

**ORDINANCE NO. 2020-520**

**AN ORDINANCE ADDING CHAPTER 74 PERTAINING TO OPERATION OF GOLF CARTS, OF THE CODE OF ORDINANCES OF THE CITY OF INDEPENDENCE, IOWA**

**WHEREAS** the City Council of the City of Independence, Iowa, has determined it is necessary or desirable to enact an ordinance establishing requirements for the registration and lawful operation of golf carts on certain city streets within the City of Independence.

**THEREFORE**, Chapter 74 is added to the Code of Ordinances of the City of Independence, Iowa to provide the requirements for the registration and lawful operation of golf carts on certain city streets within the City of Independence.

**SECTION I.** Chapter 74 is added to the Code of Ordinances of the City of Independence, Iowa, as follows:

**CHAPTER 74  
GOLF CARTS**

<b>74.01 Purpose</b>	<b>74.07 Equipment</b>
<b>74.02 Definitions</b>	<b>74.08 Unlawful Operation</b>
<b>74.03 General Regulations</b>	<b>74.09 Speed</b>
<b>74.04 Golf Carts Registered</b>	<b>74.10 Parking</b>
<b>74.05 Places of Operation</b>	<b>74.99 Penalty</b>
<b>74.06 Hours of Operation</b>	

**74.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on certain city streets within the City of Independence, 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.  
*(Code of Iowa, Sec. 321.247)*

**74.02 DEFINITIONS.** "Golf Cart" is defined as a four-wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric or gas powered with an engine displacement of less than 351 cubic centimeters, and a total dry weight of less than 800 pounds.

**74.03 GENERAL REGULATIONS.** No person shall operate a golf cart within the City unless the person possesses a valid driver's license. A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(3).  
*(Code of Iowa, Sec. 321.247)*

**74.04 GOLF CARTS REGISTERED.** No person shall operate a golf cart on any city street or alley within the City of Independence, for any purpose, unless there is affixed to the golf cart a valid unexpired permit sticker issued by the City Police Department.

1. Golf cart owners must apply annually for a permit from the Police Chief on application forms provided by the City.
2. The Police Chief shall not issue a permit until the following has occurred:
  - A. The owner has provided evidence the owner is at least 18 years of age and possesses a valid driver's license.
  - B. The owner has provided proof of active liability insurance covering operation of the golf cart on city streets in the minimum amount required for operation of motor vehicles.
  - C. The Police Chief, or the Chief's authorized designee, has inspected the golf cart to verify it meets all requirements of this chapter.
  - D. The owner has paid all fees required by the City.
3. The initial permit sticker shall be displayed visibly and prominently on the left rear fender of the golf cart. Renewal permit stickers shall be placed over the initial permit sticker in the same fashion as registration stickers on automobiles registered in the State of Iowa.

4. All permits issued by the City will identify the name, current address, and such other applicable contact information for the owner as the City may require on its application forms. Permits are not transferable for any reason.
5. Permits shall be effective from January 1 through December 31 of each calendar year; and must be renewed each year between December 1 and December 31. Permits not renewed by January 14 of each year shall be deemed expired.
6. Renewal permits shall be issued only after all fees required by the City pursuant to this chapter are paid, and all inspections required pursuant to this chapter are passed.
7. The annual registration fee (\$25.00 is to be placed in Section 1.15 at this time) shall be as set forth in Section 1.15 of this Code of Ordinances.
8. If a lawfully registered golf cart is sold, the registered owner shall notify the Police Department within ten (10) business days of such sale to request cancellation of the golf cart registration and permit. Any existing registration for a golf cart shall be deemed cancelled upon its sale. If the new owner intends to operate the golf cart on streets within the City of Independence, the new owner shall register the golf cart in accordance with the requirements of this chapter.

**74.05 PROHIBITED STREETS.** The operation of golf carts on city streets within the City of Independence shall comply with the following restrictions:

1. *Permitted Streets.* Golf carts may be operated on all city streets within the City of Independence except as otherwise prohibited in this section.
2. *Prohibited Streets.*
  - A. Golf carts shall not be operated upon any city street within the City of Independence which constitutes a primary road extension. However, golf carts may cross primary road extensions. Golf carts shall not be operated upon any city street within the City of Independence which constitutes a primary road extension. However, golf carts may cross primary road extensions, but may only cross Highway 150 at designated locations to ensure such crossing can be achieved safely. Primary road extensions within the City shall include:
    - i. All portions of Highway 150 (crossing allowed at 11<sup>th</sup> Street NE, 2<sup>nd</sup> Street SE, and Enterprise Drive);
    - ii. 1<sup>st</sup> Street East/West;
    - iii. 2<sup>nd</sup> Avenue NE;
    - iv. 20<sup>th</sup> Avenue SW;
    - v. 6<sup>th</sup> Avenue SW from 1<sup>st</sup> Street West to Bland Boulevard.
  - B. Golf carts shall not be operated upon any city street within the City of Independence with a posted speed limit greater than thirty (30) miles per hour.
3. *Violations.* A violation of Section 74.05(2)(A) is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(3).  
(Code of Iowa, Sec. 321.247[1a])

**74.06 HOURS OF OPERATION.** Golf carts may be operated on public streets within the City of Independence only between sunrise and sunset, regardless of whether a golf cart has functioning headlamps and/or taillamps. A violation of this section is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(3).  
(Code of Iowa, Sec. 321.247)

**74.07 EQUIPMENT.** Golf carts operated on public streets within the City of Independence shall be equipped with at least the following equipment and safety features:

1. Adequate brakes;  
(Code of Iowa, Sec. 321.247[1b])
2. A slow-moving vehicle sign visible from the rear of the golf cart;  
(Code of Iowa, Sec. 321.247[1b])
3. Functioning headlights and taillights where such equipment is present on the golf cart as manufactured;
4. A bicycle safety flag; and
5. A reflective strip measuring at least 2 inches wide by at least 6 inches long on both the front and rear ends of the golf cart.

Any golf cart not in compliance with all requirements of this section shall be ineligible for registration under this chapter. A violation of Sections 74.07(1) or 74.07(2) is a simple misdemeanor punishable as a scheduled violation under Iowa Code Section 805.8A(3).

(Code of Iowa, Sec. 321.247)

**74.08 UNLAWFUL OPERATION.**

1. No individual shall operate a golf cart unless that person is at least (18) years of age and possesses a valid driver's license.
2. No owner shall permit a person to operate a golf cart unless that person is at least eighteen (18) years of age and possesses a valid driver's license.
3. No golf carts shall be operated or parked upon public sidewalks, trails, parks, or other areas where operation of an automobile is prohibited.
4. No golf cart shall be operated on private property without the express consent of the property owner or lawful tenant.
5. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
6. 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 the same.
7. No golf cart shall be operated in violation of the traffic laws of the City of Independence or the State of Iowa.
8. No golf cart shall carry more passengers than the golf cart is designed to carry.
9. No person shall ride in a golf cart unless seated in a seat designed to carry a passenger.
10. No seat shall be used by more than one person at a time.
11. No cargo, materials, supplies, or other items may be transported in the golf cart without being properly restrained.
12. No person shall leave a golf cart unattended on public property while the motor is running, or the keys are in the ignition.
13. Golf carts shall be parked only on city streets where parking is permitted, parking lots, or driveways in the same manner as an automobile.

**74.09 SPEED.** No golf carts shall be capable of exceeding twenty (20) miles per hour on a paved level surface.

**74.10 PARKING.** Golf carts may be parked in City parking lots or on any City street where vehicle parking is permitted, except no golf cart may be parked on any primary road extension.

**74.99 PENALTY; SUSPENSION OR REVOCATION OF PERMIT.**

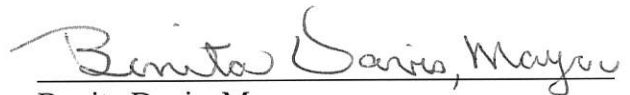
1. *Penalty.* Unless another penalty is stated, a violation of this chapter shall constitute a municipal infraction with violators subject to a civil penalty under Section 4.03 of this Code of Ordinances.
2. *Suspension or Revocation of Permit Following Conviction.* In addition to the penalties provided for in Section 4.03 of this Code of Ordinances or in Iowa Code 805.8A(3), owners of golf carts shall also be subject to suspension or revocation of their golf cart permits for a period of time deemed appropriate by the Chief of Police or his/her authorized designee under the circumstances. Notice of such suspension or revocation shall be provided to the owner of golf carts found to have violated any provision of this chapter, regardless of whether the owner was operating the golf cart at the time of the violation. The owner shall be notified of such suspension or revocation of their permit by certified mail to the address listed on their permit application within fourteen (14) days from the date of final adjudication of any criminal citation or municipal infraction citation issued as a result of a violation of this chapter involving the owner's golf cart. The owner may appeal the decision directly to the City Council by notifying the City Clerk in writing of such appeal request within seven (7) days of the date on the letter of suspension or revocation. The City Council will then hold an informal hearing with the aggrieved party present at the next regularly scheduled council meeting or within fourteen (14) days of the hearing request. The City Council will then render a decision in writing within seven (7) days of the hearing date with notification to the owner by certified mail. The decision of the City Council shall constitute the final action of the City.

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

**SECTION III. SEVERABILITY.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall be effective after its passage and publication as required by law.

PASSED AND APPROVED this 8 day of June, 2020.


  
Bonita Davis, Mayor

ATTEST:

  
Jeena Lynch, City Clerk

First Reading: May 11, 2020  
Second Reading: May 26, 2020  
Third Reading: June 8<sup>th</sup>, 2020

I certify that the foregoing was published as Ordinance No. 2020-520 on the 17<sup>th</sup> day of June, 2020.

  
Jeena Lynch, IaMCM, City Clerk\Treasurer