

## **ORDINANCE #5-2015**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRINGVILLE, IOWA 2009, BY AMENDING CHAPTER 74, GOLF CARTS, TO INCLUDE UTV AND ATV'S TO BE OPERATED ON CITY STREETS UNDER CERTAIN CONDITIONS AND WITH A CITY ISSUED PERMIT.**

**BE IT ENACTED** by the City Council of the City of Springville, Iowa:

**SECTION 1. NEW CHAPTER** The Code of Ordinances of the City of Springville, Iowa, is amended by adding a new Chapter 74, entitled **OPERATION OF GOLF CARTS, UTV AND ATV'S ON CITY STREETS** which is hereby adopted to read as follows:

**74.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts, UTV and ATV's 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, UTV or ATV is operated on any street or alley of the City of Springville, Iowa. Be it noted, the provisions in this amendment do here by supersede any like topics in Chapter 75.05 of our City Code.

**74.02 DEFINITIONS.**

*"Golf cart"* means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf.

*"ATV"* means a motorized vehicle, with three or more tires, and can carry up to 2 passengers.

*"UTV"* means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks. 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.

*"Operate"* means to ride in or on other than a passenger, use, or, control the operation of a golf cart in any manner, whether or not the golf cart is moving.

*"Operator"* means a person, who operates or is in actual physical control of a golf cart.

*"Roadway"* means that portion of a highway improved, designated or ordinarily used for vehicular travel.

*"Street or highway"* means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular travel.

**74.03 OPERATION OF GOLF CARTS, UTV, and ATV's are PERMITTED.** Golf carts, UTV's and ATV's may be operated upon streets of the City by persons possessing a valid Iowa operator's license, and at least eighteen (18) years of age.

**74.05 UNLAWFUL OPERATION.**

1. No golf carts, UTV or ATV shall be operated or parked upon City sidewalks or in City Parks, except in designated areas.
2. No golf cart, UTV or ATV shall be operated while under the influence of intoxicating liquor, narcotics or habit forming drugs.
3. No person shall operate a golf cart, UTV or ATV in a careless, reckless or negligent manner endangering the person or property of another or causing injury or damage to same.
4. The number of occupants in the motorized golf cart, UTV or ATV may not exceed the design occupant load.
5. "Operator" of the golf cart, UTV or ATV must be in driver's seat.

**74.06 EQUIPMENT.** Golf carts, UTV's and ATV's operated upon City streets shall be equipped with a minimum of the following features.

1. A slow moving vehicle sign.
2. A bicycle safety flag, the top of which shall be a minimum of five (5) feet from ground level.
3. Adequate brakes.
4. A "quiet" stock muffler, that does not violate our Noise Ordinance.

**74.07 TIMES OF OPERATION.** Golf carts, UTV's and ATV's may be operated on city streets only between sunrise and sunset. They shall not be operated when visibility is such that there is insufficient light or lighting to clearly see person and vehicles at a distance of 500 feet.

**74.08 SPEED.** All golf carts, UTV's and ATV's shall operate at speeds no more than posted, and obey all traffic laws.

**74.09 PERMITS** No person shall operate a golf cart, UTV and ATV on any public street or alley, for any purpose, unless the operator possesses a City of Springville permit to operate a golf cart, UTV or ATV on City streets, issued by the City Clerk of Springville, Iowa.

1. Golf Cart, UTV and ATV owners may apply for a permit from the Springville 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 operator is at least 18 years of age, and possesses a valid Iowa driver's license.
  - b. Proof owner/operator has liability insurance covering operation of golf cart, UTV or ATV on City streets in the amount required by Iowa Code.
3. All permits shall be issued for a specific golf cart, UTV or ATV. Permits holders will be issued a number and will purchase 3" minimum reflective numbers to affix to the left side rear fender or similar component.
4. The fee for such permits shall be twenty-five dollars (\$25.00). Permits will be granted for one (1) year valid from January 1 through December 31. Permits may be purchased at anytime during the year but will be valid only through December 31.
5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.
6. All permits issued shall uniquely identify name and address of owner/operator.

**74.10 PENALTY.** In addition to the suspension or revocation of the permit a person who violated this chapter is guilty of a simple misdemeanor punishable as a scheduled violation under Iowa Code.

(Code of Iowa, Sec. 321.247)

**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. EFFECTIVE DATE.** This ordinance shall be in effect following final passage, approval and publication of this ordinance as required by law.

Passed by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015, and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
*Mayor*

**ATTEST:** \_\_\_\_\_  
*City Clerk*

I certify that the foregoing was published as **Ordinance #5-2015** on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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