

ORDINANCE 26 OF 2016

AN ORDINANCE TO PROHIBIT DRIVING AND PARKING UPON BIKE LANES; TO PROHIBIT ALL WHEELED CONVEYANCES UPON CABOT RECREATION WALKING AND HIKING TRAILS; TO AUTHORIZE AND REGULATE GOLF CART OPERATION UPON CERTAIN CITY STREETS; TO REPEAL ORDINANCE 40 OF 2007, AND FOR OTHER PURPOSES

WHEREAS, bike lanes are used to create an on-street, separated travel facility for bicyclists and it is the desire of this governing body to enact regulations to protect bike lanes and cyclists while traveling upon lanes designated for cycling use; and

WHEREAS, to promote the health and safety of all citizens on walking, hiking, and bicycle trails designated for that use, this governing body desires to prohibit any and all wheeled conveyances, except wheelchairs and any other medical conveyance that is necessary to allow mobility for a disabled individual, upon all Cabot Recreation trails unless specifically designated for said use; and

WHEREAS, in accordance with Arkansas Code Annotated § 14-54-1410, the City of Cabot authorizes the operation of golf carts upon city streets and set forth regulations to protect the citizens that take advantage of such use.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CABOT, ARKANSAS THAT:

SECTION 1: The Code of Cabot is hereby amended by adding a new section, to be numbered 30-6, which section shall read as follows:

Sec. 30-6. Driving, Standing, or Parking on Bicycle Paths or Lanes Prohibited.

- (a)** Bicycle lanes shall have a shared use for the operation of bicycles and golf carts.
- (b)** The driver or operator of any vehicle shall not drive upon any bicycle lane, with the exception of a golf cart.
- (c)** The driver or operator of any vehicle, shall not park a vehicle upon any lane designated by official signs or markings for the use of bicycles, or otherwise drive or place the vehicle in such a manner as to impede bicycle traffic on such path or lane.

(d) Any driver or operator that violates any provision of this section may be subject to a written citation and/or removal of vehicle in violation. A written citation may be issued, at any time, if a vehicle is parked in a bicycle lane. If enforcement cannot make contact with the owner/operator of the vehicle in violation within 12 hours, enforcement will have the vehicle towed at the owner's expense and a citation may be issued. Upon the owner/operator being issued a written citation and if the vehicle in violation is not removed, the Cabot Police Department is hereby authorized to have the vehicle towed at the owner's/operator's expense.

(e) A person may operate a motor vehicle upon a bicycle lane for the limited purpose of making a turn, entering or leaving an alley, private road, or driveway.

(f) **Enforcement.** Cabot Police Department is authorized to enforce and issue citations to any individual in violation of the regulations set forth in Sec. 30-6 of the Cabot Code of Ordinances.

SECTION 2: The Code of Cabot is hereby amended by adding a new section, to be numbered 22-23, which section shall read as follows:

Sec. 22-23. Wheeled Conveyances Upon Cabot Recreation Trails.

(a) For the purpose of this Ordinance, the term "wheeled conveyance" is defined as all wheeled objects such as but not limited to all-terrain vehicles of any kind, skateboards, coasters, scooters, conveyances, or similar devices used for transportation or sport which are not classified or considered to be baby strollers, or the like, wheelchairs or any other medical conveyance that is necessary to allow mobility for a disabled individual are exempt from this prohibition.

(b) For the purpose of this Ordinance, the term “shared use trails: is defined as a trail, designed for use by a variety of users, including pedestrians and bicyclists, located off-road, usually in a park or linear trail system.

(c) Any and all wheeled conveyances are prohibited upon all Cabot Recreation trails unless specifically designated for said use.

(d) Shared Use Trails are exempt from this probation.

(e) Baby strollers, or the like, wheelchairs, and any other medical conveyance that is necessary to allow mobility for a disabled individual are exempt from this prohibition.

(f) That signs shall be posted or erected at entrance points on all Cabot Recreation trails designating the use and prohibition of said trails.

(g) Enforcement. Cabot Police Department and Cabot Code Enforcement are authorized to enforce and issue citations to any individual in violation of the regulations set forth in Sec. 22-23 of the Cabot Code of Ordinances.

SECTION 3: The Code of Cabot is hereby amended by adding a new section, to be numbered 22-24, which section shall read as follows:

Sec.22-24. Requirements of Parks & Recreation Department

(a) The Parks Department shall provide to the Parks Commission, a list of each and every trail with its designated use and shall post the respective use, within ninety days upon the passage of this Ordinance.

(b) As new trails are built, the Parks Department shall provide to the Parks Commission, an updated list containing each and every trail with its designated use and said trails shall be posted with its respective use within sixty days from completion of said trail.

SECTION 4: Section 30-4 of the Code of Cabot is hereby amended in its entirety to read as follows:

Sec 30-4. Golf Carts – Authority and Regulations.

- (a) The operation of golf carts on city streets shall be exclusively authorized for travel from the owner's place of residence to the golf course and to return from the golf course to the owner's residence.
- (b) Cabot citizens are authorized to operate a golf cart upon City streets of the municipality; however operation shall not be authorized on city street streets which are designated as federal or state highways or as a county road.
- (c) Golf carts are authorized to operate upon bicycle lanes but golf carts shall yield to a cyclist.
- (d) Golf carts are prohibited upon any and all City sidewalks.
- (e) The operation of golf carts shall be prohibited by an unlicensed driver and such operation may result in the golf cart being towed by the Cabot Police Department at the owner's expense.
- (f) All golf carts that operate on City streets as allowed herein shall maintain liability insurance on the golf cart, at the owner's expense.
- (g) **Enforcement.** Cabot Police Department is authorized to enforce and issue citations to any individual in violation of the regulations set forth in 30.4 of the Cabot Code of Ordinances.

SECTION 5: Sec. 30-5 of the Code of Cabot is hereby amended in its entirety to read as follows:

Sec. 30-5. Penalty.

- (a) That it shall be unlawful for any person to violate Sec. 30-4 and 30-6 of Cabot Code of Ordinances Chapter 22, Article II §§ 22.1 & 22.2 and Chapter 30, Article I §§ 30.4 and 30.6 shall be subject to a fine of not less than \$75.00 nor more than \$150.00 for the first

offense; however, each subsequent offense thereafter shall result in a fine to increase by \$150.00 increments but not more than \$500 per violation.

SECTION 6: Repealer. All Ordinances and parts of Ordinances, in conflict herewith are hereby repealed to the extent of the conflict; specifically Ordinance 40 of 2007 is hereby repealed in its entirety.

SECTION 7: Severability Clause. If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, and that such valid portions shall be and remain in full force and effect.

SPONSOR:

Doug Warner, Alderman 2 Position 1

CO-SPONSOR:

Ed Long, Alderman Ward 1, Position 1

PASSED: 7-0

DATE: 11-21-16

APPROVED:

William A. "Bill" Cypert, Mayor

APPROVED AS TO FORM:

Jim Taylor, City Attorney

ATTEST:

Tammy Yocom, City Clerk~Treasurer