

ORDINANCE NO. 661

AN ORDINANCE ESTABLISHING DESIGNATED GOLF CART ZONE WITHIN THE CORPORATE TOWN LIMITS OF THE TOWN OF ODESSA, LINCOLN COUNTY, STATE OF WASHINGTON, REGULATING SAID ZONE, PROVIDING FOR PENALTIES FOR REGULATION VIOLATIONS AND THE ADDING OF A CHAPTER TITLED GOLF CART ZONE TO ODESSA MUNICIPAL CODE (O.M.C). TITLE 10, VEHICLES AND TRAFFIC

WHEREAS, the Revised Code of Washington State (RCW) 46.08.175 authorizes the Town of Odessa Town Council to create a Golf Cart Zone for the purposes of permitting the incidental operation of golf carts upon a street or highway of the State of Washington under certain circumstances; and

WHEREAS, the Odessa Town Council finds that it is in the best interest of the citizens within the corporate limits of the Town of Odessa to authorize a Golf Cart Zone within the Town and to establish certain regulations relating to the Golf Cart Zone and to provide for penalties for violations of these regulations; and

WHEREAS, the Odessa Town Council continues to strive for the economic benefit of the Town;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ODESSA, LINCOLN COUNTY, WASHINGTON, AS FOLLOWS, TO WIT:

Section 1. Providing for O.M.C. Chapter

A chapter titled Golf Cart Zone will be added to the O.M.C. Title 10, Vehicles and Traffic.

Section 2. Establishment of Golf Cart Zone

A Golf Cart Zone is hereby established over all streets, including SR 21, within the corporate limits of the Town of Odessa, which have a speed limit of 25 (twenty-five) miles per hour (mph) or less, including the portions of said streets where they cross State Route 28. The Town shall designate such streets on a Golf Cart Zone Map.

Section 3. Definitions

“Golf Cart” means, in accordance with RCW 46.04.1945, a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes, which has a speed attainable in one mile of not more than 20 (twenty) miles per hour (mph). A golf cart is not a non-highway vehicle or an off-road vehicle as defined by RCW 46.04.365. A golf cart is not considered a motor vehicle, except for the purpose of RCW 46.61, regarding rules of the road.

“Golf Cart Zone” means any public street within the corporate limits of the Town of Odessa designated in this O.M.C. Chapter.

“Operator” means any person who drives or otherwise operates a golf cart. “Operator” shall not include Town personnel or other persons authorized by the Town of Odessa Police Chief to operate a golf cart on Town streets.

“Street” means the entire right-of-way width of any street, excluding the sidewalk and between the curb boundary lines and shoulder or swale of public property, when any part thereof is open to the use by the public for purposes of pedestrian, bicycle or vehicular travel including parking.

Section 4. Signage

The Golf Cart Zone shall be clearly identified by the placement of signage as designated by the Washington State Department of Transportation, at the beginning and the end of the Golf Cart Zone.

Section 5. Authorized Golf Carts

Golf carts allowed under this Chapter are restricted to those that are electric or gas powered, which are capable of maintaining a speed of not more than 19 (nineteen) miles per hour (mph) on level ground and which are not modified to allow the cart to exceed 20 (twenty) miles per hour (mph).

Section 6. Permitted Areas of Operation

Authorized golf carts may be operated on any street within the designated Golf Cart Zone. An authorized golf cart shall be operated with the flow of vehicular traffic. An authorized golf cart shall be operated with flow of vehicular traffic. An authorized golf cart shall not be operated in a designated bicycle lane. An authorized golf cart may cross over a street within the golf cart zone when it is safe to do so and only at an intersection.

Section 7. Hours of Operation

No authorized golf cart may be operated from one-half after sunset until one-half before sunrise, unless it is equipped with headlamps, tail lamps and turn signals which meet the minimum requirements established in RCW 46.37.

Section 8. Minimum Required Equipment

Every golf cart operated in the Golf Cart Zone shall be equipped, at a minimum, with the following:

- a. A total of eight 3” (three inch) reflectors shall be mounted on the golf cart, four amber reflectors which shall be placed on the front and the forward right and left sides of the cart and four red reflectors which shall be placed on the rear and the rear right and left sides of the golf cart.
- b. Seatbelts, which shall be anchored to the frame for the driver and for each passenger.
- c. Two rearview mirrors capable of reflecting for a distance of at least 200 (two hundred) feet to the rear of the cart, which shall be mounted with one on the left hand side of the cart and one in the middle of the cart or on the right hand side of the cart.

Section 9. Golf Cart Operator

Every golf cart operated shall be:

- a. Any person operating a golf cart as authorized by this Chapter shall be at least sixteen years of age and must have completed a drivers’ education course or have previous driving experience as a licensed

driver. A person who has a revoked driver's license, under RCW 46.20.285 may not operate a golf cart in a Golf Cart Zone.

b. Any person operating a golf cart as authorized by this Chapter shall have in his/her possession proof of identification, in the form of a valid driver's license or government issued identification card, which shall be presented to a duly authorized law enforcement officer upon a request.

c. Any person operating a golf cart, in a Golf Cart Zone, shall have all the rights and shall be subject to all the duties applicable to the driver of a vehicle under RCW 46.61.

Section 10. Operating Rules

a. Every golf cart operator authorized under this Chapter shall be familiar with and adhere to all rules of the road applicable to motor vehicles set forth in chapter RCW 46.61, WAC 3080330 and Title 10 of the O.M.C.

b. Any person operating a golf cart, as authorized under this chapter, shall not transport more passengers than the manufacturer's designed capacity. Every occupant shall be seated at all times during the operation of the golf cart and shall use a seat belt.

c. No items shall be placed or attached to the top of the golf cart. All items shall be carried inside the cart and secured in a manner so as to prevent the item from falling out of the golf cart when the cart is moving.

d. No person may operate a golf cart as authorized by this chapter without proof of insurance providing golf cart liability insurance coverage or the equivalent insurance coverage.

Section 11. Violation-Penalty

Any person who shall violate any of the provisions of the Chapter shall be deemed to have committed a civil infraction, punishable by a fine as set forth in O.M.C Title 1, Chapter 1016, General Penalty.

Section 12: Nonliability

Nothing contained in this ordinance is intended to be, construed to create or form the basis for any liability on the part of the Town or their respective officers, employees or agents, for any injury or damage resulting from the failure of any person to comply with the terms of this chapter, or by reason or in consequence of any omission in connection with the implantation or enforcement of this ordinance on the part of the Town and its officers, employees or agents.

Section 13. 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 14.

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 15. Effective Date

That this ordinance shall be effective five (5) days after its passage, approval and publication.

PASSED AND ADOPTED BY THE ODESSA TOWN COUNCIL THIS 8th DAY OF SEPTEMBER, 2014.

ATTEST

Douglas Plinski, Mayor

Gail Kiesz, Clerk-Treasurer

Summary of Ordinance No. 661

On Monday, September 8, 2014 the Town Council of the Town of Odessa, Washington approved and adopted Ordinance No. 661, the main point of which may be summarized as by its Title: AN ORDINANCE ESTABLISHING DESIGNATED GOLF CART ZONE WITHIN THE CORPORATE TOWN LIMITS OF THE TOWN OF ODESSA, LINCOLN COUNTY, STATE OF WASHINGTON, REGULATING SAID ZONE, PROVIDING FOR PENALTIES FOR REGULATION VIOLATIONS AND THE ADDING OF A CHAPTER TITLED GOLF CART ZONE TO ODESSA MUNICIPAL CODE (O.M.C). TITLE 10, VEHICLES AND TRAFFIC

A full text of this Ordinance is available for reading at the Clerk's Office.

Dated this 8th day of September, 2014

G. Kiesz

Clerk-Treasurer

Published: Sept. 11, 2014