

# City of Temple Golf Cart Ordinance

## **ORDINANCE 2010-8**

### **AN ORDINANCE FOR REGULATING THE OPERATION OF GOLF CARTS IN THE CITY LIMITS OF TEMPLE, GEORGIA**

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### **AN ORDINANCE FOR REGULATING THE OPERATION OF GOLF CARTS IN THE CITY LIMITS OF TEMPLE, GEORGIA**

**WHEREAS**, the City Council of Temple, Georgia desires to provide for the regulation of operating golf carts in the city limits of Temple, Georgia; and

**WHEREAS**, the City Council of Temple, Georgia has the authority to regulate the operation of golf carts within the City's corporate limits as authorized by O.C.G.A § 40-6-331; and

**WHEREAS**, the City Council of Temple, Georgia has a substantial government interest in attempting to preserve the quality of life for the citizens of Temple; and

**WHEREAS**, the City Council of Temple, Georgia desires to protect, maintain and enhance health, safety and general welfare of present and future citizens of the City; and

**WHEREAS**, the City Council of Temple, Georgia desires to establish a comprehensive and consolidated ordinance with the intent to regulate the use of golf carts, also referred to as motorized carts, within the corporate limits of the City of Temple as authorized by O.C.G.A § 40-6-331:

**NOW, THEREFORE**, it is hereby ordained by the City Council of Temple, Georgia that the provisions contained herein shall apply as follows:

### **ARTICLE I** **GENERAL PROVISIONS**

#### **SECTION 1: PURPOSE AND INTENT**

This ordinance shall be known as the "City of Temple Golf Cart Ordinance." The purpose of this Ordinance is to protect, maintain and enhance health, safety and general welfare of all citizens of the City, both present and future. The intent of this Ordinance is to regulate the safe use of golf carts, also referred to as motorized carts, within the corporate limits of the City of Temple as authorized by O.C.G.A § 40-6-331.

#### **SECTION 2: DEFINITIONS**

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

**Golf Carts or Motorized Carts** means a four (4) wheeled motor vehicle, either gasoline or electric, originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course. These carts cannot be operated typically at more than twenty (20) miles per hour. The term cart means either golf cart or motorized cart.

**Drivers License** means a valid license to operate a motor vehicle issued by the State of Georgia or any other state.

**City Street** means any street, alley, road, highway or thoroughfare owned and maintained by the City of Temple. This includes the entire width between boundary lines, or rights of way, of every City maintained street when part or all is open to public use for purposes of vehicular travel within the corporate limits of the City of Temple. For the purpose of this ordinance, any street, road or highway owned and maintained by the State of Georgia is specifically excluded and is covered by state law.

**Operate** means to exercise any control over the function or movement of a golf cart or motorized cart.

**City Council** means the City Council of Temple, Georgia.

### **SECTION 3: OPERATIONS & LIMITATIONS OF GOLF CARTS OR MOTORIZED CARTS**

General prohibition: No person shall operate a golf cart or motorized cart on the streets of Temple unless said cart is operated and equipped in full compliance with this Ordinance, and further;

- A) No person shall operate a motorized cart on the streets of Temple without first obtaining all applicable permits required by this ordinance
- B) All permits issued pursuant to this ordinance shall be a mere grant of privilege to operate a golf cart or motorized cart, subject to all terms and conditions imposed by this ordinance and state law.
- C) Before any golf cart or motorized cart may be operated within the corporate limits of Temple, the cart must be registered and receive a decal from the City Clerk.
- D) Before any golf cart or motorized cart may be operated within the corporate limits of Temple, the cart must have affixed thereto an emblem as required by O.C.G.A § 40-8-4. Said emblem shall conform with those standards and specifications adopted by the American Society of Agricultural Engineers in December, 1966 and contained within such Society's standard ASAE § 276.1, or shall be an emblem of the same shape and size painted on said cart in a bright and conspicuous retro-reflective re-orange paint. Said emblem shall be mounted on the rear of each cart in the approximate horizontal geometric center of the cart at least three (3) to five (5) feet above the roadway, and shall be maintained at all times in a clean and reflective condition.

#### **SECTION 4: PERMITS & REGISTRATION REQUIREMENTS**

Each golf cart or motorized cart to be operated on a City street shall be registered annually at the City of Temple Police Department. Each application for registration shall be made on an approved form supplied by the City and shall contain the following information as a minimum:

- A) The name and address of the applicant.
- B) Make, model, name, year and serial number of the golf cart or motorized cart.
- C) The applicant's current driver's license number with a copy attached thereto.
- D) Proof of liability insurance covering the cart with a copy attached thereto.
- E) Any other information as may be required by the City.
- F) Each permit, or registration, shall be issued for a period from the date of issuance through and including January 1 of the following year, at which time it will expire.
- G) A Registration Fee of twenty five (25) dollars shall be paid annually for each cart to be registered. The registration shall be effective until such time as the cart is sold and is renewable annually. New owners must register a cart within ten (10) business days of the change in ownership. If the registration is not transferred within ten (10) business days, a twenty (20) dollar penalty will be applied.
- H) Upon registration of each cart, the City Clerk will issue a decal signifying its registration. The decal shall be applied to the rear of said cart and must be plainly visible. Decals are not transferable from the cart for which it was purchased.

#### **SECTION 5: LIABILITY INSURANCE COVERAGE**

Each person operating a golf cart or motorized cart shall be liable for his or her own actions. Each person operating a golf cart or motorized cart is responsible for their own liability insurance. Registration and issuance of a decal cannot be completed without proof of liability insurance.

#### **SECTION 6: OPERATOR**

It shall be unlawful for any person under the age of sixteen (16) or any person without a valid driver's license to operate a golf cart or motorized cart on City streets.

## **SECTION 7: OPERATOR RESPONSIBILITY**

It shall be the responsibility of each cart operator to abide by all traffic rules and regulations of the State of Georgia and the City of Temple applicable to vehicular traffic.

## **SECTION 8: TIME OF OPERATION**

No cart shall be operated on any City street between one-half hour after sunset and one-half hour before sunrise, unless golf cart is equipped with two (2) operating head lights (one on each side of the front of the cart) and two (2) operating tail lights with brake lights (one on each side of the rear of the cart), all of which are clearly visible from a distance of five hundred feet (500').

## **SECTION 9: PLACE OF OPERATION**

Golf carts or motorized carts may be operated on City streets which has a posted speed limit of thirty-five (35) miles per hour or less. Golf carts or motorized carts shall not be operated on sidewalks or in City parks, other than in marked parking areas, except to cross said streets or highways at intersections in a path ninety (90) degrees to said street or highway.

## **SECTION 10: OCCUPANTS**

The number of occupants in any cart is limited to the number of persons for whom the factory seating is installed and provided for on the cart. The operator and all occupants shall be seated in the cart and no parts of the bodies of the operator or any occupant shall extend outside the perimeter of the cart while the cart is being operated.

## **SECTION 11: SLOW MOVING VEHICLE SIGN OR BICYCLE SAFETY FLAG**

All golf carts or motorized carts shall display a "Slow Moving Vehicle" sign or bicycle safety flag on the back of each cart so as to warn traffic of a slow moving vehicle.

## **SECTION 12: PENALTIES FOR VIOLATION OF ORDINANCE**

Any violation of each provision of this Ordinance is an infraction. Each person found to be in violation of this Ordinance is subject to a fine of not less than one hundred dollars (\$100.00) for the first offense, along with court costs in the amount that same exists, or may hereafter be determined by ordinance or statute. For the second offense, the base fine is increased to two hundred dollars (\$200.00) along with associated costs as outlined above. For the third offense, the base fine is increased to five hundred dollars (\$500.00) along with associated costs

as outlined above and may result in the revocation of the owner's registration for a period of two (2) years, at which time a two hundred dollar (\$200.00) re-registration fee will apply.

### **SECTION 13: EXCEPTION TO ORDINANCE**

No part or section of this Ordinance shall apply to City vehicles.

### **SECTION 14: EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall become effective upon its passage by the City Council and the signature of the Mayor.

### **ARTICLE II** **SEVERABILITY**

If any section, provision or clause of any part of this article shall be declared invalid or unconstitutional, or if the provisions of any part of this article as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this article not so held to be invalid, or the application of this article to other circumstances not so held to be invalid. It is hereby declared as the intent that this article would have been adopted had such invalid portion not been included herein.

### **ARTICLE III** **REPEALER**

The provisions of any ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are repealed. Prior ordinances shall remain in full force and effect as to all package licensees.

Adopted and ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Attest: City Clerk