

ORDINANCE 302-30(A) GOLF CARTS

SECTION I - INTENT

The Village of Lena, Oconto County adopts the following ordinance creating a designated route for the operation of Golf carts upon the roadways listed herein.

Following due consideration of the value to provide recreational opportunities and weighted against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this designated route has been created.

Section 302.30(A), Motor Vehicles and Traffic, is hereby created, pursuant to §349.18(1m) of the Wisconsin Statutes, Village Ordinance Chapter 302, Motor Vehicles and Traffic, and the Village of Lena's general police power.

For purposes of this ordinance, the terms "Golf cart" or "cart" shall be defined to mean a four wheeled recreational vehicle generally used for the transportation of person(s) in the sport of golf.

SECTION II - STATUTORY AUTHORITY

This designated Golf cart route is created pursuant to Village authority under §349.18(1m) Wis. Stats. This ordinance is intended to facilitate the implementation of §349.18(1m) of the Wisconsin Statutes. To the extent necessary to accomplish this, §349.18(1m) of the Wisconsin Statutes is hereby adopted by reference. In the event that any provision of this ordinance is inconsistent, or conflicts with such statutes or any of them, that statute, and not this ordinance, shall control and be applied.

SECTION III - CONDITIONS

As a condition of the use of this Golf cart route, the following conditions shall apply to all operators and passengers.

(A) Speed

No person shall operate a Golf cart within the Village of Lena or on any trail or street or other public way designated in this Chapter at a speed in excess of any posted Village of Lena speed limit signs. This ordinance shall only apply to designated route streets that are posted at 25 MPH or less.

- (1) Any Golf cart which is not able to attain the speed of 25 MPH must display a Slow Moving Vehicle sign as stated in §347.245(1), Wis. Stats.

(B) Registration/Inspection

In addition to any other registration requirements that may be imposed by the State of Wisconsin, an annual Municipal roadway use permit is required to operate any Golf cart within the Village limits. The fee for this permit shall be reviewed annually.

(1) Upon successful inspection of any Golf cart, a roadway use permit shall be issued allowing it to be operated upon Village streets on the designated route for a period of one year. Such permit shall be plainly visible on the front cowling of the Golf cart as to be plainly seen by a passing patrol officer.

(a) The annual roadway use permit shall be valid from Jan. 1st through Dec. 31st of each consecutive year.

(b) The application and roadway use permit fee shall be \$35.00, subject to annual review and modification by the Village Board.

(2) Inspection Requirements.

(a) The Golf cart shall have proof of ownership and insurance present at time of an inspection.

(b) The application form for that purpose must be completed and signed by the owner.

(c) The proper fee must be paid to the Village Clerk prior to issuance of the permit.

(d) The Golf cart must meet all inspection requirements established by the Village Board or Lena Police Department prior to any permit being issued.

(e) No modified, racing type or Golf cart/ATV conversions shall be allowed.

(f) No dirt bikes or vehicles that do not qualify as a Golf cart shall be allowed.

NOTE: Permit requirements can be obtained in advance from a member of the Lena Police Department or the Village of Lena Clerk. The permit application fee is a service fee in payment for the inspection of Golf cart(s) and related paperwork. The fee is nonrefundable regardless of whether an annual roadway use permit is issued.

(C) Unattended Vehicles

No person shall leave or allow any Golf cart owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(D) Operation on Sidewalks Prohibited

No person shall operate a Golf cart upon any sidewalk, pedestrian way or upon the terrace area between the sidewalk and the curb line of any street in the Village, except as specifically authorized for the purpose of legally crossing the street or to obtain immediate access to an authorized area of operation.

(E) Restrictions on Operators of Golf Carts

Any person who does not have a current and valid driver's license or who is under driver license suspension, revocation or cancellation for any reason may not operate a Golf cart upon Village streets within the corporate limits of Village of Lena.

(F) Hours of Operation

Golf carts may only be operated during daylight hours, between sunrise and sunset.

(G) All rules of the road established by Wisconsin Statutes and/or Village Ordinances applicable to the operation of motor vehicles on public streets and highways shall be applicable to Golf cart operation on the designated route.

SECTION IV - ROUTES – GOLF CART ROUTES AND TRAILS DESIGNATED.

(A) Routes Designated

Except as provided in Wisconsin Statutes, or herein stated, no person shall operate any Golf cart upon any public right-of-way, in any public park or cemetery or on any other public or private property except upon Village of Lena streets on the designated route. There shall be certain established routes or streets within the Village limits for the operation of Golf carts. These routes shall be designated as Golf cart routes and are to be used for that purpose under all circumstances during daylight hours.

(1) Golf Cart routes are described as follows:

- (a) Route Markers** - The Village of Lena Public Works Department and the Village of Lena Police Department are directed and authorized to procure, erect and maintain appropriate route, trail and speed limit signs and markers as authorized or approved by the Wisconsin Department of Transportation, Wisconsin Statutes or Village Ordinance.
- (b) Route Status** – Village of Lena Police Department officers shall have the power to declare the stated Golf cart routes and trails either open or closed.
- (c) Signs and Markers to be Obeyed** - No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this ordinance or traffic signs or signals authorized or approved by the Wisconsin Department of Transportation, the Wisconsin Statutes or other Sections of the Village Ordinances.

(d) Golf Cart Travel Within the Village Limits.

- (i) Statutory Authority** — Section 349.18(1m) allows towns, cities and villages to enact local regulations allowing Golf carts to travel upon Municipal streets.
- (ii) Golf Cart Travel upon Village streets** — Operation of Golf carts within the Village limits shall be strictly limited to traveling along the extreme right side of Village streets designated for that purpose. The authority to enact local Golf cart residential access regulations is found in Wis. Stats. 349.18(1m). By authority of Wis. Stats. 349.18(1)(c), the Village of Lena does hereby provide for Golf cart access into and from residential areas, stores and lodging establishments and golf courses within the Village limits of Lena according to the guidelines set herein.
- (iii) Operation Authorized** — This Section allows for the operation of Golf carts on designated streets, roadways and/or shoulders of streets or highways by persons residing in or staying at lodging establishments, shopping at local businesses or obtaining personal needs, within the limits of the Village of Lena, Oconto County, Wisconsin, or to travel to or from an established trail, route or golf course within or connected to the corporate limits of the Village of Lena.
- (iv) Golf Cart** — Under this section the operation of Golf carts of the type and kind equipped and used solely and specifically for golfing will be allowed to operate upon Village streets under the circumstances listed herein. All restrictions listed for the operation apply to the operation of Golf carts upon Village streets. The only exception to this is that safety equipment required for ATV operation is not required for the operation of Golf carts which have not been modified.
- (v) Conditions** - This Section designates the roadways and specific streets and highways for Golf cart travel by persons residing in the Village, patronizing businesses or staying at a lodging establishment within the limits of the Village of Lena, Oconto County, Wisconsin, to travel for the distance that is necessary to reach a golf course, trail or route from that residence, business or lodging establishment subject to the following conditions:

 - (1) Carts** shall be operated on the extreme right side of the

roadway and travel with the flow of traffic.

- (2) **Cart** operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
- (3) **Carts** violating any of the above conditions will be subject to the penalties outlined in the Wisconsin Statutes and Village Ordinance.
- (4) **Speed — Carts** operated on any portion of any roadway or shoulder of a highway pursuant to this Section shall observe the posted Village of Lena speed limit signs for that roadway.

SECTION V - ENFORCEMENT

(A) Enforcement

This Section shall be enforced by any law enforcement officer of the Village of Lena, Oconto County, Wisconsin, or any other local, county or state law enforcement officers.

(B) Uniform traffic citation

The uniform traffic citation promulgated under the Wisconsin State Statutes shall be used for violations of this Chapter relating to road and highway use except as herein provided.

(C) Parking Violations

The special standardized Village of Lena Parking Ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.

(D) Other Violations

All violations of this Chapter not described in Subsections (A) through (C) shall be enforced in accordance with Wis. Stats. Stipulations of guilty or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five (5) days of the date of the citation for such violation. Payment may also be made under Wis. Stats. Such deposits shall include the Village of Lena Municipal Court costs listed in this Code of Ordinances.

SECTION VI — STATE FORFEITURE LAWS AND PENALTIES

Penalty.

- (A) All provisions Wisconsin Statutes describing and defining regulations with

respect to Golf carts of which the penalty is a forfeiture only shall be incorporated by reference. The penalty for violation of any provision of this article shall be a forfeiture as provided in section 346.965 of the Wisconsin Statutes and the applicable Village of Lena Municipal code together with the costs of prosecution.

- (B) Forfeited Penalties and Deposits - Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the State Board of Circuit Court Judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village of Lena Board.

SECTION VII - SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected

ADOPTED BY THE VILLAGE OF LENA BOARD THIS 18th day of June, 2018.