

#7-R-19

Alternate Mode of Transportation Resolution

Submitted by: Alderperson Croatt, District 14

Date: July 10, 2019

Referred To: Safety & Licensing Committee

Whereas, Appleton has many great community and neighborhood parks, holds numerous special events and community functions within the city that its residents participate in and enjoy as part of enhancing the quality of life.

And Whereas, for residents living within the city, travel to and from these locations and events comes in many forms including but not limited to cars/trucks/SUVs, buses, bicycles, scooters, hoverboards, power chairs, roller blades, skateboards, walking, rideshare, etc.

And Whereas, modes of transportation that help reduce overall emissions and ultimately lead to cleaner air and are more eco-friendly and "greener" alternatives to traditional passenger vehicles are encouraged.

And Whereas, other communities have embraced alternate methods of intracity and/or defined neighborhood transportation by clearly defining all requirements, restrictions, expectations, and penalties.

And Whereas, some citizens of Appleton and a resident of District 14 are interested in an alternate means of transportation and have asked me to evaluate it and propose a resolution to have the dialogue around changing an ordinance that currently restricts a desired means of transportation within the city.

Now, Therefore, be it Resolved, the appropriate City of Appleton staff and the committee of jurisdiction begin the discussion and possibly take action by revising ordinance language to allow for the use of regulated (through clear and specific ordinance language) and permitted (through an application and fee process) intracity travel using golf carts as a mode of transportation within the city limits with the possible restriction of use limited to defined neighborhoods and/or established subdivisions. Additionally, very careful consideration to be given to a golf cart definition that includes a motor vehicle commonly referred to as a golf cart that is battery or gasoline powered and must have 4 wheels and has an attainable top speed not greater than 25 miles per hour on a paved level surface and is manufactured for the primary purpose of transporting persons on a golf course at low speeds. Further consideration for banning use of vehicles defined as ATV's, off-road vehicles, four-wheelers, Mules, Gators, and any design-altered golf carts that can travel faster than 25 miles per hour or any gasoline-

powered golf carts that have any modifications to the exhaust system that would increase noise above the level produced by a factory issued version.

Be it Further Resolved, review, discussion, and possible action to include a detailed review of ordinance language from other municipalities including but not limited to Kyle, Texas and Noblesville, Indiana. Included in the review is the FAQ document from the City of Noblesville, Indiana that addresses safety concerns, permitted use, restrictions, equipment requirements, traffic laws and penalties for non-compliance.



Golf Cart Ordinance Frequently Asked Questions May 16, 2018

Who can drive a golf cart? The driver must possess a valid driver's license. If an unlicensed juvenile is caught operating a golf cart, the Noblesville Police Department may issue any notice/citations to the parent(s).

Do I have to obey all traffic laws? Yes, drivers must abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.

Where can I drive my golf cart in Noblesville?

- Driving golf carts is only permitted within established subdivisions and neighborhoods that have complied with section 76.06 of Ordinance No. 60-12-17.
- Golf carts shall not be operated on any City street having a posted speed limit in excess of 25 mph.
- Golf carts may cross a street that has a posted speed limit in excess of 25 mph, but no greater than 45 mph, when crossed at intersections in a path perpendicular to the streets or highways.
- Golf cart operators shall stay in the far right of the travelled portion of the road and yield the right-of-way to overtaking vehicles as soon as possible to do so safely.

Why is the city allowing golf cart use? The intent of the ordinance is to allow golf cart use on local streets where the neighborhood residents want use permitted. This ordinance does not allow for general transportation throughout the city.

Is this ordinance just for golf carts or similar vehicles? Golf carts are described as a vehicle with four wheels substantially similar to vehicles originally designed for operation on a golf course and powered by a battery or internal combustion engine. This does not include ATVs, off road vehicles or four-wheelers.

Can I drive on multi-use paths or through City parks? No, Ordinance No. 49-10-17 prohibits motorized vehicles from using trails and sidewalks and limits the use such areas to pedestrians, bicyclists and recreational users. Violations may be fined a minimum of \$100.

What equipment is required? All equipment shall meet Indiana and Federal motor vehicle safety standards:

- Operational headlamps: (2 required or one long bar across the front)
- Operational tail lamps: (2 required, brake lamps not required)
- Operational turn signals for left and right turning.
- Rearview mirror: (capable of a clear unobstructed view – mounted either in center of golf cart or on each side)
- Slow moving vehicle emblem:
 - This is a triangular emblem that conforms to standards and specifications adopted by the director under Indiana Code § 9-21-9-2 and displayed to meet the specifications established by rules adopted by the Indiana criminal justice institute.

○ The emblem must be clearly visible and mounted to the rear with the base no lower than 3 feet nor the top higher than 5 feet from the ground.

○ The emblem must not be obstructed by any passengers.

• *The City of Noblesville and Police Department strongly recommend golf carts have side reflectors (2 front amber in color and 2 red in color), brake lights and an operational parking brake.*

Can I drive my children to school in a golf cart? Yes, children must be properly seated while the cart is in motion and may not be transported in a reckless or negligent manner. The City of Noblesville recommends that any child younger than 6 years of age should be restrained by a safety belt restraint.

Can I drive on the sidewalk, hike or bike trail? Generally, no. Golf carts shall not be operated on any sidewalk, pedestrian walkway, multi-use path, jogging path, greenway or trail except to cross at intersections in a path perpendicular to the path or walkway.

Can I or my passengers drink alcoholic beverages while operating my golf cart? No. Your golf cart is considered a “motor vehicle” and must be operated in compliance with all applicable local and state traffic laws and the operator may be ticketed in the same manner as motor vehicle operators. All alcohol laws pertaining to motor vehicles apply to golf carts such as open container and driving while intoxicated.

Are there any parking restrictions? Yes. Golf carts may only be parked in the same manner and in the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in areas where parking is not allowed or in any place that may impede the flow of traffic, pedestrian walkways or a passageway is prohibited. Golf carts shall not park within any space designated for disabled persons unless a current disabled parking placard is displayed and the person to whom the placard was issued is operating or being transported by the cart.

Are there any weather restrictions? Yes. Golf carts shall not be operated on City streets during inclement weather or when visibility is impaired by weather, smoke, fog or other condition or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of five hundred (500) feet.

How does my neighborhood allow golf cart use?

• Only subdivisions or neighborhoods with a governing body, home-owners association or decision-making board authorized to speak on behalf of the welfare of the neighborhood are allowed to participate. If your neighborhood does not have one of the three listed above, golf carts are not permitted.

• The governing body must submit written certification to the Noblesville Police Department stating the board approves the use of golf carts by its residents and within its community.

• The governing body also must notify the Noblesville Street Department. The Street Department will create and install signage at each entrance to the subdivision that complies with City ordinances warning motorists and pedestrians of the possibility of golf carts being operated on the streets within the neighborhood. The governing body will pay \$75 per sign that needs to be installed by the street department. Golf carts are not permitted to be used until the proper signage is placed in the subdivision.

• A neighborhood may rescind its approval by submitting a letter to the Noblesville Police Department.

Do the neighborhoods have to have a specific number of residents in agreement to have this allowed? The governing board must submit written certification to the Noblesville Police Department stating the board approves the use of golf carts by its residents. Whether an individual HOA would have to have its residents to vote on approval depends on the neighborhood and the HOA bylaws.

What are the penalties for violating the Golf Cart Ordinance? Any violation of this ordinance or failure to comply with any of its requirements is a \$50 fine for the first offense; \$150 for a second offense; and \$300 for each additional offense (within a rolling 12-month period). Additionally, penalties listed do not include court costs and fees that may be imposed by Noblesville City Court in addition to the penalty. A Noblesville Police Officer has the discretion to issue any citations of an unlicensed juvenile to their guardians. Also, golf carts not in drivable condition or having a licensed driver may be towed at the police officer's discretion.

If I receive a notice of violation/citation, how can I contest it? All violations of Ordinance No. 60-12-17 shall be docketed with the Noblesville City Court.