

ORDINANCE NO. 2019-254
AMENDING CHAPTER 16 – MOTOR VEHICLES AND TRAFFIC
SECTION 16.8 USE OF GOLF CARTS AND SLOW-MOVING VEHICLES

Sec. 16.8. - Use of golf carts and slow-moving vehicles.

(a) *Statement of need and purpose.*

- (1) The purpose of this article shall be to establish a golf cart ordinance within the town to promote the health, safety, and welfare of persons operating carts within the town and to protect the safety of their passengers and other users of roads.
- (2) The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts are not designed or manufactured to be used on public streets, roads and highways, hereinafter "roads," and the town in no way advocates or endorses their operation on roads. The adoption of this article is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this article. All persons who operate or ride upon carts on the 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. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads on the town.

(b) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

DOTD means the department of transportation and development.

Driver means every person who drives or physically controls a golf cart or slow-moving vehicle as defined herein.

Golf cart means an electric motorized pleasure vehicles capable of traveling a maximum speed of not more than 25 miles per hour on a straight and level surface.

Highway means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels, and ferries; synonymous with the term "street".

Local municipal authority means every council, commission, or other board given authority by the constitution and laws of the state to govern the affairs of the municipality.

Municipality means an incorporated village, town or city created under the authority of the constitution or laws of this state.

Operator means every person, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds a legal title to a golf cart or slow-moving vehicle or, in the event of such, are the subject of an agreement for the conditional sale, lease, or transfer of possession thereof with the right of purchase upon the performance of the conditions stated in the agreement, with the right of immediate possession in the vendee, lessee, possessor, or in the event such similar transaction is had by means of mortgage and the mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, possessor, or mortgagor shall be deemed the owner for the purposes of this article.

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Right-of-way means the privilege of the immediate use of the highway.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the shoulder. A divided highway has two or more roadways.

Shoulder means the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use or bicyclists when other accommodations are not available, and for lateral support of base and surface

Sidewalk means that portion of a highway between the curb lines, or the lateral lines of highway, and the adjacent property lines, intended for the use of pedestrians.

Slow moving vehicle means a "low speed vehicle" as defined in R.S. 32:1(40) which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than 20 miles per hour but not more than 25 miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.

State maintained highway means any highway in the state which is contained in the state highway system as defined by law or which is maintained by the department.

Street means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels, and ferries; synonymous with the term "highway."

Traffic means pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

Traffic control device means all signs, signals, markings, and devices, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control signal means a type of highway traffic signal, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Vehicle means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

(c) *Rules and regulations.*

- (1) This article allows for the operation of golf carts, as defined herein, on public streets, roads, pathways within the jurisdiction of the town and on designated future highway crossings, to be determined, as may be authorized by any statute, rule or regulation enacted by the legislature of the state or the DOTD.
- (2) This article pertains to golf carts as defined herein. This article does not pertain to the operation of lawn mowers, tractors, four-wheelers, ATV's or any other conveyance, other than those described herein.
- (3) Golf carts are not generally designed to be operated and used on public streets, roads, paths, or highways. The town by adopting this article does not endorse nor advocate the use of golf carts on the public streets, road, paths, or highways within its jurisdiction.
- (4) By adopting this article, the town is merely providing for the regulation and permitting of the operation of such vehicles by addressing public safety issues and concerns. All operators and passengers of golf carts which operate within the jurisdiction of the town do so at their own risk and peril.
- (5) This article does not imply that operation of these vehicles on said streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this article. All operators of

golf carts and their passengers must be observant of and attentive to the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others.

- (6) The town shall bear no liability whatsoever under any theory of liability for permitting the operation of golf carts on streets, roads, paths, or highways, under its jurisdiction as allowed by state statutes and/or special legislation enacted by the state legislature, but governed by this article.
- (7) Any person or persons, driving, operating or riding in or upon golf carts or slow moving vehicles on the streets, roads, paths, or designated highway crossings under the jurisdiction of the town does so at his own risk and peril, and must drive, operate and use said vehicles with due regard for the safety and convenience of other motor vehicles, bicyclist, and pedestrians.
- (8) The golf cart or slow-moving vehicle owner and registrant must sign a release from liability for the town which is as follows:

The undersigned owner and registrant hereby agrees to indemnify, defend, and hold the town, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators, and assigns, completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including, but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of an incident to the acts or omissions of the owner and registrant, its officers, agents, employees, contractors, subcontractors, subleases, licensees, invitees, or any third persons in the use of the owner's and registrant's golf cart or slow-moving vehicle, regardless of where the injury, death or damage may occur.
- (9) Golf carts and slow-moving vehicles may only be operated on streets, roads, paths, and designated highway paths within the town in accordance with the following and regulations of this article.
- (10) Before golf carts or slow-moving vehicles can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the town, the owner thereof must purchase and maintain liability insurance in at least the minimum amount required by the state for a licensed motor vehicle which said vehicles. Proof of insurance must be provided to the town at the time of application for a permit to operate vehicles.
- (11) Any person who drives, operates or uses a golf cart or slow-moving vehicle in the town, including passengers therein or thereon, takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on a golf cart or slow-moving vehicle in the town takes full responsibility for all liability associated with such activity.
- (12) Any person that drives or operates a golf cart or slow-moving vehicle on the streets, roads, pathways, or designated highway paths within the town jurisdiction shall hold a valid driver's license issued by state DOTD, and said operator shall have this driver's license on their person at all times while driving or operating said vehicles.
- (13) Golf carts and slow-moving vehicles may be operated only during daylight hours, between sunrise and sunset.
- (14) Golf carts and slow-moving vehicles are not allowed to travel upon state highways or in their rights-of-way or on the following roads:
 - a. Newfield Drive
 - b. Northfield Drive
 - c. Westfield Drive
 - d. Richfield Drive

- (15) Golf carts and slow-moving vehicles may not be operated during inclement weather, including weather in which visibility is reduced or impaired by rain, snow, fog, or other conditions, nor at any time when there is insufficient light to clearly see a person or another vehicle upon the roadway at a distance of 500 feet.
 - (16) Any person who operates a golf cart or slow-moving vehicle within the town jurisdiction must adhere to all municipal, parish and state traffic laws, and all other laws, governing the use of, or the possession of, alcoholic beverages and controlled substances.
 - (17) Drivers and operators of golf carts must yield the right-of-way to pedestrians and overtaking vehicles at all times.
 - (18) All passengers, including children, must be properly seated while the golf cart or slow-moving vehicle is in motion and shall not be transported in a negligent manner. No children under the age of six are permitted on golf carts or slow moving vehicles. The maximum number of persons on a golf cart or slow-moving vehicle shall be two persons per seat.
 - (19) Golf carts nor slow moving vehicles shall not be allowed to operate on any town sidewalks.
- (d) *Required equipment.*
- (1) Golf carts must be equipped with a rear vision mirror on the exterior of the driver's side, and a mirror on the passenger side or an interior mirror capable of providing the operator with a 100 feet clear rear sight picture, and must be equipped with front and rear turn signals, headlights, and brake lights.
 - (2) Slow moving vehicles must be equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.
- (e) *Permit, application, and revocation.*
- (1) All golf carts and slow-moving vehicles operated within the jurisdiction of the town must display, on the left side of the windshield a valid "permit of operation" sticker issued by the town police department.
 - (2) The non-refundable annual fee for said **sticker shall not exceed \$75.00 per vehicle**, and said fee will be used for implementation and maintenance of this privilege. The permit must be renewed annually. The chief of police or his designee shall have the right to refuse to issue and/or revoke any permit sticker and may remove said sticker from any golf cart and slow-moving vehicle at any time and for any reason that he feels it appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of the town.
 - (3) Permit application form. The application form shall include the full name, address, and telephone number of the applicant; the applicant's date of birth; the applicant's driver's license information to include state of issuance and the driver's license number (a photocopy of the applicant's driver's license shall be attached to the application form); the name of the applicant's insurance company and the applicant's insurance policy number, along with the date of expiration of said policy; the date of the application; and the applicants signature attesting to his reading and understanding and complying of the ordinances enacted town ordinance regulating and permitting the operation and use of golf carts or slow moving vehicles within the town.
 - (4) Any "permit of operation" may be revoked by the chief of police or their designee if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permitted cannot safely operate a golf carts and slow-moving vehicles.
 - (5) A permit shall be revoked by the chief of police or his designee if it is found that the operator's, or any person that the operator allows to operate said vehicle, driver's license has been suspended, revoked, or has expired.
 - (6) The chief of police or his designee shall issue a "notice of revocation" in the event that a permit is revoked and shall hand deliver said revocation notice to the permit holder, or the

chief of police may send said notice by certified mail to the address of the applicant. The revocation shall be effective immediately upon hand delivery or three days after mailing by certified mail.

- (7) Any person who violates any section or part of this article, or fails to comply with any section or part of this article, shall be held responsible for an infraction and shall be required to pay a penalty in the amount of \$200.00.

Said Ordinance having been introduced on June 10, 2019, by James Bergeron, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Greg Jarreau and seconded by Terry Jarreau, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS:	G. Jarreau, T. Jarreau, LeBlanc, Pourciau
NAYS:	None
ABSENT:	Bergeron
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 8th day of July 2019.

ATTEST and delivered to the Mayor
July 9, 2019
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
July 9, 2019
Rhett Pourciau, Mayor
Town of Livonia, Louisiana

Published in official journal on July 11, 2019.