



ISLAND COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA BILL

MEETING DATE: 11/24/14

CONSENT AGENDA
REGULAR AGENDA
☒ PUBLIC HEARING/MTG
Ordinance C-104-14/R-38-14
RESOLUTION/ORDINANCE NO

DEPARTMENT: Public Works

DIVISION: (if applicable)

STAFF CONTACT: Bill Oakes

AGENDA SUBJECT: Ordinance C-104-14/R-38-14 Ordinance Establishing New Island County Code Chapter 10.07, Golf Cart Zones

BACKGROUND/SUMMARY: WORK SESSION DATE: (if applicable) November 5, 2014

At Work Session on 5 November 2014, after review, the Board of Island County Commissioners, at their regular meeting of 10 November 2014, set 24 November 2014 as the date to receive input and public comments on the establishment of a new CountyCode chapter 10.07 which would allow the incidental use of Golf Carts on County Rights-of Way.

FISCAL IMPACT/FUNDING SOURCE: None

RECOMMENDED ACTION:

- ☒ Approve/Adopt
☐ Schedule Public Hearing/Meeting
☐ Continue Public Hearing/Meeting
☐ Information/Discussion
☐ Other (describe) _____

SUGGESTED MOTION:

[BELOW TO BE COMPLETED BY CLERK OF BOARD]

BOCC ACTION:

- ☒ APPROVED
☐ DENIED
☐ TABLED/DEFERRED/NO ACTION TAKEN
☐ CONTINUED TO DATE: ____/____/____ TIME: ____
☐ OTHER _____



112414-PW-7

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON

ORDINANCE ESTABLISHING NEW
ISLAND COUNTY CODE CHAPTER
10.07, GOLF CART ZONES

ORDINANCE NO. C- 104 -14
R- 38 -14

WHEREAS, the 2010 Washington Legislature adopted Senate Bill 6207 (RCW 46.08.175) allowing a Board of County Commissioners to establish golf cart zones in the unincorporated area of a county for incidental use of golf carts on public roads with a speed limit of 25 miles per hour or less; and

WHEREAS, golf cart drivers within golf cart zones are subject to the same rules of the road as vehicle drivers; and

WHEREAS, other than rules of the road, golf carts and golf cart drivers within golf cart zones are not subject to most motor vehicle provisions, including provisions on vehicle licensing, driver licensing, and safety and equipment standards, however, golf cart occupants operating or riding in a golf cart within a golf cart zone are not exempt from seatbelt requirements, and golf carts must be equipped with reflectors, seatbelts, and rearview mirrors; and

WHEREAS, a person operating a golf cart on public roads in golf cart zones need not be a licensed driver, but must be at least 16 years old and must have either completed a driver education course or have previous experience driving as a licensed driver, however, a person who has a revoked license is prohibited from operating golf carts in golf cart zones; and

WHEREAS, operation of golf carts is permitted at night and therefore golf carts must be equipped with headlights, taillights, turn signals, and brake lights; and

WHEREAS, golf cart zones must be identified by signage, and accidents that involve golf carts operating on public roads within golf cart zones must be tracked under state reporting requirements; and

WHEREAS, citizens of Island County have requested that the Board of Island County Commissioners adopt an ordinance allowing the formation of golf cart zones; **NOW, THEREFORE**,

IT IS HEREBY ORDAINED that new chapter 10.07 of the Island County Code, Golf Cart Zones, attached hereto as Exhibit "A" is adopted.



C-10414

ADOPTED this 24th day of November, 2014 following public hearing.

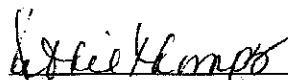
BOARD OF COUNTY COMMISSIONERS
ISLAND COUNTY, WASHINGTON




JILL JOHNSON, Chair


HELEN PRICE JOHNSON, Member


AUBREY VAUGHAN, Member

ATTEST: 
DEBBIE THOMPSON
Clerk of the Board

APPROVED AS TO FORM:



DANIEL B. MITCHELL
Deputy Prosecuting Attorney and
Island County Code Reviser

Exhibit "A"

New Chapter 10.07

Golf Cart Zones

Sections:

- 10.07.010 Intent**
- 10.07.020 Definitions**
- 10.07.030 Operation of Golf Carts on Public Roads not Otherwise Designated for Such Operation**
- 10.07.040 Designation of Public Roads of Island County for Golf Cart Operation – Posting of Signs**
- 10.07.050 Operation of Golf Carts in Golf Cart Zones - Conditions and Safety Criteria**
- 10.07.060 Fees**
- 10.07.070 Enforcement of Golf Cart Zone Provisions - Sanctions**
- 10.07.080 Golf Cart Zones Format**
- 10.07.090 Dissolution of Golf Cart Zones**
- 10.07.100 Designated Approved Golf Cart Zones [reserved]**
- 10.07.010 Intent**

This ordinance is adopted to address incidental use of Golf Carts on the Roadway of Public Roads as may be permitted by the Board of County Commissioners under RCW 46.08.175. Golf Carts are not designed or manufactured to be used on Public Roads and Island County in no way advocates their operation on roads. The County, regulating such operation, is merely addressing safety issues. Adoption of this ordinance is not to be relied upon as a determination that operation of Golf Carts on roads is safe or advisable even if done in accordance with this ordinance. All persons who operate or ride in Golf Carts on roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. This ordinance shall not be construed to create any special relationship between Island County and any person or class of persons, nor to protect any person or class of persons. Island County has no liability under any



theory of law for permitting Golf Carts to be operated on roads under the provisions of this ordinance.

Notwithstanding the foregoing, Island County, after considering the speed, volume and character of motor vehicle traffic using Public Roads, may review and approve the use of Golf Carts on Public Roads under the conditions and limitations hereinafter prescribed.

10.07.020 Definitions

The following words and phrases, when used in this ordinance, shall have the definitions respectively ascribed to them in this section. Whenever any words or phrases used in this ordinance are not defined, but are defined in the Revised Code of Washington (RCW) or the Washington Administrative Code (WAC) and amendments thereto, such definitions shall apply.

A. "Golf Cart" as defined in RCW 46.04.1945 means:

"Golf Cart" means a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than twenty miles per hour. A golf cart is not a nonhighway or off-road vehicle as defined in RCW 46.09.020. A Golf Cart is not considered a vehicle, except for the purposes of chapter 46.61 RCW.

B. "Public Road" means:

The entire width between the boundary lines of every publicly maintained right-of-way or publicly maintained place open to the use of the public for purposes of vehicular travel located in the unincorporated area of Island County.

C. "Roadway" means:

That portion of a Public Road improved, designed, or ordinarily used for vehicular travel, exclusive of the sidewalk or shoulder even though such sidewalk or shoulder is used by persons riding bicycles.

D. "Golf Cart Zone" means:

A geographically described area authorizing the use of Golf Carts on the Roadway of Public Roads, provided such use complies with the provisions of ICC 10.07.040. Golf Cart Zones may only be established by the Board of Island County Commissioners upon adoption of an ordinance establishing such zone.

10.07.030 Operation of Golf Carts on Public Roads not Otherwise Designated for Such Operation



It shall be unlawful for any person to operate a Golf Cart on or over any Public Road in Island County, except as allowed in this ordinance; provided, this ordinance does not prohibit the operation of a Golf Cart to cross a Public Road from one portion of a golf course to another portion of the golf course.

10.07.040 Designation of Public Roads of Island County for Golf Cart Operation - Posting of Signs

A. Pursuant to RCW 46.08.175, Island County may authorize by ordinance the operation of Golf Carts on the Roadway of Public Roads within a designated Golf Cart Zone in Island County after:

1. Considering the speed, volume, and character of motor vehicle traffic using Public Roads; and
2. Determining that Golf Cart operation on particular roads is compatible with state and local transportation plans and consistent with the Washington statewide pedestrian policy.

No Public Road of Island County shall be designated for use by Golf Carts if Golf Cart operation will impede the safe and efficient flow of motor vehicle traffic, or if the posted speed limit for the road is greater than twenty-five (25) miles per hour.

B. Applications to have specific Public Roads designated for Golf Cart use as a Golf Cart Zone shall be directed to the Island County Public Works Department (ICPW). The application for establishment of a Golf Cart Zone shall demonstrate support of the community by including a petition signed by more than fifty percent (50%) of the property owners within the proposed Golf Cart Zone. The ICPW will review the application and recommend to the Board of Island County Commissioners whether to establish a Golf Cart Zone based on an assessment of traffic volume, topography, intersections and other relevant public safety variables.

C. All designated Golf Cart Zones within Island County shall be posted with signs indicating the beginning and the ending of the zone. The signs shall be posted on the Public Roads that are part of the Golf Cart Zone.

10.07.050 Operation of Golf Carts in Golf Cart Zones - Conditions and Safety Criteria

Golf Cart operation on Roadways of Public Roads in Golf Cart Zones in Island County shall be in accordance with the following conditions:

A. No person shall operate a Golf Cart on a Public Road in Island County unless that road is in a Golf Cart Zone and is posted with the required signs.



- B. No Golf Cart shall be driven across any Public Road at an intersection where the Public Road being crossed has a posted speed limit of thirty-five (35) miles per hour or more, except for crossing a Public Road by Golf Cart if it is for the sole purpose of traveling from one portion of a golf course to another portion of the golf course.
- C. No Golf Cart shall be driven in designated bicycle lanes that are within a Golf Cart Zone.
- D. The maximum occupancy of a Golf Cart traveling on roads will be one person per designated seat. Each occupant shall wear a seat belt or child restraint, as applicable, while the vehicle is in operation.
- E. Every person operating a Golf Cart is granted all rights and is subject to all duties applicable to the driver of a vehicle under chapter 46.61 RCW, the Rules of the Road, and the corresponding provisions of chapter 10.06 ICC, Traffic Regulation, including, but not limited to, driving or being in physical control of the Golf Cart while under the influence of intoxicating liquor or drugs, reckless driving and negligent driving.
- F. No person may operate any Golf Cart on any Public Road unless the person is at least sixteen years of age, has a current valid driver's license in his or her possession, or has completed a driver education course, or has previous experience driving as a licensed driver. The operator must carry proof of such qualifications to show to enforcement authorities upon request. A person who has a revoked license under RCW 46.20.285 may not operate a Golf Cart.
- G. All Golf Carts shall have the following equipment installed:
- (1) Reflex reflectors: one red on each side as far to the rear as practicable, and two red on the rear;
 - (2) To give the driver a view to the rear of at least 200 feet with each mirror, an exterior rearview mirror mounted on the driver's side of the vehicle and either an exterior rearview mirror mounted on the passenger's side of the vehicle or an interior rearview mirror;
 - (3) A Type 1 or Type 2 seat belt assembly conforming to Title 49 CFR Section 571.209, Federal Motor Vehicle Safety Standard No. 209, *Seat belt assemblies*, installed at each designated seating position; and
 - (4) Lighting: headlights, taillights, turn signals (front and rear), and brake lights.
- H. Accidents that involve Golf Carts operated on Public Roads must be recorded and tracked in compliance with chapter 46.52 RCW. The accident report must indicate that a Golf Cart operating within a Golf Cart Zone is involved in the accident.

10.07.060 Fees

All costs incurred in developing a Golf Cart Zone must be covered by the individual or group making the request. Specific costs are, but are not necessarily limited to:



- A. **Application Fee.** An application fee will be charged to review the requested Golf Cart Zone and develop a recommendation to the Board of County Commissioners.
- B. **Sign Fee.**
 - 1. A sign fee will be charged for each sign required to identify the Golf Cart Zone.
 - 2. The number and location of signs will be determined by the Island County Traffic Engineer.
- C. **Maintenance Fee.**
 - 1. An annual maintenance fee will be charged for each Golf Cart Zone sign to cover maintenance and replacement costs.
 - 2. The annual maintenance fee will be payable by January 31 yearly, beginning with the calendar year after the sign permit is approved.

10.07.070 Enforcement of Golf Cart Zone Provisions - Sanctions

Any operation of a Golf Cart constituting a violation of chapter 46.61 RCW, Rules of the Road, or a corresponding provision of chapter 10.06 ICC, Traffic Regulation, shall be punishable as either a criminal traffic violation or a civil traffic infraction, as applicable. Violation of equipment requirements of ICC 10.07.050(G) shall be punishable as a traffic infraction under either chapter 46.37 RCW or a corresponding provision of chapter 10.06 ICC. Any other violation of this ordinance shall be a Class 1 civil infraction under chapter 7.80 RCW. The Island County Sheriff shall enforce the provisions of this ordinance and the Washington State Patrol may enforce the provisions of this ordinance.

10.07.080 Golf Cart Zones Format

For those Golf Cart Zones that become approved, the following format is recommended.

- A. Name of the Golf Cart Zone to include the following information:
 - 1. Name of Public Road(s) and the Road Log Number(s);
 - 2. Identification of location by Section, Township, and Range; and
 - 3. Specific location identified by Milepost marker(s) to Milepost marker(s).
- B. A topographical map depicting the aerial view of the designated Golf Cart Zone including the Public Roads within the Golf Cart Zone shall be attached as an exhibit to the ordinance that establishes the Golf Cart Zone.

10.07.090 Dissolution of Golf Cart Zones



Golf Cart Zones may be dissolved through the following methods.

- A. Non-payment of the annual maintenance fee. If it is found the annual maintenance fee has not been paid for a period of two years, the Golf Cart Zone will be dissolved.
- B. If it is found there is a significant history of Golf Cart collisions or citations for violations within a specific zone, the Golf Cart Zone may be dissolved. A significant history will be defined as five or more incidents within three years. One serious injury accident can, by itself, constitute a significant history.
- C. Property Owners of a Golf Cart Zone may request dissolution by submitting a petition signed by more than sixty percent (60%) of the property owners within the zone.
- D. Upon confirmation from the ICPW that sixty (60%) of the property owners within the zone requested dissolution, the Board of Island County Commissioners shall, within sixty (60) days, determine whether or not to dissolve the Golf Cart Zone by repealing the ordinance that established the zone.

10.07.100 Designated Approved Golf Cart Zones [reserved]



PUBLIC COMMENTS – GOLF CART ORDINANCE NO. C-104-14 (R-38-14)

<u>DATE</u>	<u>FROM</u>
11/15/14	Robert Watson
11/16/14	Robert Watson
11/16/14	Beverly K. Madlung
11/16/14	Candy Charlwood
11/16/14	David R. Demorest
11/16/14	Kathleen Rose
11/16/14	Harry Laban
11/16/14	Joan Demorest
11/16/14	Cait Cassee
11/17/14	Deborah Shibley
11/17/14	John Hastings
11/17/14	Ellen Burton
11/17/14	Fred O. Marshall
11/17/14	Terry & Ian Hawthorne
11/17/14	Heather Pentz
11/17/14	Nancy Michelsen
11/17/14	Maureen Horn
11/18/14	Tom and Sally Cahill
11/19/14	Gary Reys
11/19/14	James J. Johnson
11/21/14	John S. Barney
11/21/14	Sandy Barney
11/22/14	Hank Fresonke
11/22/14	J & H Cannon
11/22/14	Ron Buzard
11/22/14	Elena Mc Cann
11/22/14	Anita Jerome
11/23/14	Robin Obata
11/23/14	John Horn
11/23/14	Kody Kinser
11/23/14	Tommy Mine
11/23/14	Eldon G. Kemp
11/23/14	Sue McGinley and Randy Landon
11/23/14	C. Vosburg
11/23/14	Diana Sandoval and Gordy Frederickson
11/23/14	Dewey Schurman



PUBLIC COMMENTS – GOLF CART ORDINANCE NO. C-104-14 (R-38-14)

11/23/14	Paul & Karen Peterson
11/24/14	Robin Charlwood
11/24/14	Deanna Johnson
11/24/14	Joanne Hund
11/24/14	Rita Christian
11/24/14	Tom and Sally Cahill



SUBJECT: Ordinance C-104-14 (R-38-14) Establishing New Island County Code 10.07 Golf Cart Zones

Please print your name and information clearly.

NAME	ADDRESS	Desire to Make Comments? Yes or No
Tom Cahill	1895 Breinas Rd. Freeport	yes
Anda Jerome	4118 Beach Dr. "	yes
Stan Walker	4911 Harbor Hills Dr. Freeport	yes
Paulette Becker	2270 Soundview Dr. Langley	yes
Gary Pizion	Capeville	