cart must have a valid full driver's license;
- B. All riders in the golf cart must remain seated at all times;
- C. No more than two adult people may ride in the front seat of a golf cart and not more than two adult people may ride in the backseat of a golf cart, if said seat exists;
- D. While operating any rider must be seated on the seat and no part of the body of any rider will extend beyond the sides of the cart;
- E. 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(s) and no part of the body of the child extends beyond the sides of the golf cart. No child shall be in the area of the operator or operator's position;
- F. Golf carts may be operated on city streets only between sunrise and sunset;
- G. Golf carts shall not be operated at a speed in excess of twenty-five (25) miles per hour;
- H. In case of accidents resulting in injury or death to anyone, or property damage amounting to one thousand dollars (\$1,000) or more, the operator, or someone acting for the operator, shall immediately notify a law enforcement officer, and shall file an accident report within forty-eight (48) hours, in accordance with State law.

Section 7 PROHIBITED STREETS. Golf carts may cross but not be operated on Old Highway 34.

Section 8 UNLAWFUL OPERATION. The following are considered unlawful operation of a golf cart:

- A. No golf carts shall be operated or parked upon City sidewalks or in City parks;
- B. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit-forming drugs;
- C. 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 same;

- D. 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 "parking," except for purposes of crossing the same to a public street upon which operation is authorized by this chapter;
- E. No item shall be towed by a golf cart;
- F. No golf cart shall be operated upon private property without the express consent of the owner thereof;
- G. No golf cart shall be operated on roadways or other areas in cemeteries located in the City;
- H. No golf cart shall be operated during inclement weather when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any other time there is insufficient light to clearly see a person or vehicle on a roadway at a distance of five hundred (500) feet;
- I. No golf cart shall be operated in a manner which violates Iowa Code Section 321, which shall be and is adopted as applicable to the operation of golf carts in the City as are all section of the Danville City Code concerning the operation of motor vehicles.

Section 9 PENALTY. In addition to the suspension or revocation of the golf cart permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as provided under Iowa Code.

- A. Any person guilty of violating this Chapter two (2) times shall be subject to permanent revocation of the City of Danville permit.

Section 10. NEGLIGENCE. 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.

Section 11. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 12. SEVERABILITY 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 13. EFFECTIVE DATE. This ordinance shall be effective following final passage, approval and publication of this ordinance as required by law.

Section 14. This ordinance is adopted as an amendment to the 2014 Danville Municipal Code.

PASSED, SIGNED AND APPROVED this ____ day of _____, 2017.

LeRoy Lippert, Mayor, City of Danville, Iowa

Attest:

Susan K. Rogers, City Clerk,
City of Danville, Iowa