

ORDINANCE NO. 890

An Ordinance to add **Chapter 74, GOLF CARTS AND UTV'S PROVIDING FOR THE LEGAL OPERATION OF GOLF CARTS AND UTV'S WITHIN THE CITY LIMITS** to the Ordinances of the City of Anamosa, Iowa,

BE IT ENACTED by the City Council of the City of Anamosa, Iowa:

SECTION 1. NEW CHAPTER. The Anamosa Code of Ordinances is hereby amended by adding Chapter 74 entitled "Golf Carts and UTV's", hereinafter referred to as "permitted vehicles", which is hereby adopted and shall read as follows:

Definition of Permitted Vehicle. A motorized flotation-tire vehicle with not less than four and not more than eight low-pressure tires limited in engine displacement to less than 1500 cubic centimeters but a minimum of 200 cubic centimeters and in total dry weight to not more than 1800 pounds, with seats of either a bucket or bench design not intended to be straddled by the operator and a steering wheel for control.

Purpose. The purpose of this chapter is to approve the operation of permitted vehicles within the City limits under certain limited circumstances.

Operation of Permitted Vehicles Permitted. Permitted Vehicles may be operated upon the streets of the City except as prohibited.

Prohibited Streets/Roadways. Permitted Vehicles shall not travel along the linear portion of any streets/roadways which are primary road extensions through the City; however, those streets may be crossed at intersections. Primary road extensions shall include Scott/3rd Street, N. Ford Street, Cherry Street and Elm Street.

Roadways identified as US Highway 151 or State Highway 64 may not be traveled or crossed as per Iowa Code.

SECTION 2. DAYTIME OPERATION. Permitted Vehicles shall be allowed to operate within the city limits from one-half hour after dawn until one-half hour before dusk if the following equipment is installed and operable on said vehicle:

- a. Adequate Brakes.
- b. Seating for all passengers, with no more passengers than the seat(s) are designed to accommodate. No one may be standing on the vehicle or sitting on another passenger while the vehicle is in operation.
- c. Slow Moving Vehicle Sign.
- d. A Canopy over the front seat area or a flag extending a minimum six (6) feet in height.
- e. Clearly audible horn device.

SECTION 3. LIABILITY INSURANCE. Proof of Liability Insurance must be maintained within the permitted vehicle during any operation under this Ordinance. Insurance must be at or above the minimum amounts for motor vehicles as prescribed by the State of Iowa.

SECTION 4. OPERATORS LICENSE. All operators of permitted vehicles (Section 1 & 2) must hold a valid Iowa Driver's License and be at least eighteen (18) years of age.

SECTION 5. OCCUPANTS & SEATING. All occupants must be in a seated position at all times with no more than the number of occupants the seat is designed for. No one may be standing on the vehicle or sitting on another passenger while the vehicle is in operation.

SECTION 6. SIDEWALKS. At no time will permitted vehicles be operated on City Sidewalks, unless being used for snow removal or other authorized utility type purpose.

SECTION 7. MOTOR VEHICLE LAWS. The operator of a permitted vehicle shall be subject to all provisions of the Anamosa City Code of Ordinances and the Motor Vehicle Code of Iowa related to the use and operation of motor vehicles within the City. Specifically, all applicable provisions of the code(s) deemed to apply to the operation of permitted vehicles authorized herein.

SECTION 8. PENALTIES. If an operator of a Golf Cart or UTV authorized herein shall be found by a Law Enforcement Officer to have violated a provision of this Ordinance, a provision of the Anamosa Code or Laws or the State of Iowa; said operator shall be subject to a Civil Citation in the amount of \$100.00 per violation payable to the City Clerk. In the event a Civil Citation is challenged a hearing will be set with the Magistrate Court and the operator may then be assessed a surcharge and court costs in addition to the Civil Penalty.

SECTION 9. SUSPENSION OF PRIVILEGE. If, over the course of a twelve month period, an operator of a permitted vehicle is cited for two violations of the provisions of this Chapter of the Anamosa Code of Ordinances or the Laws of the State of Iowa while operating a permitted vehicle, their privilege to operate a permitted vehicle under the terms and provisions of this Chapter shall be suspended for a period of twelve (12) months.

SECTION 10. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 11. SEVERABILITY CLAUSE. If any section, provision, or part hereof 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 12. WHEN EFFECTIVE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and approved by the City Council of the City of Anamosa, Iowa on the 24th day of June, 2013.

Dale Barnes, Mayor

ATTEST:

Tammy Coons, City Clerk

**RECORD OF COUNCIL PROCEEDINGS FOR
CONSIDERATION OF ORDINANCE**

First Reading:

The City Council of the City of Anamosa met in Regular Session in the City Hall Council Chambers, Anamosa, Iowa at 6:00 pm on the 10th day of June, 2013, with Mayor Dale Barnes presiding and the following Council members present; Shaffer, Feldmann, Bowers, Stivers and Dearborn.

Absent: Smith.

Councilmember Bowers introduced the foregoing Ordinance No. 890 and moved for its First Reading. Councilmember Dearborn seconded the motion. The roll was called, the following indicates the result of the vote.

| Councilmember | AYES | NAYS | ABSENT |
|---------------|------|------|--------|
| SHAFFER | X | | |
| FELDMANN | X | | |
| SMITH | | | X |
| BOWERS | X | | |
| STIVERS | X | | |
| DEARBORN | X | | |

Second Reading:

The City Council of the City of Anamosa met in Regular Session in the City Hall Council Chambers, Anamosa, Iowa at 6:00 pm on the 24th day of June, 2013, with Mayor Dale Barnes presiding and the following Council members present; Shaffer, Feldmann, Smith, Stivers and Dearborn.

Absent: Bowers.

Councilmember Feldmann introduced the foregoing Ordinance No. 890 and moved for its Second Reading. Councilmember Dearborn seconded the motion. The roll was called, the following indicates the result of the vote.

| Councilmember | AYES | NAYS | ABSENT |
|---------------|------|------|--------|
| SHAFFER | X | | |
| FELDMANN | X | | |
| SMITH | X | | |
| BOWERS | | | X |
| STIVERS | X | | |
| DEARBORN | X | | |

Waiver of Third Reading:

At the same Regular Council meeting June 24, 2013 Councilmember Feldmann motioned to waive the third reading of the foregoing Ordinance No.890. Councilmember Dearborn seconded the motion. The roll was called, the following indicates the result of the vote.

| Councilmember | AYES | NAYS | ABSENT |
|---------------|------|------|--------|
| SHAFFER | X | | |
| FELDMANN | X | | |
| SMITH | X | | |
| BOWERS | | | X |
| STIVERS | X | | |
| DEARBORN | X | | |

RECORDING OF ORDINANCE

The foregoing **Ordinance No. 890** having been enacted by the City Council of the City of Anamosa, Iowa, and thereafter signed and approved by the Mayor Dale Barnes of the City of Anamosa, Iowa was duly recorded in the permanent book of Ordinances of the City of Anamosa, Iowa on the 24th day of June, 2013.

Tammy Coons, City Clerk

(seal)

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[copy of publication attached]