

TOWN OF BEAUX ARTS VILLAGE

ORDINANCE NO. 421

AN ORDINANCE OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON AMENDING TITLE 10 TRAFFIC CODE OF THE BEAUX ARTS VILLAGE MUNICIPAL CODE; ESTABLISHING A GOLF CART ZONE; ADOPTING REGULATIONS RELATED TO THE USE OF GOLF CARTS WITHIN THE GOLF CARTS ZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, through RCW 46.08.020 the legislature has authorized the Town to enact traffic regulations within the Town of Beaux Arts Village; and

WHEREAS, RCW 46.04.175 authorizes local governments to create Golf Carts Zones permitting the incidental operation of Golf Carts within such zones subject to the requirements and limitations set forth in state law and incorporated within the Beaux Arts Village Municipal Code Title 10 Traffic Code, and further subject to certain discretionary limitations that may be imposed by local governments; and

WHEREAS, the Town Council 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 automobiles; **NOW THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE, WASHINGTON, AS FOLLOWS:

Section 1. Beaux Arts Village Municipal Code Chapter 10.05 Traffic Regulations, paragraph 10.05.030 Enforcement, is hereby amended to read as follows:

10.05.030 Enforcement.

Any peace officer of the town, including members of the King County sheriff's office, is hereby empowered to issue a citation to or to arrest any person for a violation of this title.

Section 2. Beaux Arts Village Municipal Code Title 10 Traffic Code is hereby amended to include Chapter 10.15 Golf Carts as follows:

10.15.010 Definitions.

"Golf Cart" means an electric-powered four (4) wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes. A Golf Cart is not a non-highway vehicle or off-road vehicle as defined in RCW 46.09.020.

"Golf Cart Zone" means those portions of the public streets and rights-of-way located within the jurisdictional boundaries of the Town of Beaux Arts Village, as exist now or as may be hereinafter amended, having a speed limit of 20 miles per hour or less. Said zone is hereinafter referred to and known as the "Golf Cart Zone".

"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.

"Sidewalk" means that area paved with concrete, asphalt or other similar material located within the right-of-way adjacent to a Street and intended for the public purpose of pedestrian or bicycle travel.

"Path Right-Of-Way (ROW)" is as defined in in the town's right-of-way code (Chapter 12.15 BAV MC).

10.15.020 Golf Cart Zone Created.

By the authority set forth in RCW 46.04.175, the Town hereby creates and designates a Golf Cart Zone as defined in this chapter.

10.15.030 Regulations of Use.

(1) Every person operating a Golf Cart shall be at least 16 years of age and shall have a valid driver's license issued by the State of Washington.

(2) Every person operating a Golf Cart as authorized under this section is granted all rights and is subject to all duties and penalties applicable to the driver of a motor vehicle under BAVMC Chapter 10.05 Traffic Regulations.

(3) Every Golf Cart shall be equipped with the following equipment at all times:

- (a) Seatbelts anchored to the frame for driver and in use by all passengers
- (b) All Golf Carts shall have two operating headlights (one on each side of the front of the Golf Cart) and two operating taillights (one on each side of the rear of the Golf Cart) which are visible from a distance of five hundred (500) feet.
- (c) 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:
 - (i.) One on the left hand side of the cart, and
 - (ii.) One on the right hand side of the cart, or
 - (iii.) One in the middle of the cart.

(4) No person operating a Golf Cart shall transport more passengers than the manufacturer's designed seating capacity.

(5) All occupants shall be seated and the use of seat belts shall be mandatory while the Golf Cart is operated in the Golf Cart Zone.

(6) No person shall operate a Golf Cart in the Town 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 carried and provided on the request of a law enforcement officer.

(7) For the purpose of parking, Golf Carts shall obey the passenger-vehicle parking requirements as defined by BAV MC 10.10 Parking.

(8) The use of Golf Carts shall be prohibited on:

- (a) All Town sidewalks and designated bicycle lanes that are within the Golf Cart Zone.
- (b) All Town path rights-of-way that are within the Golf Cart Zone.
- (c) Upon all of 108th Ave SE.

10.15.040 Registration.

The sole purpose of 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 be deemed 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 Town of Beaux Arts Village. All Golf Carts shall be registered prior to their operation in the Golf Cart Zone in the manner set forth as follows:

(1) Application for a Golf Cart registration shall be made upon a registration form provided by the Town and shall be submitted to the Town Clerk or his/her designee. An annual registration fee, as set by resolution of the Town Council, shall be paid before each registration or renewal thereof is granted.

(2) The Town Clerk or his/her designee, upon receiving proper application, shall assign a Golf Cart registration number upon approval of the completed application and payment of an annual registration fee. The registration number shall be effective for one calendar year.

(3) The Town Clerk or his/her designee 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.

(4) The Town Clerk or his/her designee shall keep a record of the number of each Golf Cart registration number, the date issued, the name and address of the person to whom issued, and a record of all registration fees collected by the Town.

(5) The Town Clerk or his/her designee, upon issuing a registration number, shall also issue a registration decal to the Golf Cart.

(6) The registration decal shall be firmly attached to the rear of the Golf Cart for which it was issued and in such a position as to be plainly visible from the rear.

(7) The cart registration number shall be firmly attached to the rear of the Golf Cart for which it was issued and in such position and size as to be plainly visible from the rear at a distance of 100 feet.

(8) Upon the expiration of any Golf Cart registration, the same may be renewed upon application and payment of the annual registration fee. In the case of registration renewals, the registration number shall remain the same as originally assigned.

10.15.050 Noncompliance.

Any Golf Cart operating in the Beaux Arts Village Golf Carts Zone without a valid registration may be fined up to \$250. A Golf Cart operator found in violation of this ordinance may have his/her cart registration revoked.

Section 3. Beaux Arts Village Municipal Code Title 10 Traffic Code and Ordinance Nos. 374 and 381 as hereby amended are hereby ratified and confirmed and continued in full force and effect.

Section 4. Validity. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases subsequently may be found by competent authority to be unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall take effect thirty (30) days after its passage and publication.

PASSED BY THE COUNCIL OF THE TOWN OF BEAUX ARTS VILLAGE and signed in authentication of its passage on this 9th day of February, 2016.

Richard Leider, Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Ann Spens, Clerk/Treasurer

Wayne Stewart, Town Attorney