

Ordinance 2020-03

GOLF CARTS

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Chapter # then 1 PURPOSE. The purpose of this chapter is to permit the operation of golf carts within the City corporate limits on certain city streets as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter applies whenever a golf cart is operated on any street, or alley of the City of Durant, Iowa. All persons operating golf carts must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and other pedestrians. All persons who operate or ride golf carts on streets inside the corporate limits of City of Durant do so at their own risk. The city has no liability for permitting golf carts to be operated on the streets. **Cannot prevent someone from suing the city for injury or damage to person or property caused by a City permitted golf cart. HOWEVER, this is good to put into the ordinance as a preventative and to put all citizens/residents/passengers/pedestrians on notice.**

Chapter # then 2 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Golf Cart” means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, and has a gasoline displacement of less than 800 cubic centimeters electrically powered. No golf cart may be modified from factory specifications except to comply with the requirements set forth in this ordinance.

Chapter # then 3 OPERATION OF GOLF CARTS PERMITTED

Golf Carts may be operated upon the streets of the City by persons who are 18 years of age or older. All owner/operators must obtain a city permit from the Durant Police Department. Possession a valid **Iowa (Can it be a valid driver’s license in any state or only Iowa? Iowa gives reciprocity for valid driver’s licenses in other states as long as they have a valid driver’s license in their state of residence such as Illinois)** Driver’s license. While operated on a city street the number of passenger permitted on a Golf cart shall not exceed the number of seats for intended passengers. No children five years or under allowed. ~~Any child required to be in a child safety seat in an automobile shall also be required to be in a child safety seat while riding in the golf carts.~~ Operators must have proof of insurance on them with their driver’s license while operating the golf carts on city streets. All persons driving or riding in the golf carts shall have seat belts on. **Add information about maximum number of persons/passenger allowed on golf carts dictated by number of seat belts available.**

Any non-resident of the City of Durant, that would like the privilege of operating a Golf Cart within city limits will need to register for a permit.

Chapter # then 4 EQUIPMENT Golf Carts operating on City streets shall be equipped with at least the following equipment:

1. A slow moving vehicle sign **IS 1 and 2 an either/or (OR) or both required (AND)**
2. A bicycle safety flag, where by the flag shall be a minimum five (5) feet from the ground level and extend a minimum two (2) feet above the highest point of the golf carts.
3. Golf carts shall be equipped with, turn signals, tail light, 2 head lights, turn signals, brakes to stop and hold vehicle in position, seat belts or harness system.
4. Steering wheel
5. Rearview mirror on driver's side.
6. No towing of anything allowed or pulled by human person behind the golf cart.

Chapter # then 5 HOURS

Golf Cart Hours of Operation: Golf Carts may be operated on City streets only between sunrise and sunset as set by the U.S. Naval Observatory from April 1 through November 15th each year. **Add info date specific from November 16-March 31st.**

Chapter # then 6 TRAFFIC CODE

All Golf Cart operators shall come to a complete stop at all stop signs.

Any person operating a golf cart on any public street, or alley for any purpose, shall strictly adhere to all traffic signs and signals, and other traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic.

No golf carts shall be operated at a speed in excess of the lesser of twenty five (25) miles per hour or the posted speed. Nor shall any golf carts be modified to operate at a greater speed than twenty-five miles per hour. No golf cart shall be operated at a speed greater than is reasonable and proper for the existing street conditions.

All golf carts must cross at an approximate ninety (90) degree angle to the direction of the street

No person shall leave a golf cart unattended on any public property with motor running or key in ignition.

No golf cart shall be operated in or on any park, playground, sidewalk, recreational bike or walking path or upon any public property except with permission of the governing body thereof. Golf carts shall not be operated upon the portion of street right of way between the curb and edge of the street paving or other surface and the sidewalk generally referred to as "the parking".

In the City of Durant 5th Street is also Highway 927 (Historic Highway 6). For the purposes of this ordinance it shall be referred to as 5th Street and include all areas from the west corporate city line to the east corporate city line.

No golf carts shall operate or drive on Railroad property.

No golf carts shall be operated upon 5th Street

No golf carts shall be operated on 1st Avenue (Yankee Avenue).

No golf carts shall be operated on Vail Ave (14th Ave South of 5th Street)

The following intersections will be NOT be used for crossing 5th Street: : **Is it easier to enforce for the PD to have 3 locations no crossing allowed OR 2-3 locations that crossing is allowed. I recommend consulting Orville.**

At 14th Ave (Vail Ave) south of 5th Street

At 5th Avenue and 5th Street

At 6th Avenue and 5th Street

No golf carts shall be operated upon 5th Street.

PARKING: Golf Carts shall adhere to the same parking laws as automobiles. There will be no parking on 5th Street. Owners/Operators shall utilize their own driveways for parking at their properties. No golf carts shall be parked upon any public sidewalk.

STORAGE of Golf carts shall be in an enclosed garage or shed. No parking overnight in yards or streets. If the owner/operator does not have an enclosed space, they will follow the same criteria as the recreational vehicle ordinance (Chapter 60 Section 60-21)

Chapter # then 7 PERMITS

No person shall operate a golf cart on any public street or alley, for any purpose unless the golf cart has passed a safety inspection by the Durant Police Department and the operator possesses a City of Durant permit to operate a golf cart, issued the Chief of Police or designated officer. Any non-resident of the City of Durant that would like the privilege of operating a Golf Cart within city limits will need to register for a permit.

1. Owners may apply for a permit from the Durant Police Department on forms provided by the city.
2. The Police Chief shall not issue a permit until the owner/operator has provided the following:
3. A. Evidence that the owner possess a valid driver's license and is at least (18) eighteen years of age.
B. Proof the owner/operator has liability insurance (minimum limit of \$300,000 coverage) covering operation of golf carts on city streets.
4. Permit and proof of insurance must be kept in the golf carts at all times.
5. The annual fee for such permit shall be set by resolution by city council.

6. Permits expire annually on December 31, regardless of date of issue.

7. The permit may be suspended or revoked 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 an applicable State, County, or City law. There will be no refund of the permit fee. The suspension or revocation may be appealed to the City Council within ten (10) days of the date of mailing of the written notice of suspension or revocation of the permit. The owner shall request the appeal in writing and submit the same to the City Clerk within the prescribed time period. There will no tolerance of golf carts speeding and driving recklessly on city streets or alleys.

8. No golf carts are permitted on any sidewalks in the city limits. No golf carts are permitted in City Parks unless prior approval from city council has been given at a prior council meeting before a city wide event. This shall not apply to City of Durant Public Works or Durant Municipal Electric personnel.

Chapter # then 8 NEGLIGENCE. The owner and operator of a golf carts 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 by 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.

Chapter # then 9 ACCIDENT REPORTS. Either the operator or someone acting for the operator, shall immediately notify the Durant Police Department or other law enforcement via dialing 911 whenever a golf cart is involved in an accident resulting in injury, or death, or property damage amounting to \$1,000 (one thousand dollars) or more and shall file an accident report within forty-eight (48) hours in accordance with state law. **The City shall not have any liability for any injury or damage to person or property caused by any golf carts whether or not permitted by the City of Durant or operated within the City limits of Durant. Any operator or owner of any golf cart operated or permitted within the City of Durant, Iowa acknowledges that they are solely and individually responsible for any injury or damage to person or property whether passenger, operator, owner, automobile operator or passenger and that by accepting a permit by the City of Durant, they agree to indemnify and hold harmless the City therein from any claims of injury or damage to persons or property under this City Ordinance.**

Chapter # then 10 VIOLATION AND PENALTY

1. A person guilty of violating the provisions herein shall be guilty of a misdemeanor and shall be subject to a fine of two hundred fifty dollars (\$250) and revocation of the City of Durant permit for a period of six months.
2. Any person guilty of violating this ordinance two times shall be subject to permanent revocation of the City of Durant permit and revocation of privileges to operate any golf cart within city limits.
3. Persons violating this ordinance may also be prosecute and subject to penalties set out in Section 3211.36 of the Code of Iowa.

Chapter # then 11 ANNUAL REVIEW

The city council shall annually review this chapter to determine if the ordinance warrants and amendment or repeal. **I recommend either an automatically renewal if not changed by**

Council or automatically expired. A default setting works best legally especially in cases of inclement weather at year end or desire/need of council to re-evaluate mid-calendar year.

