

Emergency Ordinance #387

An emergency ordinance of the Hamilton City Council establishing Hamilton Municipal Code, Chapter 10.26 entitled "Golf Carts," to permit under limited circumstances the lawful operation of golf carts on public streets in the City limits and declaring it immediately necessary for the preservation of peace, health, and safety to immediately implement restrictions on such operation of golf carts.

WHEREAS, MCA 7-5-4204 allows a municipality to adopt an emergency ordinance for the immediate preservation of the public peace, property, health, or safety, which ordinance may take effect immediately; and

WHEREAS, MCA 61-8-391 states that no person may operate a golf cart on a public street or highway open to the public unless the operation is specifically authorized by ordinance passed by the local governing body of the county, city, or town for a public street or highway under its jurisdiction; and

WHEREAS, at least two-thirds of all the elected members of the City of Hamilton deems it immediately necessary to implement restrictions on golf carts and establish a process for lawful operation of golf carts on public streets within its jurisdiction, while providing an opportunity to conduct further study and adopt a permanent ordinance to regulate golf cart operation on public streets; and

WHEREAS, after first having provided lawful public notice as required, the City Council conducted a first reading on June 16, 2015, with respect to this proposed Emergency Ordinance and invited public comment.

NOW THEREFORE, BE IT ORDAINED by the Hamilton City Council that Chapter 10.26 of the Hamilton Municipal Code be established as follows:

Chapter 10.26 Golf Carts

Sections:

- 10.26.010 Definitions
- 10.26.020 Golf carts generally prohibited
- 10.26.030 Golf carts permitted by resolution
- 10.26.040 Violation--Penalty

Section 1

10.26.010 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Golf Cart" means a motor vehicle that is designed for use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than 15 miles per hour.
- B. "Person" means an individual, corporation, partnership, association, firm, or other legal entity.

Section 2

10.26.020 Golf carts generally prohibited.

Per MCA 61-8-391, a person may not operate a golf cart on a public street or highway open to the public unless the operation is pursuant to this chapter and at the times and places set forth herein.

Section 3

10.26.030 Golf carts permitted.

The Hamilton City Council specifically authorizes limited golf cart operation on public streets and highways within the City limits under the following terms and conditions:

A. Operating Requirements.

1. A person operating a golf cart on a public street or highway must have a valid driver's license or valid low speed restricted driver's license.
A golf cart may not be operated on a public street or highway unless it is equipped with:
 - a. At least one and not more than two headlamps;
 - b. At least one tail lamp;
 - c. At least one reflector;
 - d. Stop lamps;
 - e. A horn; and
 - f. A mirror that reflects to the driver a view of the highway.
3. Prior to operation on a public street or highway, the golf cart must be appropriately registered with the Montana Motor Vehicle Division per MCA 61-3-321. The registration decal must be displayed visibly on the golf cart at all times of operation.
4. The owner of a golf cart that is registered and operated on a public street or highway by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by maintenance or use of a golf in an amount not less than required by MCA 61-6-103.

B. Time and Place of Operation.

1. No golf cart may be driven, operated, or controlled on public streets or highways:
 - a. between sunset and sunrise;
 - b. without the use of lights as equipped;
 - c. contrary to any traffic law of the City or the State of Montana;
 - d. with more than two persons in the vehicle;
 - e. on US Highway 93 (1st Street), MT Highway 531 (Main Street), MT Highway 269 (Marcus Street), State Street, or Pine Street; and
 - f. in any area where motor vehicle traffic is prohibited, blockaded or presents hazardous travel, including but not limited to nonmotorized multi-use paths or sidewalks.Golf carts are specifically prohibited from operating on public streets or highways for which the posted speed limit exceeds 25 miles per hour.
3. Golf carts may not cross a highway with a posted speed limit of greater than 35 miles per hour and may cross US Highway 93 (1st Street) only at the following intersections with traffic lights:
 - a. Fairgrounds/Adirondac;
 - b. Ravalli Street; or
 - c. Golf Course Road.

Section 4

10.26.040 Violation--Penalty. Violation of this chapter shall be considered a misdemeanor and shall be punished by a fine of not more than five hundred dollars. Incarceration shall not be a penalty for violating this chapter.

Section 5

Effective date This ordinance shall be effective immediately and shall remain in effect for 90 days or upon the effective date of a regular ordinance, whichever is first.

Section 6

Severability If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, 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, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

BE IT FURTHER ORDAINED by the Hamilton City Council that this Emergency Ordinance has been passed and approved upon the first and final reading on the 16th day of June, 2015, by a vote of 5 ayes. The Second and final reading was waived by the City Council.

ADOPTED AND SIGNED THIS 16TH DAY OF JUNE, 2015.

Approved:

By _____
JERRY E. STEELE, Mayor

Attest:

By _____
ROSE M. ALLEN, City Clerk