

# ORDINANCE # 459

## AN ORDINANCE AMENDING THE CODE OF THE CITY OF MADRID, IOWA, 1999, BY AMENDING TITLE II, DIVISION 2, SECTION ENTITLED, "TRAFFIC AND VEHICLES" TO INCLUDE CHAPTER 75A "GOLF CARTS".

Be it enacted by the City Council of the City of Madrid, Iowa:

**SECTION 1. CHAPTER ADDED.** Section entitled, "TRAFFIC AND VEHICLES" of the Code of Ordinances of the City of Madrid, Iowa, 1999, is amended to include the attached chapter:

**SECTION 2. REPEALER AND SEVERABILITY CLAUSE.** All ordinances in conflict herewith are hereby repealed; and any section, provision, or part of this ordinance adjudged invalid or unconstitutional, shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged to be invalid or unconstitutional.

**SECTION 3. PUBLIC HEARING.** The public hearing for this matter shall be held Monday, July 16, 2012 at 5:30p.m. in the Council Chambers at the Madrid City Hall.

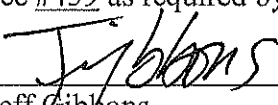
**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in full force and effect from and after its final passage, approval and publication as provided by law.

Upon a motion and a second to the motion Mayor Jeff Gibbons called for a role call vote on the measure with the following results:

**AYES:** Cook, Shaver, Chapman, Burich, Lincoln

**NAYS:** None

Whereby Mayor Jeff Gibbons declared the ordinance passed this 6th day of August, 2012, and ordered the City Clerk to publish Ordinance #459 as required by law.

  
\_\_\_\_\_  
Jeff Gibbons  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Todd D. Kilzer  
City Administrator/Clerk

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I hereby certify that the aforementioned was published as Ordinance #459 in the Madrid Register News newspaper on the 16th day of August, 2012.

\_\_\_\_\_  
Todd D. Kilzer  
City Administrator/Clerk

**75A.05 SAFETY EQUIPMENT REQUIRED.** All golf carts intended to be used on city streets and/or alleys shall have the following required equipment:

- 1.) A slow moving vehicle placard (as defined by state law).
- 2.) A "bicycle" flag with a pole height of not less than five feet and a flag (orange, green or yellow reflective material) size of not less than 54 square inches in surface area.
- 3.) Operational brakes.

**75A.06 PROHIBITED AREAS.** No person shall use or enter upon any portion of the trail or trailhead park in disregard of official signs, gates or barriers forbidding the same except by permission of the City Council. No person shall drive upon sidewalks or that portion of city property commonly referred to as city parking or city terracing as designated between the street and sidewalk. Golf carts shall not be operated upon any city street which is (also) a primary road extension (county, state or federal) through the city, but shall be allowed to cross a city street which is (also) a primary road extension through the city.

**75A.07 GOLF CART PERMIT REQUIREMENT.** No person shall operate a golf cart on any public street or alley, for any purpose, unless the golf cart possesses a City of Madrid golf cart permit as issued by the City of Madrid through the City Clerk's office. The annual \$25.00 golf cart permit will be obtained before January 1<sup>st</sup> for the next calendar year and shall expire on December 31<sup>st</sup> of that year. The purchaser of said permit must be the golf cart owner; at least sixteen years of age at the time of permit purchase; and be able to provide proof of appropriate liability insurance at the time of permit purchase. The golf cart will be subject to inspection by the Madrid Police Department at the time of permit purchase or within forty-eight hours of said purchase. The permit application will provide complete owner information and shall be retained by the City Clerk and recorded with the Madrid Police Department. The permit sticker shall be clearly displayed on the right rear fender of the golf cart and must not be obstructed in any way from clear visibility.

**75A.08 LAW ENFORCEMENT.** The Madrid Police Department will administer all municipal, state and federal laws regarding the safe and law abiding use of a golf cart upon city streets and alleys within the city limits of Madrid. The operator of a golf cart (unregistered vehicle by state code) upon a city right of way shall observe all traffic laws. The golf cart shall not exceed twenty-five miles per hour in speed upon any street or alley within the city limits of Madrid. The operator of a golf cart (unregistered vehicle by state code) shall be subject to criminal and civil liability for violations of state and city laws in the same manner as the operator of a registered vehicle.

**75A.09 ACCIDENT REPORTS.** Either the operator, or the permitted owner of the golf cart, shall immediately notify the City of Madrid Police Department whenever a golf cart is involved in an accident resulting in injury or death to anyone; or property damage amounting to more than one thousand dollars (\$1,000) or more, and shall file an accident report within forty-eight (48) hours in accordance with Iowa law.

**75A.10 SCHEDULED VIOLATIONS/FINES.** A violation of this chapter may be charged as a municipal infraction or as a simple misdemeanor as defined by state code. The civil penalty assessed for a first offense shall be \$50.00; a second offense shall be \$100.00 and a third offense (and each subsequent offense) shall be \$200.00.