

**VILLAGE OF PENTWATER
OCEANA COUNTY, MICHIGAN
GOLF CART ORDINANCE**

Ordinance No. 01 of 2019

AN ORDINANCE PURSUANT TO PUBLIC ACT NO. 3 OF 1895, MCL 67.1, AS AMENDED, AND PUBLIC ACT NO. 300 OF 1949, MCL 257.657A, AS AMENDED, TO PERMIT AND REGULATE THE USE AND OPERATION OF GOLF CARTS IN THE VILLAGE OF PENTWATER, TO INSURE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Chapter 73, which shall be titled as follows:

CHAPTER 73: GOLF CART REGULATIONS

Section 2. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.00, which shall provide as follows:

§ 73.00 Purpose. These regulations are intended to secure, protect, and preserve the public peace, health, safety, and welfare of the residents and property owners of the Village of Pentwater

Section 3. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.01, which shall provide as follows:

§ 73.01 Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Decal” means the registration sticker displayed on every registered golf cart within the Village, which shall be obtained by completing and submitting the proper registration form to the Village of Pentwater Police Department.

“Driver’s license” means an operator’s or chauffeur’s license or permit issued to an individual by the Michigan Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to MCL 257.329, as amended, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.

“Golf cart” means a vehicle designed for transportation while playing the game of golf. Off-road vehicles, such as Gators, all-terrain vehicles (ATVs), a multitrack or multi-wheel drive vehicle, dune buggy, or like-vehicles are not considered golf carts.

“Maintained portion” means that portion of a road or public right-of-way that is improved, designated, or ordinarily used for vehicular traffic.

“Operate” means to be in actual physical control of a of a golf cart whether licensed or not.

“Operator” means a person who operates or is in actual physical control of a golf cart whether licensed or not.

“Registration” means the approval process through which every person intending to operate a golf cart on roads, streets, or public right-of-ways in the Village must follow.

“Street” means a public road, roadway, alley, boulevard, or right-of-way within the boundaries of the Village of Pentwater. The terms “road[,]” “roadway[,]” “alley[,]” “boulevard[,]” right-of-way[,]” and “street” are interchangeable.

“Sunset” and “sunrise” mean that time as determined by the National Weather Service on any given day.

“Village” means the Village of Pentwater, Oceana County, Michigan.

Section 4. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.02, which shall provide as follows:

§ 73.02 Operation of golf carts on Village streets. A person may operate a golf cart on Village streets, subject to the following restrictions:

(A) A person shall not operate a golf cart on any street unless he or she is at least 16 years old and is licensed to operate a motor vehicle.

(B) The operator of a golf cart shall comply with the signal requirements of MCL 257.648, as amended, that apply to the operation of a vehicle.

(C) All golf carts are required to have a red reflector on the rear of the golf cart that shall be visible from all distances up to 500 feet when in front of lawful low beams of headlamps on a motor vehicle.

(D) The operator of a golf cart shall obey all sections pertaining to traffic in the Michigan Vehicle Code and the Uniform Traffic Code.

(E) A person operating a golf cart may operate only on the far right maintained portion of a street, roadway or public right-of-way and shall ride as near to the far right side of the maintained portion as practicable.

(F) No golf carts shall be operated in the Village at any time on state or federal highways except to cross highways where crosswalks have been designated or by using the most direct

line of crossing. Notwithstanding the restriction contained in the preceding sentence, persons may operate golf carts on that portion of US-31 known as Hancock Street lying between 6th Street and Hanover Street in the Village in a manner consistent with this chapter, the Michigan Vehicle Code, and the Uniform Traffic Code.

(G) A golf cart shall not be operated on a public sidewalk constructed for the use of pedestrians.

(H) The maximum speed at which a golf cart may be operated is 15 mph.

(I) Golf carts may only be operated on designated streets and shall not be operated on Village streets during the time period from one half hour before sunset to one half hour after sunrise.

(J) A golf cart shall not be used to carry more persons at one time than the number for which it is designed and equipped.

(K) Golf carts shall not be operated on a road or street in a negligent, careless, or reckless manner so 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.

(L) This section does not apply to a police officer, Village officials, employees, contractors, or volunteers in the performance of Village duties.

(M) The Village Council, in its discretion, shall have adopted and in effect a resolution allowing the operation of golf carts on the streets of the Village pursuant to MCL 257.657a(1).

Section 5. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.03, which shall provide as follows:

§ 73.03 Parking regulations.

The parking, stopping, and standing regulations provided in the Village Code as applied to motor vehicles shall also apply to golf carts within the Village.

Section 6. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.04, which shall provide as follows:

§ 73.04 Registration and Registration Decals.

(A) No golf cart may be operated on Village streets unless that golf cart is first registered with the Village of Pentwater Police Department. Golf cart owners operating within the Village shall register each golf cart on a triennial basis by making application to the office

of the Village Police Department. The Village Police Department shall issue a registration decal to an applicant upon the completion of an application and payment of the registration decal fee as determined by the Village Council. The Village Police Department may refuse to issue a registration decal if the applicant or the applicant's golf cart is in violation of this chapter, any portion of the Village Code, the Michigan Vehicle Code, or the Uniform Traffic Code. A list of registered golf carts shall be maintained by the Village Police Department.

(B) The charge to obtain a registration decal shall be determined by the Village Council. The golf cart owner shall affix the registration decal issued by the Village to the driver's side rear fender of the golf cart. The registration decal will be valid for a period of three (3) years. Registration decals are not transferrable.

(C) Any person who operates an unregistered golf cart on a Village street shall be responsible for a civil infraction.

Section 7. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add Section 73.05, which shall provide as follows:

§ 73.05 Penalty, Civil Infractions.

(A) Any person that violates or allows the violation of any provision of this chapter shall be responsible for a civil infraction. The fine for the first offense shall be Fifty Dollars (\$50.00), and One Hundred Dollars (\$100.00) for the first repeat offense. Repeat offense shall be defined as one or more violations of this chapter within a 3-year period of time. For any second or subsequent repeat offense, the fine shall be no more than Two Hundred Fifty Dollars (\$250.00).

(B) The Village Chief of Police may revoke the registration sticker issued for any golf cart involved in two or more civil infractions under this chapter, the Village Code, the Michigan Vehicle Code, or the Uniform Traffic Code.

Section 8. Severability. If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance, which shall be given effect without the invalid portion or application.

Section 9. Effective Date. This Ordinance shall become effective twenty (20) days after notice of adoption is published in a newspaper of general circulation within the Village.

AYES: Members: Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges

NAYS: Members: None

ABSENT: Members: Angell-Powell

. ORDINANCE DECLARED ADOPTED.

Jeffrey Hodges, Village President
Village of Pentwater

Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on June 10, 2019, and I further certify that public notice of such meeting was given as provided by law.

Rande S. Listerman, Village Clerk
Village of Pentwater