

ORDINANCE NO.

AN ORDINANCE CREATING CHAPTER 74 OPERATION OF GOLF CARTS ON CITY STREETS

BE IT ORDAINED by the City Council of the City of Fonda, Iowa:

Section 1. It has come to the attention of the city council that changes are needed in reference to golf carts.

Section 2. The City wishes to allow golf carts to freely transverse throughout the city with certain restrictions.

Section 3. The Code of Ordinances of the City of 4Fonda, Iowa is amended by adding a new Chapter 74, entitled OPERATION OF GOLF CARTS ON CITY STREETS

WHEREFORE Chapter 74 of the Fonda City Code shall be created to read as follows:

**CHAPTER 74  
OPERATION OF GOLF CARTS ON CITY STREETS**

74.01 Purpose	74.07 Hours of Operation
74.02 Definitions	74.08 Speed
74.03 Operation of Golf Carts Permitted	74.09 Parking Prohibited
74.04 Prohibited Streets	74.10 Permits
74.05 Unlawful Operation	74.11 Financial Responsibility/Negligence
74.06 Equipment	74.12 Penalty

**74.01 PURPOSE.** The purpose of this chapter 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 applies whenever a golf cart is operated on any street or alley of the City of Fonda, Iowa

**74.02 DEFINITIONS.** "*Golf cart*" means a four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf that is either electric powered 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 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon the streets of the City by persons possessing a valid Iowa operator's license and at least seventeen (17) years of age.

**74.04 PROHIBITED STREETS.** Golf carts shall not be operated upon State Highway 7; Pocahontas County Road N28; 140<sup>th</sup> Ave; and 630<sup>th</sup> St from South Main St to Pocahontas County Road N28. Golf carts may cross said streets at a 90 degree angle only.

**74.05 UNLAWFUL OPERATION.**

1. No golf carts shall be operated or parked upon City sidewalks or trails.
2. No golf cart shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.
3. No golf cart shall be operated on public streets or alleys with an open container of alcohol as referred to in 321.284 of the Code of Iowa 321.284 and/or 321.284A.
4. 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.
5. No golf cart shall carry more passengers than the golf cart has designed seating for.

**74.06 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a minimum of the following safety features:

1. A slow moving vehicle sign.
2. A safety flag that is 30 square inches and displayed so the bottom of the flag is at least five feet in the air above the ground or the bottom of the flag shall be above the top of the golf cart roof.
3. Adequate brakes.
4. Rear view mirror mounted to the center or driver's side of the golf cart.

**74.07 HOURS OF OPERATION.** Golf carts may be operated on permitted city streets and alleys between sunrise and sunset.

**74.08 SPEED.** No golf cart shall be operated in the City at a speed in excess of twenty-five (25) miles per hour. Posted speed limits must be followed in accordance with the Code of Iowa.

**74.09 PARKING PROHIBITED.** Golf carts shall not be parked on City streets or alleys unless permitted by resolution of the City Council.

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

1. Golf cart owners may apply for a permit from the City Clerk on forms provided by the City.
2. The Clerk shall not issue a permit until the owner/operator has provided the following:
  - A. Evidence that the permittee is at least 17 years of age, and possesses a valid State issued driver's license.
  - B. Proof that the permitted golf cart has liability insurance covering operation of golf carts on City streets in the amount required by the Iowa Code.
3. All permits shall be issued for a specific golf cart. Permits holders will be issued a metal tag that will be kept in the golf cart for presentation to any peace officer or city official upon request.
4. The fee for such permits shall be twenty dollars (\$20.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at any time during the year but will be valid only through December 31.
5. The permit may be suspended up to 60 days by the Chief of Police upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. The permittee may request a hearing in front of the City Council to have their permit reinstated. There will be no refund of the permit fee.

**74.11 FINANCIAL RESPONSIBILITY/NEGLIGENCE.** The owner or operator of a golf cart must maintain and provide current proof of financial responsibility upon request by a peace officer or city official. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of the golf cart.

**74.12 PENALTY.** A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Fonda Code of Ordinances. The offender may be prosecuted pursuant to Section 321.247 of the Code of Iowa by corresponding scheduled violation. If an operator commits a third or subsequent offense violation of this ordinance within a period of (24) twenty-four months this shall result in the revocation and inability to obtain of the city operational permit for a period of two (2) years from the date of the third conviction. There will be no refund of the permit fee.

Section 4. This Ordinance and the rights and privileges herein granted shall not become effective or binding until this ordinance has been approved in accordance with the Iowa Law.

Section 5. If any section, provision, or part of this ordinance shall be adjudged invalid or constitutional, such adjudication shall not affect the validity of the ordinance as a whole or any such in section, provision or part thereof not adjudged invalid or unconstitutional.

Section 6. This ordinance shall be in effect after its final passage, approval, publication as provided by law.

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

Published: \_\_\_\_\_

PAST AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

CITY OF FONDA, IOWA

By: \_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(OFFICIAL SEAL)