

**ORDINANCE NO. 545-24**

**AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF WALCOTT, IOWA, BY AMENDING CERTAIN PROVISIONS PERTAINING TO GOLF CARTS**

**BE IT ENACTED** by the City Council of the City of Walcott, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 74.02 of the Code of Ordinances of the City of Walcott, Iowa, is hereby repealed and replaced with the following:

**74.02 DEFINITIONS.**

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 either electric or gas powered.
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. "Passenger" means a person who does not use or control the movement of the golf cart but who merely rides on the golf cart.
5. "Street" means that portion of the street or alley intended for vehicular travel.

**SECTION 2. SECTION MODIFIED.** Section 74.03 of the Code of Ordinances of the City of Walcott, Iowa, is hereby repealed and replaced with the following:

**74.03 LIMITED OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated on the streets of the City of Walcott (specifically including, for purposes of this Chapter 74, alleys) by persons possessing a valid driver's license and who are at least 18 years of age. All traffic regulations applicable to the operation of motor vehicles on streets, roads, and highways of the State of Iowa and City of Walcott, including but not limited to the insurance requirements of section 321A.21 of the Code of Iowa, as amended, shall apply to the operation of a golf cart on the streets and alleys, or other permitted locations, of the City.

**SECTION 3. SUBSECTIONS MODIFIED.** Subsections 74.09(1), 74.09(2)B, and 74.09(5) of Section 74.09 of the Code of Ordinances of the City of Walcott, Iowa, are hereby repealed and replaced with the following:

1. Golf cart owners may apply for a permit from the Police Chief or designated officer on forms provided by the City.

B. Proof that the owner has liability insurance covering the operation of the specific golf cart for which a permit is requested as specified at 74.04 above.

5. The permit of the owner and/or an operator's privilege of operating a golf cart on city streets may be suspended or revoked upon finding evidence that the permit holder or operator has violated the conditions of the permit, has abused the privilege of being a permit holder or approved operator, or has violated applicable State, County or City law. There will be no refund of a permit fee upon suspension or revocation.

Written notice of a suspension or revocation, including a description of the violation(s), shall be provided to the owner of the golf cart or the operator, as applicable. The suspension or revocation may be appealed to the City Council by written notification to the City Clerk, within 7 days of the date of mailing or personal service upon the owner or operator. The City Council shall hold an informal hearing not later than the second next regular council meeting following the date of the appeal notice to the City Clerk. The City Council shall have the authority to reduce the period of suspension (or elect to reduce a revocation to a suspension) if the City Council determines the facts or other conditions warrant. The decision of the City Council shall constitute the final action of the City.

**SECTION 4. SECTION MODIFIED.** Section 74.11 of the Code of Ordinances of the City of Walcott, Iowa, is hereby repealed and the following adopted in lieu thereof:

**74.11 VIOLATION AND PENALTY; REVOCATION OF PERMIT OR OPERATING PRIVILEGES .** In addition to the suspension or revocation of the permit or operating privileges, a person who violates provisions of this chapter shall be subject to prosecution for a simple misdemeanor and upon conviction shall be subject to punishment as a scheduled violation, where applicable.

Persons violating golf cart regulations imposed by this Code of Ordinances shall be subject to a suspension or revocation as follows:

- A. For one written violation within a 12-month period, the suspension of the permit or operating privileges for a period of two months.
- B. For two written violations within a 12-month period, the suspension of the permit or operating privileges for a period of two years.
- C. For three written violations within a 12-month period, permanent revocation of the permit or operating privileges.

**SECTION 5. NEW SECTION.** The Code of Ordinances of the City of Walcott, Iowa, is amended by adding a new Section 74.12, entitled VIOLATION OF SUSPENSION OR REVOCATION, which is hereby adopted to read as follows:

**74.12 VIOLATION OF SUSPENSION OR REVOCATION.** Any person whose permit or operating privilege is under suspension or revocation and is found operating a golf cart within the City of Walcott shall be subject to prosecution as a simple misdemeanor and upon conviction shall be subject to a fine of five hundred dollars (\$500).

**SECTION 6. NEW SECTION.** The Code of Ordinances of the City of Walcott, Iowa, is amended by adding a new Section 74.13, entitled AUTHORIZED USE OF GOLF CART BY UNAUTHORIZED PERSON, which is hereby adopted to read as follows:

**74.13 AUTHORIZED USE OF GOLF CART BY UNAUTHORIZED PERSON.** A permit holder who permits a person whose operating privileges to operate a golf cart with the City of Walcott are suspended, revoked or who otherwise does not qualify to operate a golf cart within the City, shall be subject to prosecution as a simple misdemeanor and upon conviction shall be subject to a fine of two hundred dollars (\$200). Additionally, the golf cart permit shall be suspended for a period of 2 months.

**SECTION 7. NEW SECTION.** The Code of Ordinances of the City of Walcott, Iowa, is amended by adding a new Section 74.14, entitled EXCEPTIONS, which is hereby adopted to read as follows:

**74.14 EXCEPTIONS.** Golf carts may be operated on any city street when operated by an on-duty Walcott police officer or firefighter for official use or by other on-duty City of Walcott employees or officials having a valid driver's license and who are doing work or volunteering for public works, streets, electric, sewer park board or other governmental purposes.

**SECTION 8. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

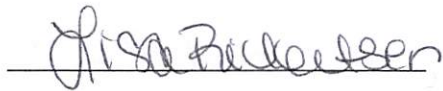
**SECTION 9. SEVERABILITY CLAUSE.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 10. WHEN EFFECTIVE.** This ordinance shall be in effect from an after its final passage, approval and publication as provided by law

Passed and approved by the Walcott City Council the 4<sup>th</sup> day of March, 2024, (first reading held on February 19, 2024, and second reading waived on March 4, 2024).

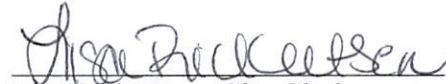
  
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Mayor John Kostichek

Attest:

  
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Lisa Rickertsen, City Clerk

Lisa Rickertsen, City Clerk

I certify that a summary of the foregoing was published as Ordinance No. 545-24 on the 13<sup>th</sup> day of March, 2024.

  
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Lisa Rickertsen, City Clerk

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