

ORDINANCE NO. 338

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF  
THE CITY OF FAIRBANK, IOWA, BY ADDING A NEW  
CHAPTER ENTITLED "GOLF CARTS"

BE IT ENACTED by the City Council of Fairbank, Iowa, added as follows:

CHAPTER 8

PURPOSE: The purpose of this chapter is to permit and regulate the operation of golf carts within the City of Fairbank.

DEFINITIONS: As used in this chapter, unless the context otherwise requires:

1. "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.
2. "Operate" means to ride in or on, other than as a passenger, use or control the operation of a golf cart in any manner, whether or not the golf cart is moving.
3. "Operator" means a person who operates or is in actual physical control of a golf cart.
4. "Roadway" means that portion of a highway approved, designated or ordinarily used for vehicular travel.
5. "Street of Highway" means that entire width between property lines everywhere 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.

OPERATION ON ROADWAYS, STREETS OR HIGHWAYS

1. Golf carts shall not be operated on Main Street other than to make a direct crossing.
2. Golf carts may be operated on the streets of Fairbank after first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a motorized golf cart on roadways, or portions thereof, within the City of Fairbank.
3. The operation of the golf carts on city streets is only to be by persons possessing a valid driver's license and eighteen (18) years of age or older.
4. It is unlawful for any parent, guardian, or other person having the care, custody and control of a minor under the age of eighteen (18) years to knowingly permit or allow such a minor to violate the provisions of this chapter.
5. The operation of golf carts on city streets is to be only from sunrise to sunset. They shall not be operated when the visibility is such that there is insufficient light to clearly see persons and vehicles at a distance of 500 feet.
6. The number of occupants in the motorized golf cart may not exceed the design occupant load.

EQUIPMENT REQUIRED

1. Golf carts shall be equipped with a bicycle safety flag and reflective slow moving vehicle signage for operation on city streets.
2. Golf carts shall be equipped with adequate brakes to be operated on city streets.
3. Golf carts shall be in good mechanical condition and thoroughly safe for transportation of passengers.
4. Motorized golf carts shall be equipped with a mirror to provide the driver with adequate vision from behind.

UNLAWFUL OPERATION

1. A person shall not drive or operate a golf cart:
  - a. In a careless, reckless or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
  - b. While under the influence of intoxicating liquor, narcotics or habit forming drugs.

- c. In or on any park, playground, sidewalk or upon any publicly owned property except with the permission of the governing body thereof.


#### PERMITS AND PERMIT HOLDERS

1. For the persons who wish to operate golf carts as a mode of transportation with the City of Fairbank, the following shall apply:
  - a. An application for a permit shall be made on a form supplied by the city.
  - b. The application shall contain the name and address of the applicant and the make, model, year and serial number of the golf cart.
  - c. The applicant shall provide a valid driver's license issued by the Iowa Department of Transportation and be eighteen (18) years of age or older on the date of issuance.
  - d. The applicant shall provide and maintain an owner's policy of liability insurance which is issued by an insurance carrier authorized to do business in the State of Iowa, to or for the benefit of the person named in the policy as insured and insuring the person named as insured and any person using the golf cart with the express or implied permission of the named insured against loss from liability imposed by the law for damages arising out of the ownership, maintenance or use of an insured golf cart in the amounts not less than the minimum limits specified for motor vehicles in Section 321A.21 of the Iowa Code.
  - e. The annual cost for such a permit is thirty (\$30.00) dollars and is payable at the time the permit is granted. Permits may be granted for one year and will be valid from January 1 through December 31. Permits may be purchased at any time during the year, but will be valid only through December 31.
  - f. All permits shall be issued for a specific motorized golf cart, except as otherwise stated. Permit holders will be issued a number and will purchase three (3") inch minimum reflective numbers to be affixed to the left side of the golf cart near the front.
  - g. 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 license fee.

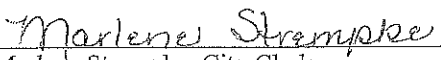
#### PENALTY

In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor as a non-scheduled violation under the Iowa Code.

Passed by the Council the 28<sup>th</sup> day of November, 2016, and approved this 28<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
Bill Cowell, Mayor

ATTEST:

  
\_\_\_\_\_  
Marlene Strempeke, City Clerk

First Reading: November 14, 2016  
Second Reading: November 28, 2016  
Third Reading: Waived

I certify that the foregoing was posted as Ordinance No. 228 on the 2<sup>nd</sup> day of December, 2016.

  
\_\_\_\_\_  
Marlene Strempeke, City Clerk



PERMIT #

### City of Fairbank Golf Cart/ATV/UTV Registration

**Owner Information:**

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

At least 18:    YES    NO    Driver's License Number: \_\_\_\_\_

**Vehicle Information:**

Type:    Golf Cart                      ATV                      UTV

Serial Number: \_\_\_\_\_

Year/Make/Model: \_\_\_\_\_

Ins. Company: \_\_\_\_\_ Policy Number: \_\_\_\_\_

Year: \_\_\_\_\_ Color: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*I understand this permit that is issued to me will expire December 31 of the year stated on the permit. The permit is to be clearly displayed at all times. I also understand that I must follow all state laws and regulations involving my registered vehicle.*

**Office Use Only:**

Amount Paid: \_\_\_\_\_ Date Issued: \_\_\_\_\_

Title: \_\_\_\_\_

City of Fairbank

- Insurance
- Slow Moving Sign
- Orange Safety Flag at five feet or higher
- Adequate Brakes

- Rear or Side Mirrors
- Adequate Exhaust

Comments: \_\_\_\_\_

Inspected By: \_\_\_\_\_ Date: \_\_\_\_\_