

ORDINANCE NO. 4-2017

AN ORDINANCE CREATING A NEW CHAPTER 10.51 GOLF CART AND UTILITY TRAIL VEHICLES OF THE MUNICIPAL CODE OF THE CITY OF DENVER, IOWA.

BE IT ORDAINED, by the City Council of the City of Denver, Iowa that:

Section 1. Chapter 10.51 GOLF CARTS AND UTILITY TRAIL VEHICLES (UTVs) is hereby created.

10.51 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), on certain streets in the City. This chapter applies whenever a Golf Cart or UTV is operated on any city street or alley, subject to those exceptions stated herein.

10.51.01 DEFINITIONS:

1. "Golf cart" means a four-wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf. Note that a vehicle with 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, 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.

10.51.02 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 sixteen (16) years of age, except as prohibited in Section 10.51.07.

1. In addition to having a valid drivers' license Persons under 18 years of age are required to have ATV/ UTV safety certificate from the Iowa DNR to operate a UTV on the roadways.

10.51.03 REQUIRED EQUIPMENT: Golf carts and UTVs operated upon City streets shall be equipped with at least the following:

1. A slow moving vehicle sign.
2. An orange safety flag, the top of which shall be a minimum of five (5) feet above the ground level.
3. Adequate and functional brakes.
4. Rear view or side mirrors.
5. Adequate exhaust and muffler system.

10.51.04 HOURS OF OPERATION: Golf carts and UTV's may be operated on City streets only between sunrise and sunset.

Ambulance, Fire, Law Enforcement, and Denver Public School golf carts and UTVs are exempt from these hours of operation hours in performance of their duties.

10.51.05 SPEED: Golf carts and UTVs shall be subject to posted speed limits.

10.51.06 PASSENGERS:

Passengers must remain seated at all times when the vehicle is in motion.

10.51.07 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 City of Denver and State of Iowa traffic rules and regulations, and shall obey the orders and direction of any law enforcement officer authorized to direct or regulate traffic, or the direction of a fire department officer during a fire.

2. This ordinance forbids the operation of golf carts and UTVs on:

- a. Any recreational, bike or walking trail unless the trail is specifically designed to allow the use of motor vehicles.
- b. Sidewalks.
- c. City parks or any other land owned by the City, unless permission is granted by the city council.
- d. Private property without the consent of the property owner.
- e. Primary road extensions through the city limits, however Golf Carts and UTV's may cross these roads at approximately a ninety (90) degree angle after yielding the right of way to cross traffic. Primary road extensions for the city of Denver are Fayette Street and State Street.

Ambulance, Fire, Law Enforcement, and Denver Public School golf carts and UTVs are exempt from these restrictions in performance of their duties.

3. 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 or alley.
- 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 on a City Street or Alley, they shall proceed in single file.

4. Parking: A golf cart or UTV may be parked on City streets or parking lots only in designated parking spaces.

10.51.08 PERMITS: Golf carts and UTVs must be registered with the City of Denver before operating on any public street or alley.

1. A permit shall be issued once the owner has provided the following:
 - a. Proof that the owner has liability insurance covering operation of a golf car 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.
 - b. Inspection and approval by the Police Department of the City of Denver.
2. Any golf cart or UTV operated on the City streets shall display the City of Denver permit sticker prominently on the rear left fender or similar component.
3. All applications shall uniquely identify the name (s) and address (s) of the owner and shall be for specific golf cart or UTV, as evidenced by its serial number.
4. The fee for such permits shall be forty-five dollars (\$45.00) per 3-year period. The fee will not be pro-rated for permits purchased during the year. The fee will not be refunded if the golf cart or UTV is sold, or the permit is suspended or revoked.
5. All permits will expire on December 31 of the third year. Permits may be purchased at any time.
6. The permit may be suspended or revoked per 10.51.09
7. Businesses selling Golf Carts or UTV's are exempt from having to obtain permits.
8. UTVs must comply with all applicable state regulations.

10.51.09 SPECIAL EVENTS EXEMPTION REQUIRES APPROVAL OF THE CITY COUNCIL

1. Special Events will be exempt from obtaining a Golf Cart / UTV Permit only with the approval of the Denver City Council. (i.e. Denver Breakaway Days Volunteers, Denver Diplomats, Class Reunions etc.)

10.51.09 VIOLATION AND PENALTY:

1. A violation of this ordinance shall be considered a municipal infraction as defined Chapter 1.08 Penalty & Chapter 1.12 Municipal Infractions of this Code of Ordinances.
2. For a first offense, in a 12 month period, the civil penalty shall be \$50.00
3. For a second offense, in a 12 month period, the civil penalty shall be \$100.00 and revocation of the City of Denver permit for 60 days.
4. For a third or subsequent offenses, in a 12 month period, the civil penalty shall be \$200.00 and revocation of the City of Denver permit for 180 days
5. To all of the above fines shall be added the surcharge and costs pursuant to the Iowa Code and the Denver City Code.

Section II. All ordinances or parts of ordinances which conflict herewith are repealed.

Section III. 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 IV. This ordinance shall be in full force and effect from and after its passage and publication, as provided by law from and after the 4th day of December, 2017.

1st Reading was Passed, approved and adopted this 6th day of November, 2017.

2nd Reading was Passed, approved and adopted this 20th day of November, 2017.

3rd Reading was Passed, approved and adopted this 4th day of December, 2017.

Rod Diercks, Mayor

ATTEST:

Larry Farley, City Clerk/Admin.