

ORDINANCE NO. 2021-4

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
AMENDING TITLE 10 OF THE EATONVILLE MUNICIPAL CODE BY
ADDING A NEW CHAPTER 10.40 “GOLF CARTS”**

WHEREAS, the Eatonville Town Council seeks to amend the municipal code from time to time to address new circumstances and conditions in the Town; and

WHEREAS, the Town Council’s Public Safety Committee has discussed the value of regulating the use of golf carts on the Town’s streets and highways in order to ensure golf carts are operated safely, and recommends approval of the code amendment attached as Exhibit A; and

WHEREAS, the Town Council finds that the proposed code amendment will further the public health, safety, and welfare; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS
FOLLOWS:**

Section 1. Title 10 of the Eatonville Municipal Code is hereby AMENDED by adding a new chapter 10.40 “Golf Carts” as set forth in Exhibit A attached hereto and incorporated by this reference.

Section 2. The requirements set forth in new Chapter 10.40 “Golf Carts” shall be effective ninety (90) days after the effective date of this Ordinance.


Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 04/26/2021

2ND READING: 05/10/2021

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 10th day of May, 2021.



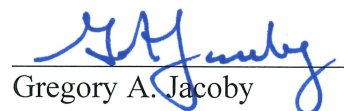
Mike Schaub
Mayor

ATTEST:



Miranda Doll
Town Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby
Town Attorney

Chapter 10.40

GOLF CARTS

Sections:

- 10.40.010 Definitions
- 10.40.020 Zone designations
- 10.40.030 Golf cart registration
- 10.40.040 No driver's license required
- 10.40.050 Requirements and restrictions
- 10.40.060 Violation/penalty

10.40.010 Definitions.

For purposes of this chapter, the following terms are defined and understood to mean the following:

- A. "Authorized" means that the owner of the golf cart has given permission and that the person meets all criteria to be able to operate.
- B. "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 (20) miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.04.365.
- C. "Golf cart zone" means any public street within the Town of Eatonville having a speed limit of twenty-five (25) miles per hour or less that contains signage identifying the golf cart zone, provided golf carts may cross all Town streets (and State Highway 161) at intersections with designated crosswalks.
- D. "Operator" means any person who is at least 16 years of age and completed a driver's education course or has previous experience driving as a licensed driver or has received approval from Pierce County Superior Court or other court of competent jurisdiction to operate a golf cart on the public streets. Operator does not include Town personnel, or those persons authorized by the chief of police to operate golf carts on Town streets.
- E. "Sidewalk" shall be that area paved with concrete, asphalt or other similar material located within the right of way adjacent to a street intended for the public purpose of pedestrian or bicycle travel.
- F. "Highway" means the entire right-of-way width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel including parking.

10.40.020 Zone designated.

Under the authority granted to the Town pursuant to RCW 46.08.175, the Town hereby creates and designates golf cart zones described as, those portions of the streets and highways located within the jurisdictional boundaries of the Town of Eatonville, as exist now or as may be hereinafter amended, having a speed limit of twenty-five (25) miles per hour or less. Said zones shall be clearly identified by signage at the beginning and end of the zones. These zones may be hereinafter referred to and known as the "golf cart zone".

10.40.030 Golf cart registration

A. All golf carts shall be registered with the Town prior to operation upon the public highways within the Town of Eatonville, and the registration number shall be conspicuously displayed upon the back of the golf cart. The completed registration is to identify the owner(s) of the golf carts being operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant or guarantee that the golf cart meets any particular standard or condition or that it may be safely operated upon the public highways within the Town of Eatonville.

Registration shall be made in the manner set forth as follows:

1. Application for a golf cart registration shall be made upon a form provided by and to the chief of police or his/her designee. An annual registration fee as prescribed by the Town Council shall be paid before each registration.
2. The chief of police or his/her designee upon receiving proper application therefore is authorized to issue a golf cart registration number which shall be effective for one calendar year.
3. The chief of police shall not issue a golf cart registration number for any golf cart when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such golf cart.
4. The chief of police shall keep a record of the number of each registration, the date issued, the name and address of the person to whom registration was issued, and a record of all registration fees collected by him/her.
5. The chief of police, upon issuing a registration number, shall also issue a decal bearing the registration number assigned to the golf cart.
6. Such decal shall be firmly attached to the rear of the golf cart for which issued in such position as to be plainly visible from the rear.
7. No person shall remove a registration number decal from a golf cart during the period for which issued except upon a transfer of ownership or in the event the golf cart is dismantled and no longer operated upon any highway within the jurisdiction of the Town.
8. Prior to or upon the expiration of any golf cart registration, the same may be renewed upon application and payment of such fee as prescribed by the Town Council.

9. Upon registering, the owner of the golf cart must declare who will be the primary operator(s) of the cart. The owner must agree to not allow any unauthorized drivers to operate the cart.

10.40.040 No driver's license required.

All operators of golf carts must be at least sixteen (16) years of age and must have either completed a driver education course or had previous experience as a licensed driver. Thus, a valid driver's license is not required.

10.40.050 Requirements and restrictions.

A. Operators of golf carts in golf cart zones shall adhere to all rules of the road applicable to motorized vehicles as set forth in chapter RCW 46.61 and chapter 308-330 WAC, including but not limited to:

1. Any person operating a golf cart shall not transport more passengers than the manufacturer's designed seating capacity;
2. All occupants shall be seated during the operation and use of seat belts shall be mandatory while the golf cart is operated;
3. No person shall operate a golf cart any time from one-half hour after sunset to one-half hour before sunrise;
4. The golf cart shall be equipped with reflectors, seat belts and mirrors when operated in a golf cart zone;
5. Golf carts will maintain a speed of at least 5 miles under the posted speed limit and will not inhibit travel of 4 or more vehicles by pulling over whenever safe to do so;
6. The use of golf carts shall be prohibited on all Town sidewalks and in designated bicycle lanes that are within the golf cart zone.
7. Golf carts shall not be operated on a street in a negligent manner. For the purpose of this subsection, "to operate in a negligent manner" is defined as the operation of a golf cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.
8. This chapter does not require that golf carts comply with Washington State vehicle licensing requirements.

10.40.060 Violation/penalty.

Unless otherwise set out in applicable law or court rule, any person who violates the provisions of this chapter shall be guilty of an infraction. The maximum penalty for any violation thereof shall be a fine as set forth under EMC 1.12 Upon a determination that a violation of this chapter

ORDINANCE 2021-4

EXHIBIT A

has occurred, law enforcement officers may, pursuant to chapter RCW 7.80, issue a Class I civil infraction as identified in EMC 1.12.020 along with any included person, including parent or guardian found in violation of the provisions of this chapter. If an underage operator is found to be using or operating a golf cart in violation of this chapter, such matter and infraction may be referred to Bonney Lake Municipal Court.