

## ORDINANCE NO. 1031

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEVADA, IOWA, 2005, CHAPTER 77, PERTAINING TO GOLF CARTS TO BE OPERATED ON CITY STREETS UNDER CERTAIN CONDITIONS

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

**SECTION 1. CHAPTER MODIFIED.** Chapter 77 of the Code of Ordinances of the City of Nevada, Iowa, 2005 entitled GOLF CARTS, is amended and which is hereby adopted to read as follows:

**77.01 PURPOSE.** The purpose of this Chapter of the Code of Ordinances is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the Code of Iowa, as amended. This chapter shall apply whenever a golf cart is operated on any city street or alley within the City of Nevada.

**77.02 DEFINITIONS.** For the purpose of this ordinance the following words and phrases are defined as follows.

1. "Golf cart" means a three (3) or more wheeled recreational vehicle primarily designed for transportation of person(s) and sporting equipment in the sport of golf that is either electric powered or gas powered.
2. "Operate" means to use or control the movement of the golf cart in any manner or degree.
3. "Operator" means the person who uses or controls the movement of the golf cart.
4. "Passenger" means a person who does not use or control the movement of the golf cart but who merely rides on the golf cart.
5. "Street" means that portion of the street or alley intended for vehicular travel.

**77.03 OPERATION OF GOLF CARTS PERMITTED.**

1. Golf carts may be operated upon city streets by persons possessing a valid driver's license, subject to the additional provisions of this Chapter.  
(Code of Iowa, Sec. 321.247[1])
2. Golf carts and operators of golf carts are considered vehicles and shall be subject to the Nevada Traffic Code when operating on city streets.
3. Golf carts are not subject to registration provisions of Code of Iowa, Chapter 321.  
(Code of Iowa, Sec. 321.247[2])

**77.04 EQUIPMENT REQUIREMENTS.**

Golf carts operated upon city streets and alleys shall be equipped with a minimum of the following safety features:

1. A bicycle safety flag, the bottom of which shall be above the top of the golf cart.
2. Adequate brakes.  
(Code of Iowa, Sec. 321.247[1])
3. Brake lights.
4. Rear view mirror - driver's side.

**77.05 HOURS OF OPERATION.**

Golf carts may be operated on city streets and alleys only between sunrise and sunset. Operation of golf carts is not allowed when the snow ordinance is in effect.

(Code of Iowa, Sec. 321.247[1])

**77.06 PROHIBITED STREETS.**

Golf carts shall not be operated upon any City street which is a primary road extension through the City. However, golf carts may cross such a primary road extension. Lincoln Highway, W. 18<sup>th</sup> Street, and 19<sup>th</sup> Street are hereby designated as primary road extensions in the City. (Code of Iowa, Sec. 321.247[1])

**77.07 RULES OF OPERATION.**

1. Except when executing a left turn, golf carts shall be driven as close as practicable to the right-hand edge of the right-most motorized travel lane.
2. When necessary to prevent congestion of traffic, golf carts shall be pulled to the right-hand edge of streets and be stopped to allow other motor vehicles traveling in the same direction to pass.
3. When two or more golf carts are being operated in the same direction and general vicinity, they shall proceed in single file.
4. No golf carts shall be operated upon city sidewalks or multi-use trails.
5. The operator of a golf cart shall yield the right of way to pedestrians, bicycles, electric scooters, and electric bicycles.
6. If the golf cart is not equipped with turn signals, the operator of the golf cart shall use hand signals to indicate turning movements.
7. No golf cart shall be operated along city streets while under the influence of alcoholic beverages, narcotics, or habit-forming drugs. There shall be no open containers with alcoholic beverages within the golf cart.
8. 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.
9. The operator of a 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 said vehicles.
10. The operator of a golf cart shall limit occupancy of the golf cart to the number of seats for which the vehicle is registered and occupants shall ride in approved seats while the golf cart is in motion.
11. Golf carts shall not be operated when visibility is such that there is insufficient light to clearly see persons and vehicles at a distance of ~~500~~250 feet or less.
12. No person shall leave a golf cart unattended on public property while the motor is running or keys in the ignition.

**77.08 PARKING.**

Golf carts shall be parked in standard automobile parking spaces. No golf cart may be parked in such a way as to obstruct vehicular, pedestrian, or bicyclist traffic.

**77.09 USAGE DURING SPECIAL EVENTS.**

Golf carts may be used in support of special events sponsored or as permitted by the City. Operators and passengers shall comply with this chapter any other conditions established by the City for any specific event, which conditions shall be set forth in writing from the City Administrator or designee.

**77.10 ACCIDENT REPORTS.**

Either the operator, or someone acting for 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 or more, and shall file an accident report within 48 hours.

**77.11 NEGLIGENCE.**

The owner and operator of a golf cart are jointly and severally liable for any injury or damage by negligent operation of the golf cart.

**77.12 PENALTY.**

A person who violates the provisions of Iowa Code, section 321.247 is guilty of a simple misdemeanor punishable as a scheduled violation under Code of Iowa, Section 805.8A, subsection 3. In addition, a person who violated this ordinance may be cited for a municipal infraction with fines as set forth in Chapter 4 of the Nevada Municipal Code.

(Code of Iowa, Sec. 321.247[3])

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. 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 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved this 12<sup>th</sup> day of September, 2022.

Passed and approved this \_\_ day of September, 2022.

Passed and approved this \_\_ day of October, 2022.

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Brett Barker, Mayor

Attest:

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Kerin Wright, City Clerk

1<sup>st</sup> Reading – September 12, 2022

Motion by Council Member \_\_, seconded by Council Member \_\_, to adopt the first reading of Ordinance No. 1031.

AYES:

NAYS:

ABSENT:

2<sup>nd</sup> Reading – September 26, 2022

Motion by Council Member \_\_, seconded by Council Member \_\_, to approve the second reading of Ordinance No. 1031.

AYES:            \_\_

NAYS:            \_\_

ABSENT:                \_\_

3<sup>rd</sup> Reading – October , 2022

Motion by Council Member \_\_ seconded by Council Member \_\_, to approve the third reading of Ordinance No. 1031.

AYES:            \_\_

NAYS:            \_\_

ABSENT:                \_\_

The Mayor declared Ordinance No. 1031 (2022/2023) was passed on the \_\_ day of \_\_, 2022.

I certify that the foregoing was published as Ordinance No. 1031 (2022/2023) on the \_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Kerin Wright, City Clerk