

## ORDINANCE NO. 381

### ORDINANCE ALLOWING OPERATION OF GOLF CART UPON CITY STREETS

WHEREAS, the Oklahoma Statutes Title 47 Section 11-1116 provides that Golf Carts shall not be operated on the streets and highways of this state except: (2) The municipal governing body has adopted an ordinance governing the operation of golf carts on city streets; provided, such ordinances shall include necessary vehicle lighting and safety requirements.

WHEREAS, the City of Broken Bow, does wish to adopt the following ordinance for the allowance of the operation of Golf carts upon certain city streets with the following definitions, restrictions and requirements.

For the purposes of this ordinance the following definitions shall apply:

- A. Golf Cart is defined as a motor vehicle that:
  - a. has no less than three (3) wheels;
  - b. has a maximum speed of between 15 - 25 miles per hour;
  - c. is designed to carry not more than four (4) persons including the driver; and
  - d. is manufactured primarily for operation on golf courses.
- B. Physically disabled person: any person meeting the criteria set forth in Oklahoma Statute Title 7 Section 19.1 that qualifies that person for a certificate allowing the person to park in a handicapped parking space.
- C. Slow moving vehicle emblem: A sign which complies with the requirements set forth in Oklahoma Statute Title 47 Section 12-427.
- D. Insurance: Motor vehicle insurance which complies with the requirement set forth in Oklahoma Statute Title 36.

A Golf Cart may be operated within the City Limits of the City of Broken Bow, McCurtain County, Oklahoma, as expressly provided in this section.

1. Any person operating a Golf Cart upon a city street must be physically disabled and at least sixteen (16) years of age.
2. The individual operating the golf cart shall maintain financial responsibility for operation of such golf cart in accordance with Section D of this ordinance.
3. Golf carts shall only be operated on city streets with a speed limit of no greater than thirty-five (35) miles per hour.
4. Only the number of people the golf cart is designed to seat may ride on the golf cart. Passengers must be seated at all times and shall not ride in the area designated for golf bags.

5. No golf cart may be operated at a speed greater than reasonable and prudent for existing conditions, or at a speed greater than twenty (20) miles per hour.

6. No golf cart may be operated in a careless or reckless manner.

7. Golf carts must be operated to the extreme right of the roadway and must yield to all vehicular and pedestrian traffic.

8. Golf carts may only be operated during the hours between sunrise and sunset.

9. Any golf carts operating on city streets must be equipped with two (2) lighted lamps, one (1) on each side of the front of the golf cart, visible under normal atmospheric conditions from a distance of at least two hundred (200) feet in front of such golf cart and two (2) red lamps on the rear, one on each side, exhibiting a red light visible under like conditions from a distance of at least two hundred (200) feet to the rear of such golf cart.

10. A slow moving vehicle sign as defined in section "C" must be posted upon said golf cart accordance with Oklahoma Statute.

11. Golf carts shall not be operated on or across any public or private property without the express permission of the property owner.

12. Golf carts may not be used as a taxicab or bus or for the commercial carrying of passengers or the hauling of freight.

13. Motorized golf cart operators must obey all traffic laws which can reasonably be applied to golf carts. However laws dealing with motor vehicle licensing shall not apply.

14. Violation of this ordinance may be enforced by the Broken Bow City Police by any legal method prescribed by law, including but not limited to the following:

(a) Any person or entity violating any of the provisions of this Ordinance may be prosecuted in the same manner as misdemeanors are prosecuted and shall, upon conviction, be punished for each offense by a fine not to exceed \$250.00.

15. No golf cart shall be operated on any state highway except for the perpendicular crossing of a state highway located within the municipal boundaries of the City of Broken Bow.

16. Severability: If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

17. This ordinance is adopted to address the interest of public safety. Golf Carts are not designed or manufactured to be used on the public streets and the City of Broken Bow in no way advocates or endorses their operation on public streets or roadways.

That it being necessary for immediate preservation of the public peace, health, or safety an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in effect in full force from and after its passage.

PASSED AND APPROVED on this 20<sup>th</sup> of January, 2015, by a two-thirds (2/3) vote of the membership, with the emergency clause voted on separately.

CITY OF BROKEN BOW, OKLAHOMA

s/Jimmy O'Donnell  
MAYOR

Attest:

s/Amanda Eccles  
CITY CLERK