

## ORDINANCE #78

### AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF OSSIAN, IOWA, 2015, BY ADDING A NEW CHAPTER PERTAINING TO GOLF CARTS AND UTILITY TRAIL VEHICLES (UTV'S)

Be it Enacted by the City Council of the City of Ossian, Iowa;

**SECTION 1. CHAPTER ADDED.** Chapter 74 of the Code of Ordinances of the City of Ossian, Iowa, 2015 is hereby adopted:

#### CHAPTER 74

### GOLF CARTS AND UTVs (UTILITY TRAIL VEHICLES)

|  |                               |
|--|-------------------------------|
| 74.01 Purpose                                    | 74.07 Speed                   |
| 74.02 Definitions                                | 74.08 Passengers              |
| 74.03 Operation of Golf Carts and UTVs Permitted | 74.09 Operation               |
| 74.04 Prohibited Streets                         | 74.10 Permits                 |
| 74.05 Equipment                                  | 74.11 Violation and Penalty   |
| 74.06 Hours                                      | 74.12 City Celebration Waiver |

**74.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts, as authorized by Section 321.247 of the Code of Iowa, as amended, and “UTVs” (utility trail vehicles), as authorized by Section 321.234A of the Code of Iowa, as amended, on certain streets in the City. This chapter applies whenever a golf cart or UTV is operated on any street or alley, subject to those exceptions stated herein.

**74.02 DEFINITIONS.**

1. “Golf cart” means 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 the 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 Code of Iowa 321.381A.
2. “UTV” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that is limited in engine displacement to less than 1,500 cubic centimeters and in total dry weight to no more than 2,000 pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.

**74.03 OPERATION OF GOLF CARTS AND UTVS PERMITTED.** Golf carts and UTVs may be operated upon the streets of the City by persons possessing a valid Iowa operator’s license, and at least eighteen (18) years of age, except as prohibited in Section 74.09 of this chapter.

**74.04 PROHIBITED STREETS.** Golf carts and UTVs shall not be operated upon any City street that is a primary road extension through the City. However, golf carts and UTVs may cross such a primary road extension. Within the City of Ossian, “primary road extension” shall be taken to mean Highway 52 (Fisher Avenue to Main Street).

**74.05 EQUIPMENT.** Golf carts and UTVs operated upon City streets shall be equipped with at least the following:

1. Must be equipped with either headlights, a slow moving vehicle sign or a bicycle safety flag which shall be a minimum of five (5) feet from ground level.
2. Adequate and functioning brakes.
3. Muffler and exhaust system adequate to meet City noise ordinances.
4. Seat belts must be worn if they were installed by the original manufacturer.

**74.06 HOURS.** Golf carts and UTVs may be operated on City streets only between sunrise and sunset, regardless of whether the golf cart or UTV is equipped with lights. Except that a UTV may be operated during prohibited hours to perform snow removal activities.

**74.07 SPEED.** Golf carts and UTVs shall be subject to posted speed limits, but in no case shall be operated at a speed in excess of twenty-five (25) miles per hour, or at a speed greater than that which is reasonable and proper for the existing conditions.

**74.08 PASSENGERS.** In addition to the operator, a golf cart or UTV operated on City streets or alleys may carry only two additional persons in the front bench seat and three additional persons if the vehicle has a rear bench seat. However no more than one person can be seated in a bucket seat.

**74.09 OPERATION.**

1. Except as noted otherwise herein, any person operating a golf cart or UTV on City streets or alleys shall adhere to all traffic signs and signals, and all other traffic rules and regulations.
2. This chapter forbids the operation of golf carts and UTVs on City streets and alleys:
  - A. In a careless, reckless or negligent manner.
  - B. While the operator is under the influence of any intoxicating or illegal substance.
3. This chapter forbids the operation of golf carts and UTVs on:
  - A. Sidewalks.
  - B. City parks or any other land owned by the City.
  - C. Private property without the consent of the property owner.
4. Street Etiquette.
  - A. Except when executing a left turn, golf carts and UTVs shall be driven as close as practical to the right hand edge of any street.
  - B. When necessary to prevent congestion of traffic, golf carts and UTVs 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.
  - C. When two or more golf carts or UTVs are being operated in the same direction and general vicinity, they shall proceed in single file.

**74.10 PERMITS.** No person shall operate a golf cart or UTV on any public street or alley for any purpose unless the operator possesses a City of Ossian permit to operate a golf cart or UTV on City streets.

1. DNR Registration at the County Recorder's Office is required for UTVs and the sticker must be prominently displayed on the UTV.
2. Golf cart and UTV owners need to apply for a permit from the City of Ossian at the city clerk's office in order to operate a golf cart or UTV on City streets.

3. A permit shall not be issued until the owner has provided the following:
  - A. Evidence that the permitted operator(s) is at least 18 years of age and possesses a valid Iowa driver's license.
  - B. Proof that the owner and all permitted operators have liability insurance covering operation of a golf cart or UTV on city streets with limits of liability at least as great as those required by the Code of Iowa chapter 321A.1.11 as amended.
4. Any golf cart or UTV operated on the City streets shall affix the City of Ossian permit sticker prominently on the rear driver's side fender or similar rear component.
5. All permits issued shall uniquely identify the name(s) and address(es) of the owner and all permitted operators and shall be for a specific golf cart or UTV, as evidenced by its serial number.
6. The golf cart permit fee shall be twenty-five dollars (\$25.00) per year. UTV owners will need a permit but will be exempt from paying the \$25.00 if they have the required DNR registration and sticker. The fee will not be pro-rated for permits purchased during the year. The fee will not be refunded if the golf cart is sold, or the permit is suspended or revoked.
7. A permit will be valid between January 1 and December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
8. Additional operator(s) may be added during the year upon presentation of the required documentation but without an additional fee.
9. The permit may be suspended or revoked upon finding evidence that the owner or any permitted operator has violated the conditions of the permit or has abused the privilege of being a permit holder.

**74.11 VIOLATION AND PENALTY.** A violation of this chapter shall be considered a municipal infraction as defined at Chapter 3.01 of this Code of Ordinances and shall be punishable as provided in Chapter 3.03 of this Code of Ordinances.

1. For a first offense, the civil penalty shall be \$100.00.
2. For a second offense the civil penalty shall be \$200.00 and revocation of the City of Ossian permit for a period of 60 days.
3. For a third or subsequent offense the civil penalty shall be \$300.00 and revocation of the City of Ossian permit for a period of 365 days.
4. To all of the above fines shall be added the criminal penalty surcharge and costs pursuant to the Iowa Code.

**74.12 CITY CELEBRATION WAIVER.** This chapter shall be waived for golf carts and UTVs used by officials, workers, volunteers or participants in a City celebration.

**SECTION 2. 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 3. WHEN EFFECTIVE.** This ordinance shall be effective from and after its final passage, approval and publication as provided by law.

Passed by the Council on the 2nd day of December 2019 and approved this 2nd day of December 2019.

**ATTEST:**

Bill Green

Mayor

Joyce Bakewell

City Clerk

First Reading: November 7, 2019

Second Reading: December 2, 2019

Third Reading: Waived December 2, 2019

I certify that the foregoing was published as Ordinance No.78 on the 11th day of December, 2019.

.

Joyce Bakewell, City Clerk