

CITY OF LANGLEY
Langley, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF LANGLEY, WASHINGTON,
RELATING TO OPERATION OF GOLF CARTS; AMENDING
THE CITY CODE TO ESTABLISH A GOLF CART ZONE;
ADOPTING REGULATIONS RELATED TO THE USE OF GOLF
CARTS WITHIN THE GOLF CART ZONE; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, on March 25, 2010, the Governor approved Substitute Senate Bill ("SSB") 6207 except section 7 relating to seat belts, which Bill became effective as approved on June 10, 2010; and

WHEREAS, SSB 6207 authorizes local governments to create golf cart zones permitting the incidental operation of golf carts within such zones subject to the requirements and limitations set forth in state law, as amended pursuant to SSB 6207 and incorporated within the Model Traffic Ordinance of the City, and further subject to certain discretionary limitations that may be imposed by local governments; and

WHEREAS, the City Council further finds that limited use of golf carts upon designated public rights of way is consistent with the objectives and policies of the long-range plan for transportation in Washington state by providing an alternative mode of transportation that will reduce air pollution, conserve energy, reduce congestion on public roads, and provide a more efficient mode of transportation than conventional fossil fuel burning automobiles; and

WHEREAS, the City Council finds that it would be in the best interests of the public health, safety and welfare of the citizens of Langley to create a golf cart zone within the City authorizing the incidental use of golf carts upon the public streets of the City of Langley within said zone, subject to the requirements and limitations as set forth in SSB 6207, and further subject to the restriction that such golf carts be registered and outfitted with proper safety equipment and lighting in order to operate after daytime hours within the Golf Cart Zone; and

WHEREAS, through RCW 46.08.020 the legislature has authorized the City to enact traffic regulations within the City of Langley;

NOW, THEREFORE, be it ordained by the Council of the City of Langley, Washington, as follows:

Section 1. A new Chapter 10.24 is added to Title 10 of the City Municipal Code to be known and referred to as "Golf Cart Zone" and to read as follows:

Chapter 10.24 - Golf Cart Zone

Section 10.24.010 - Definitions

Section 10.24.020 - Regulation of Golf Cart Use

Section 10.24.030 - Registration

Section 10.24.040 - Penalty for Noncompliance

Section 10.24.010. Definitions.

- A. "Day time hours" for the purposes of this ordinance are those hours between one-half hour before sunrise and one-half hour after sunset.
- B. "Golf Cart" for the purposes of this ordinance is defined as a electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than twenty miles per hour. A Golf Cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.09.020. A Golf Cart is not considered a motor vehicle, except for the purposes of chapter 46.61 RCW.
- C. "Golf Carts Zone." Under the authority granted to the City pursuant to Section 4 of Chapter 217 of the laws of 2010, codified at RCW 46.08.175, the City hereby creates and designates a golf cart zone described as, those portions of the public streets and rights-of-way located within the jurisdictional boundaries of the City of Langley, as exist now or as may be hereinafter amended, having a speed limit of 25 miles per hour or less. Said zone may be hereinafter referred to and known as the "Golf Cart Zone".
- D. "Operator" means any person who is at least 16 years of age and completed a driver's education course or has previous experience driving as a licensed driver, and is licensed as a driver. Operator does not include any person who has a revoked license under RCW 46.20.285.
- E. "Sidewalk" shall be that area paved with concrete, asphalt or other similar material located within the right of way adjacent to a Street intended for the public purpose of pedestrian or bicycle travel.
- F. "Street" means the entire right of way width excluding the sidewalk (if present) and between the curb boundary lines and shoulder or swale of public property when any part thereof is open to the use of the public for purposes of pedestrian, bicycle or vehicular travel including parking.

Section 10.24.020 Regulation of Golf Cart Use

- A. All Golf Carts shall comply with RCW 46.37 regarding vehicle lighting and other equipment, including two operating headlights (one on each side of the front of the golf cart) and two operating taillights with brake lights and turn signals (one on each side of the rear of the golf cart) which are visible from a distance of five hundred (500) feet.
- B. All operators of Golf Carts must be at least 16 years of age and must have a valid driver's license issued by the State of Washington.
- C. All operators of Golf Carts shall adhere to all rules of the road applicable to motorized vehicles as set forth in RCW Title 46.61 and WAC Chapters 308-330. Specific attention is to be paid to the intent of RCW 46.61.502 "Driving under the influence" and to RCW 46.61.519 -"Alcoholic beverages — Drinking or open container in vehicle".

- D. No person may operate a Golf Cart in the City unless the person is insured under a liability policy with liability limits of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility must be provided on the request of a law enforcement officer.
- E. Any person operating a Golf Cart shall not transport more passengers than the manufacturer's designed seating capacity.
- F. All occupants shall be seated during the operation and use of seat belts shall be mandatory while the Golf Cart is operated in the golf cart zone.
- G. The Golf Cart shall be equipped with the following equipment:
 - 1. At all times with seatbelts anchored to the frame for driver and in use by all passengers;
 - 2. At all times with two rearview mirrors capable of reflecting for a distance of at least two hundred feet to the rear of such vehicle and mounted to the golf cart:
 - a. One on the left hand side of the cart, and
 - b. One on the right hand side of the cart, or
 - c. One in the middle of the cart.
 - 3. One four-foot red safety flag mounted on the rear of the golf cart which extends at least five feet above the surface of the street.
- H. The use of Golf Carts shall be prohibited on all City Sidewalks and designated bicycle lanes that are within the golf cart zone.
- I. Golf Carts shall not be operated on a street in a negligent manner. For the purpose of this subsection, "to operate in a negligent manner" is defined as the operation of a Golf Cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.
- J. The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 mph nor otherwise modified in any way that creates a hazard.

Section 10.24.030 Registration

All Golf Carts shall be registered with the City prior to operation upon the public roadways within the City of Langley. The sole purpose of the registration is to identify the owners of the Golf Carts being operated as provided herein.

Registration of a Golf cart is not intended to and shall not operate to warrant or guarantee that the Golf Cart meets any particular standard or condition or that it may be safely operated upon the public roadways within the City of Langley.

Registration shall be made in the manner set forth as follows:

- A. Application for a Golf Cart registration shall be made upon a form provided by and to the City Chief of Police or his/her designee. An annual license fee

as prescribed by the City Council shall be paid before each registration or renewal thereof is granted.

- B. The City Chief of Police upon receiving proper application therefore is authorized to issue a Golf Cart registration number which shall be effective for one calendar year. A Golf Cart number will be issued upon the approval of the completed application and the payment of an annual registration fee, set forth by Council Resolution.
- C. The City Chief of Police shall verify that the vehicle has not been modified to allow speeds in excess of 20 mph.
- D. The City Chief of Police shall not issue a Golf Cart registration number for any Golf Cart when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such Golf Cart.
- E. The City Chief of Police shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, and a record of all registration fees collected by him/her.
- F. The City Chief of Police, upon issuing a registration number, shall also issue a decal bearing the registration number assigned to the Golf Cart.
- G. Such decal shall be firmly attached to the rear of the Golf Cart for which issued in such position as to be plainly visible from the rear.
- H. No person shall remove a license plate or decal from a Golf Cart during the period for which issued except upon a transfer of ownership or in the event the Golf Cart is dismantled and no longer operated upon any roadway within the jurisdiction of the City.
- I. Upon the expiration of any Golf Cart registration, the same may be renewed upon application and payment of the same fee as upon an original application.

Section 10.24.040 Penalty for Noncompliance.

No person may operate a Golf Cart on public streets or roads located outside those areas designated as Golf Cart Zones or within the Golf Cart Zone without registration or in violation of the regulations adopted in this chapter. Upon a determination that a violation of this chapter has occurred, law enforcement officers may, pursuant to RCW 7.80, et seq., issue a Class I civil infraction with a fine not to exceed \$250.00 to any included person, including parent or guardian found in violation of the provisions of this Chapter, PROVIDED: Golf Cart operators shall also be subject to all duties, infractions and penalties as set forth in RCW 46.61, et seq.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days from the date of publication.

PASSED by the City Council and **APPROVED** by the Mayor on this _____th day of _____ 2012.

MAYOR

Larry Kwarsick, Mayor

APPROVED AS TO FORM

ATTEST

Grant K. Weed, City Attorney

Debbie Mahler, Clerk-Treasurer

Published: _____