

## **ORDINANCE No. 263**

### **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE AMENDING THE WEST YELLOWSTONE TOWN CODE TO ALLOW FOR THE USE AND OPERATION OF GOLF CARTS ON PUBLIC STREETS UNDER CERTAIN CONDITIONS**

WHEREAS, the Town Council of the Town of West Yellowstone believes that allowing for limited and restricted use of golf cars on the streets located within the boundaries of the Town is in the best interests of the health, safety and welfare of the citizens of West Yellowstone;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of West Yellowstone that the following amendment be made to the municipal code of the Town of West Yellowstone, effectively as follows:

#### **Section 1:**

##### **Definitions.**

- A) Golf Cart: "Golf Cart" means a motor vehicle that is designed for the use on a golf course to carry a person or persons and golf equipment and that has an average speed of less than fifteen (15) per hour.
- B) Person: "Person" means an individual, corporation, partnership, association, firm, or other legal entity.
- C) Driver: "Driver" means the operator of a motor vehicle, golf cart, snowmobile, ATV, or any other motorized or non-motorized mode of transportation.

##### **Golf Carts Generally Prohibited.**

Pursuant to § 61-8-391, MCA, a person may not operate a golf cart on a public street or highway open to the public unless the operation is specifically authorized by the Town of West Yellowstone pursuant to the process and procedure established in this Chapter.

##### **Golf Carts Permitted by Exemption:**

Golf carts may be specifically authorized by the Town Council in limited areas on public streets within the Town limits under the following terms and conditions:

- A) Operating Requirements:
  - 1. A person operating a golf cart on a public street shall have a valid driver's license or valid low speed restricted driver's license.
  - 2. A golf cart may not be operated on a public street unless it is equipped with:
    - a. Two headlamps, but no more than two headlamps;
    - b. Two tail lamps, but no more than two tail lamps;

- c. At least one reflector;
  - d. Stop lamps;
  - e. Seatbelts for the driver and all passengers;
  - f. A horn;
  - g. A rearview mirror that reflects to the driver a view of the roadway behind the cart; and
  - h. Turn signals.
3. Prior to operation on a public street, the golf cart must be appropriately registered with the Montana Motor Vehicle Division per MCA 61-3-321. The registration decal must be displayed visibly on the golf cart at all times of operation.
  4. The owner of a golf cart that is registered and operated on a public street by the owner or with the owner's permission shall continuously provide insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by a person caused by the usage of a golf cart in amount not less than required by MCA 61-6-103.
- B) Time and Place of Operation:
1. No golf cart may be driven, operated, or controlled on public streets or highways:
    - a. Without the use of lights as equipped;
    - b. Contrary to any traffic law of the Town or the State of Montana;
    - c. With more people than seats and seat belts within the vehicle;
    - d. On any Federal Highways within the Town limits;
    - e. In any area where motor vehicle traffic is prohibited, blockaded or presents hazardous travel, including but limited to non-motorized paths or sidewalks.
  2. Golf carts are specifically prohibited from operating on public streets for which the posted speed limit exceeds twenty-five (25) miles per hour.

**Violation – Penalty:**

Violation of this Chapter shall be considered a municipal infraction and shall be punished by a fine of not more than five hundred dollars (\$500). Incarceration shall not be a penalty for violating this Chapter.

**Effective Date:**

This ordinance shall be effective thirty (30) days after adoption and passage.

**Section 2: REPEALER:** All ordinances and parts of ordinances in conflict with provisions of this ordinance, except as provided above, are hereby amended or repealed.

**Section 3: EFFECTIVE DATE:** This ordinance shall be in full force and effect thirty (30) days after final adoption by the Town Council of the Town of West Yellowstone.

**Section 4: SEVERABILITY:** If any portion of this ordinance or the application

therefore to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which may be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are declared to be severable.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Mayor

\_\_\_\_\_  
Council Member

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Council Member

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\_\_\_\_\_  
Council Member

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Council Member

ATTEST:

\_\_\_\_\_  
Town Clerk