

DRAFT

Title 8, Chapter 10:

GOLF CARTS, ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES

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8-10-1 Purpose. The purpose of this chapter is to regulate the operations of golf carts, all-terrain vehicles and/or off-road utility vehicles within the City.

8-10-2 Definitions. For use in this chapter the following terms are defined:

1. "All-terrain vehicle" or "ATV" means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than eight hundred (800) cubic centimeters and in total dry weight to less than seven hundred fifty (750) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321G.23, 321G.24, 321I.25 and 321I.26 of the Code of Iowa.
2. Off-road Utility Vehicle ("UTV") as defined by Iowa Code § 321I.1 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. "Off-road utility vehicle" includes the following vehicles:
 - A. "Off-road Utility Vehicle - type 1" means an Off-road Utility Vehicle with a total dry weight of one thousand two hundred pounds or less and a width of fifty inches or less.
 - B. "Off-road Utility Vehicle - type 2" means an Off-road Utility Vehicle, other than a type 1 Off-road Utility Vehicle, with a total dry weight of two thousand pounds or less, and a width of sixty-five inches or less.
 - C. "Off-road Utility Vehicle - type 3" means an Off-road Utility Vehicle with a total dry weight of more than two thousand pounds or a width of more than sixty-five inches, or both.
3. "Golf cart" means a motorized vehicle that is initially designed and manufactured for operation on a golf course for sporting or recreational purposes.

8-10-3 Properly equipped golf carts, ATVs and/or UTVs allowed to operate on city streets.

1. Policy Statement. Pursuant to the authority granted under Iowa Code Section 321.247, golf carts, ATVs and/or UTVs, only if equipped as specified herein, may be operated on all city streets between sunrise and sunset by any person possessing a valid driver's license or an Iowa license with a "j" restriction and proof of security against liability as specified in Iowa Code 321.20B. This chapter is adopted in the interest of public safety. Golf carts, ATVs and UTVs are not designed or manufactured to be used on public streets and roads, and the city in no way advocates or endorses their operation on streets or roadways. The city, by regulating such operation, is merely addressing safety issues. This chapter is not to be relied upon as a determination that operation on streets is safe or advisable even if done in accordance with this chapter. All persons operating golf carts, ATVs and/or UTVs must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and other pedestrians. All persons who operate or ride golf carts, ATVs and/or UTVs on streets inside the city of West Liberty do so at their own risk and peril. The city has no liability under any theory of liability, for permitting golf carts, ATVs and/or UTVs to be operated on the streets of the city.
2. Rules and Regulations. Golf carts, all-terrain vehicles and/or off-road utility vehicles may be operated on streets within the city of West Liberty in accordance with the following rules and regulations:
 - A. Any person who operates a golf cart, ATV and/or UTV in the city takes full responsibility for all liability associated with operating the motorized vehicle..
 - B. Operation shall not exceed a rate of speed greater than reasonable or proper under all existing circumstances and in no event shall never exceed twenty-five mph or the posted speed limit, whichever is less.
 - C. Operation shall not be in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - D. Any person who operates a golf cart, ATV and/or UTV must be at least eighteen years of age and possess a valid driver's license to operate a motor vehicle issued by Iowa.
 - E. Any passenger seventeen years of age or under must use a seat belt during operation of a golf cart, ATV and/or UTV.
 - F. When crossing of streets occur the driver of the golf cart, ATV and/or UTV must:
 - i. The golf cart, ATV or UTV must come to a complete stop at posted stop sign before crossing any street.
 - ii. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard: and
 - iii. The driver yields to any pedestrian traffic in a crosswalk.

- iv. Follow any other applicable regulations for golf carts, ATV's and/or UTV's or any motor vehicle laws as described in state of Iowa Vehicle Code Section 321.
- G. The owner of the golf cart, ATV or UTV must provide proof of liability insurance before a permit will be issued. The proof of insurance must be with the golf cart whenever said golf cart is in operation.
- H. Golf carts, ATVs and UTVs shall only be allowed to be operated on city streets between sunrise and sunset.
- I. No golf carts, ATVs or UTVs shall be operated upon the public sidewalk, nor shall they be operated upon that portion of the street located between the curb line and the sidewalk or property line.
- J. Any person who operates a golf cart, ATV or UTV on the streets of the city must adhere to all applicable state laws concerning the possession and use of alcoholic beverages and all illegal drugs, as well as all other state traffic laws.
- K. Golf carts, ATVs and UTVs are only allowed to park in handicapped parking spaces if the driver or at least one passenger has a valid handicapped parking permit.
- L. No item shall be towed by a golf cart.
- M. Golf carts, ATVs or UTVs may not be operated during times of inclement weather.
- N. No golf cart, ATV or UTV shall be operated upon private property without the express consent of the owner thereof.
- O. Golf carts, ATVs and UTVs shall not be operated in city parks or upon other city-owned land unless for a special event authorized by the police department and the operator possesses a valid permit issued by the city.
- P. Direct Crossing. Golf Carts, ATVs and UTVs may make a direct crossing of a prohibited street provided all of the following occur:
 - i. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - ii. The golf cart, ATV or UTV is brought to a complete stop before crossing the street;
 - iii. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and
 - iv. In crossing a divided street, the crossing is made only at an intersection of such street with another street.
- Q. Required Equipment. A golf cart, ATV or UTV operated on a city street shall have the following equipment in good working condition at all times:

- i. A clearly visible slow moving vehicle emblem displayed to the rear.
- ii. A bicycle safety flag of a least six feet in height.
- iii. Adequate brakes.
- iv. Steering apparatus.
- v. Tires.
- vi. Visible city of West Liberty permit sticker on the rear of golf cart, ATV and UTV.

R. Railroad Right-of-way. Golf carts, ATVs or UTVs shall not be operated on an operating railroad right-of-way. A golf cart, ATV or UTV may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic. (Code of Iowa, Sec. 321I.14[1h]).

8-10-04 Permit Required. No person shall operate a motorized golf cart, ATV or UTV without obtaining a permit from the City of West Liberty Police Department as provided in this section.

1. The permit shall be granted for a period of one year and must be renewed annually by July 1 of each year. If the permit is not obtained or renewed by July 1, a penalty may be assessed in an amount per resolution of the City Council.
2. The annual cost of a permit will be an amount per resolution of the City Council for each golf cart, ATV and/or UTV to cover the costs of implementing and maintain this chapter and shall be paid to the City of West Liberty by the applicant. Insurance coverage shall be verified as in effect by the police department when issuing or renewing the permit. Proof of insurance needs to be carried on the golf cart, ATV or UTV at all times while being operated.
3. After completion of the application and payment of the requisite fee, the applicant shall present the golf cart, ATV or UTV to the chief of police, or his/her designee, for an inspection to determine whether the golf cart, ATV or UTV may be operated on a city street. If the applicant and golf cart, ATV or UTV are qualified under the terms and conditions of this chapter, the police department shall issue a sticker as visible proof of compliance, which shall be valid for a period of one year, and which must be displayed on the rear of the golf cart, ATV or UTV at all times.
4. A permit may not be issued if in the previous year was cited and convicted of any violations of this chapter.
5. Golf cart, ATV or UTV owners must complete a permit application form, which may be obtained from the City of West Liberty. The completed forms will be maintained by the City of West Liberty Police Department.

8-10-05 Negligence. The owner and operator of a golf cart, all-terrain vehicle and/or off-road utility vehicle are liable for any injury or damage occasioned by the negligent operation of the golf cart, all-terrain vehicles and/or off-road utility vehicles. The owner shall be liable for any such injury or damage only if the owner was the operator of the golf cart, all-terrain vehicle and/or off-road utility vehicle at the time the injury or damage occurred or if the operator had the owner's consent to operate at the time the injury or damage occurred. (Code of Iowa, Sec. 321G.18 & 321I.19)

8-10-06 Accident Reports. Whenever a golf cart, all-terrain vehicle and/or off-road utility vehicle is involved in an accident resulting in injury or death to anyone or property damage, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law. (Code of Iowa, Sec. 321G.10 & 321I.11)

8-10-07 Penalty and Enforcement. Violation of the ordinance shall constitute a revocation of the permit if applicable, and a simple misdemeanor punishable by a fine, plus the applicable court surcharge and costs and/or up to thirty (30) days in jail as set forth in Iowa Code § 903.1. Any amendments to the simple misdemeanor penalties of Iowa Code § 903 shall be automatically incorporated into this section without the need of amending this ordinance. To the extent that a person is deemed to be a "repeat offender", under Iowa Code section 321I.36 or as may be deemed appropriate by the Muscatine County Attorney's office, any violations hereunder may be charged using the applicable State provisions then existing under the Iowa Code.

PASSED, APPROVED AND ADOPTED this ____ day of June, 2021.

ATTEST:

Lee Geertz
City Clerk

Robert Hartman
Mayor