

Golf Cart Ordinance # 149

AN ORDINANCE OF THE CITY CODE OF THE CITY OF POWERS LAKE, NORTH  
DAKOTA RELATING TO GOLF CARTS ON CITY STREETS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POWERS LAKE, NORTH DAKOTA,  
AS FOLLOWS:

Sec. 149-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart means a gas or electric three or four wheel vehicle commonly used to transport golfers and their golfing equipment while playing the sport of golf.

Operate means to ride in or on and control the operation of a golf cart.

Operator means every person who operates or is in actual physical control of a golf cart.

Owner means a person, other than a lienholder, having the property in or title to a golf cart and is entitled to the use or possession thereof.

Person includes an individual, partnership, corporation, limited liability company, association, the state and its departments, agencies, and political subdivisions, and any body of persons, whether incorporated or not.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Sec. 149-2. - Exempt from registration and equipment provisions of N.D.C.C. title 39.

Golf carts operating on the streets, avenues, roadways, and alleys in the city and which meet the requirements of this article shall be exempt from title, registration, and equipment provisions applicable to motor vehicles under N.D.C.C. title 39.

Sec. 149-3. - Penalty.

Any person who violates any provision of this article not constituting a misdemeanor shall be assessed a fine of \$ 20.00 for the first violation, \$50.00 for the second violation, and \$150 for each additional violation(s).

Sec. 149-4. - Enforcement.

The Chief of Police or his respective duly authorized representatives, are hereby authorized to enforce the provisions of this article.

Sec. 149-5. - Operating rules.

The following rules apply to the operation of golf carts pursuant to this article:

- (1) No person shall operate a golf cart upon any street, avenue, roadway, or alley in the city except as provided by this article.
- (2) No person owning or having custody or control of a golf cart shall operate, or permit the operation of, such golf cart upon any real property or land within the city not owned or leased by such person except for golf carts which are owned or leased by a city resident and regularly stored or garaged in the city.
- (3) An operator must be in possession of a valid driver's license/driver's permit.
- (4) Any person who rides as a passenger on a golf cart must be seated.
- (5) A golf cart being operated on any street, avenue, roadway, or alley in the city shall have no more than three persons in the front seat & two in the back seat, including the operator, on the golf cart.
- (6) A golf cart shall be operated only during daylight hours, between sunrise and sunset, unless the golf cart is equipped with headlights, taillights, and turn signals, all in working order, and which conform to standards for motor vehicles prescribed under N.D.C.C. title 39.
- (7) The operator of a golf cart shall take the most direct route between the golf cart's place of storage within the city and the golf course.
- (8) The operator of a golf cart shall observe all traffic laws, except as provided in this article.
- (9) Notwithstanding the circumstances and conditions set forth in subsection (3) of this section, no golf cart shall be operated, or permitted to be operated:

On a street, avenue, roadway, or alley which has been designated as prohibited for such operation, except crossing at an intersection.

On any federal, state, or county highways in the city, except that a golf cart may be operated for the perpendicular crossing of any such highways, except as otherwise provided.

A golf cart may make a direct crossing of a street or highway provided: The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; The operator yields the right-of-way to all oncoming and crossing traffic which constitutes an immediate hazard; and in crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

It shall be unlawful for any person to operate any golf cart in the following ways which are declared to be unsafe and a public nuisance:

1. At a rate of speed greater than reasonable or proper under all the surrounding circumstances; in any case, no golf cart shall be operated within the city at a speed greater than 15 miles per hour.
2. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage to another person or the property of another.
3. While under the influence of intoxicating liquor or a controlled substance.
4. Without head lights, tail lights, and turn signals required for operating the golf cart after day light.
5. If the golf cart is gas operated and without a manufacturer-installed or equivalent muffler in good working order and connected to the golf cart exhaust system.
6. A person may not operate a golf cart in the city without a valid policy of liability insurance in effect in order to respond to damages for liability arising out of the ownership, maintenance or use of that golf cart in the amount not less than that required by N.D.C.C. § 39-16.1-11, which provisions govern the level of liability coverage and all subsequent amendments thereto.

Sec. 149-4a. - Operation on private property.

It shall be unlawful for any person to operate a golf cart, or to permit the operation of a golf cart owned by such person, on private property of another without the express permission to do so by the owner or occupant of said property.

Sec. 149-5 Operation on public property other than highways, streets and alleys.

It shall be unlawful for any person to operate a golf cart, or to permit any person to operate a golf cart owned by such person, on public school grounds, park property, playgrounds, or recreational areas.,

Sec. 149-6. - Manner of operation.

- (1) It shall be unlawful for any person to operate a golf cart in a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.

Sec. 149-7. - Operation on sidewalks and boulevards prohibited.

No person shall operate a golf cart on or within any sidewalk, **pedestrian way, bike path, walking path, shared use path, boulevard or grass areas** except on a permanent driveway which is directly abutting the owner's residence, or for the purpose of legally crossing a street, avenue, or roadway where specifically authorized under this article, or as otherwise specifically authorized by this chapter.

Sec. 149-8. - Operation on street.

When operating a golf cart upon a street, avenue, or roadway, such operation shall be at the extreme right side of the street, avenue or roadway, and as near to the curb or shoulder thereof as practicable under the circumstances but in all cases on the pavement or concrete, except if on a graveled alley or when making left turns.

Sec. 149-9. - Pedestrians have right-of-way.

The operator of a golf cart shall yield to pedestrians whether or not a cross-walk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway, or alley.

Sec. 149-10. - Operation in group.

When two or more golf carts are operated together as a group, they shall stay in single file while operating upon any street, avenue, or roadway and not more than three golf carts shall proceed in any single group.

Sec. 149-11. - Parental responsibility.

It shall be unlawful for a parent having legal custody of a juvenile knowingly to allow or permit, or by insufficient control to allow or permit, the juvenile under the age of 16 years or who has attained the age of 16 years or older but who has not obtained a valid driver's license to operate a golf cart as defined herein in the city limits. The term "knowingly" includes knowledge that a parent should reasonably be expected to have concerning any golf cart owned or in the possession of members of the parents' family and its custody and control. This requirement is intended to hold and collect for a careless parent up to a reasonable community standard of parental responsibility through an objective test. It shall, therefore, be no defense that a parent was completely indifferent to the activities, conduct or whereabouts of such juvenile and/or golf cart.

---

John Albertson, Mayor

ATTEST:

---

Jennifer Titus, City Auditor

First Reading: 05-06-2019

Second Reading: 06-06-2019

Final Passage: 06-06-2019