

## ORDINANCE NO. 305

### AN ORDINANCE TO PERMIT GOLF CARTS TO BE OPERATED ON CITY STREETS UNDER CERTAIN CONDITIONS AND WITH A CITY PERMIT

**WHEREAS**, the Badger City Council has determined that Ordinance Number 305 shall be placed as a new chapter, Chapter 74 Golf Carts, within the Code of Ordinances of the City of Badger.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Badger, Iowa as follows:

#### **SECTION 1: Adding Chapter 74 Golf Carts,**

**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, subject to those exceptions stated herein.

**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 that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds. This shall not include any class or type of ATV.

**74.03 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon the streets of the City by persons possessing a valid operator's license, and at least eighteen (18) years of age, except as prohibited in Section 74.04 of this chapter.

**74.04 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 primary road extensions. All of Center Avenue and Paragon Avenue within the city limits are hereby designated as primary road extensions in the City. **GOLF CARTS ARE PROHIBITED IN ANY CITY PARK PER CHAPTER 47.02 OF THE CITY CODE OF ORDINANCE.**

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

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. A mirror to provide the driver with adequate vision from behind

**74.06 HOURS.** Golf carts may be operated on City streets only between sunrise and sunset.

**74.07 SPEED.** No golf carts shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour.

**74.08 PERMITS.** No person shall operate a Golf Cart on any public street, or alley for any purpose unless the owner of the golf cart has been issued a City of Badger permit to operate the golf cart on city streets, issued by the City Clerk.

1. Golf Cart owners may apply for a permit on forms provided by the City.
2. The City 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 driver's license. A copy of applicant's driver's license will be obtained for the file.
  - b. Proof owner/operator has liability insurance covering operation of golf carts on city streets.
  - c. The owner/operator must bring the golf cart to city hall to be inspected.
3. All permits shall be issued for a specific golf cart. Permits holders will be issued a number and will be required to purchase 3" minimum reflective numbers to affix to the left side rear fender and left side front fender.
4. The fee for such permits shall be thirty dollars (\$30.00). 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 receipt of sufficient 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 in the event of revocation or suspension.

**74.09 VIOLATION AND PENALTY.**

1. Any person guilty of violating the provisions herein shall be guilty of a simple misdemeanor and shall be subject to a fine of one-hundred dollars (\$100.00) and revocation of the City of Badger permit for a period of two months.
2. Any person guilty of violating this ordinance two times in a twelve (12) month period herein shall be guilty of a simple misdemeanor and shall be subject to a fine of two-hundred dollars (\$200.00) and revocation of the City of Badger permit for a period of two years.
3. Any person guilty of violating this ordinance three times in a twelve (12) month period shall be guilty of a simple misdemeanor and shall be subject to a fine of three-hundred dollars (\$300.00) and permanent revocation of the City of Badger permit.

**74.10 REVOCATION OF OPERATING PRIVILEGES**

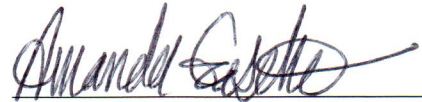
1. Any person that has his/her Golf Cart Operation Permit revoked shall turn their permit into city hall within five (5) days after receiving the notice of revocation. Upon revocation, the permit holder shall remove and destroy the permit identification number stickers on his/her golf cart and provide proof of such destruction to the City Administrator.

**SECTION 3. REPEALER CLAUSE.** Any ordinance, provision or part thereof, which differs or is inconsistent with this ordinance is hereby repealed, to the extent of said difference or inconsistency.

**SECTION 4. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, 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 5. EFFECTIVE DATE.** This ordinance shall be in effect following final passage, approval, and posting of this ordinance as required by law.

Passed and approved by the Council this 9 day of July, 2018.



Amanda Gascho, Mayor

ATTEST:



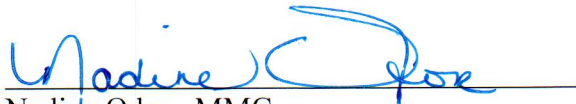
Nadine Odor, MMC

First Reading: 7.9.2018

Second Reading: 8.13.2018

Final Reading & Passage 9.10.2018

I, Certify that the foregoing was published as Ordinance No. 305 on the 21<sup>st</sup> day of September, 2018



Nadine Odor, MMC