

ORDINANCE NO. 637-08

AN ORDINANCE OF THE TOWN OF FOWLER PROVIDING FOR THE USE OF MOTORIZED GOLF CARTS ON TOWN STREETS

WHEREAS, many residents of the town of Fowler own golf carts; and

WHEREAS, the Town Board of Trustees believes that use of golf carts is an efficient mode of transportation on Town roadways where operated safely;

NOW, THEREFORE, BE IT ORDAINED by the Fowler Board of Trustees as follows:

Use of motorized golf carts.

- a. **Definitions.**
 1. “*Roadway*” means that portion of a town highway, road, street, alley or right of way improved, designed, or ordinarily used for vehicular travel or parking.
 2. “*Golf Cart*” means a gas or electric powered vehicle having three or four wheels designed and intended to transport golf equipment and people while playing golf and not designed primarily for travel on the public highways.
- b. *Operation authorized.* The operation of motorized golf carts by permit is hereby authorized on the roadways of all streets within the Town of Fowler. Any person operating a motorized golf cart under permit has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to motorized golf carts. This provision does not authorize use of golf carts on any state highway.
- c. *Permits.* Authorization to operate a motorized golf cart on town streets is by permit only. Permits shall be issued by the chief of police or designee. Any person holding a valid, current driver’s license may apply for a permit. All permits shall expire annually on June 1, unless renewed. The fee for a permit shall be thirty dollars (\$30.00). The Fowler Board of Trustees may amend the permit fee from time to time by resolution or ordinance.
- d. *Permit applications.* Each application for a permit to operate a motorized golf cart on the Town roadways or streets shall include:
 1. The name and address of the applicant;
 2. Such other information as the chief of police or Fowler Board of Trustees may from time to time require.

3. The Fowler Police Department shall conduct an inspection of the golf cart prior to issuance of the permit to assure that the golf cart has all required equipment.
 4. In addition, each permit application, whether for an initial permit or a renewal, shall be accompanied by evidence of a liability policy.
- e. *Required equipment.* The following equipment is required on any motorized golf cart during operation upon the roadway of any street.
1. The slow moving vehicle emblem provided for by state statute, properly mounted on the rear of the golf cart pursuant to state regulations;
 2. A rear view mirror, properly mounted on the golf cart so as to reflect to the operator a view of the street for a distance of at least two hundred (200) feet to the rear of the golf cart;
 3. One four-foot red safety flag properly mounted on the rear of the golf cart;
- f. *Unlawful acts.* It is unlawful for any person to operate a motorized golf cart on the roadway of any street within the town where:
1. the operator does not have in his possession a valid, current and un-revoked driver's license.
 2. the operator does not have in his possession a valid, current and un-revoked permit issued to the operator by the chief of police or designee;
 3. the motorized golf cart is operated at night between sunset and sunrise.
 4. the motorized golf cart is being operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet;
 5. the motorized golf cart is not equipped with the required equipment described under subsection (e);
 6. the operator does not have current insurance coverage as provided in subsection (d)(4); and
 7. the operator fails to observe all traffic laws and regulations, except when those provisions cannot reasonably be applied to motorized golf carts.
- g. *Revocation or modification of permits.* A permit issued under subsection (c) may be revoked or modified at any time by the chief of police or designee if there is evidence that the permit holder cannot safely operate a motorized golf cart on the roadway of streets within the town. For purposes of this section, the commission of

any of the violations described in subsection (f) constitutes evidence that the violator cannot safely operate a motorized golf cart on the roadway of streets within the town.

- h. Appeal.* Any person whose permit to operate a motorized golf cart has been revoked may appeal the revocation to the town administrator. Appeals shall be submitted in writing to the town administrator within twenty (20) days of the date of revocation.
- i. Penalty.* Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than one-thousand dollars (\$1,000.00).
- j. Severability.* Where any phrase, clause or section of this ordinance is held to be unenforceable or unconstitutional for any reason by a competent court, such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.

INTRODUCED, READ IN FULL, PASSED AND ORDERED PUBLISHED on the first reading the 14th day of April 2008

ADOPTED and approved the 14th day of April, 2008.

TOWN OF FOWLER

DATED this 14th day of April, 2008.

BY: _____
Ray Ward, Mayor Town of Fowler

ATTEST:

Deputy Town Clerk