

**TOWN OF WOODWORTH
AMENDMENTS TO ORDINANCE NO. 46-89**

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF THE TOWN OF WOODWORTH, LOUISIANA THAT SECTION 17.25 "USE OF GOLF CARTS AND SLOW-MOVING VEHICLES UPON MUNICIPAL STREETS", OF THE CODE OF ORDINANCES OF THE TOWN OF WOODWORTH, LOUISIANA IS HEREBY AMENDED TO READ AS FOLLOWS:

Traffic Regulations

Section 17.25(a) Statement of Need and Purpose
Section 17.25(b) Definitions
Section 17.25(c) Rules and Regulations
Section 17.25(d) Required Equipment
Section 17.25(e) Permits, Application & Revocation
Section 17.25(f) Effective Date
Section 17.25(g) Repeal of Ordinance
Section 17.25(h) Severability Clause

Section 17.25(a) Statement of Need and Purpose

The Woodworth Town Council now finds it necessary to establish a Golf Cart Ordinance with in 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 municipal streets.

The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts are to designed or manufactured to be used on municipal streets, and the Town of Woodworth in no way advocates or endorses their operation on municipal streets. The adoption of this article is not to be relied upon as a determination that operation on municipal streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon carts on the municipal streets 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 municipal streets within the Town of Woodworth.

Section 17.25(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 means:

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.

Municipal Streets 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 "municipal 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 municipal street 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 or 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 nor by other persons.

Right-of-way means the privilege of the immediate use of the municipal street.

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

Shoulder means the portion of the municipal street 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 municipal street between the curb lines, or the lateral lines of municipal streets, 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.

Municipal 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 "municipal street".

"Towable equipment" means equipment that is permanently affixed to or integrated upon a trailer intended for use when the trailer is not traveling on a road and where its capability for road travel or transport of other property is incidental or secondary to the primary operational purpose of the equipment including but not limited to towable signage, message boards, generator, lighting tower masts, speed monitoring and traffic cameras, air compressors, water pumps, crash attenuators, or road maintenance equipment such as a pothole patcher or a chipper brush. "Towable equipment" does not include portable facilities primarily intended for human or animal occupancy, hygiene, or similar accommodations, including but not limited to portable toilets, livestock trailers, and enclosed facilities for food service preparation and distribution.

Traffic means pedestrians, vehicles and other conveyances either singly or together while using any municipal street 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.

"Trailer" means every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having one or more load carrying axles including but not limited to utility trailers, boat trailer, recreational trailers, semitrailers, livestock trailers, tow dollies and dump trailer, and excluding towable equipment as defined in this Article.

Vehicle means every device by which persons or things may be transported upon a municipal street 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.

Section 17.25(c) Rules and Regulations

- (1) This article allows for the operation of golf carts, as defined herein, on municipal streets, roads, pathways within the jurisdiction of the Town of Woodworth and on designated future municipal street 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 municipal streets, roads, paths, or highways. The town by adopting this article does not endorse nor advocate the use of golf carts on the municipal 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 municipal 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 municipal 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 municipal 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 municipal 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 municipal 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 for 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 municipal 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' 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 right-of-way.
- (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. All passengers must be secured with a seat belt.
- (19) Golf carts nor slow-moving vehicles shall not be allowed to operate on any municipal sidewalks.
- (20) Golf carts and slow-moving vehicles may travel on municipal roads with posted speed limits of 25 miles per hour or less, unless otherwise restricted by this code or State Statue.
- (21) Golf carts nor slow-moving vehicles shall not be allowed to tow trailers or towable equipment as defined in this article and as may be amended in Louisiana Revised Statute 32:1252.

Section 17.25(d) Required Equipment

- (1) Golf carts must be equipped with a rear vision mirror on the exterior of the driver's side, and 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, head lights, brake lights, seat belts, windshield, windshield wipers, state registration, and state issued license plate.
- (2) Slow-moving vehicles must be equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.

Section 17.25(e) Permits, Application & 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 Woodworth 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 insurance and the driver's license number (a photocopy of the applicant's driver's shall be attached to the application form); state vehicle license number; state vehicle registration number; 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 cart and slow-moving vehicle.
- (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.

Section 17.25(f) Effective date

The effective date of this ordinance shall be 12:01 a.m., November 4, 2022.

Section 17.25(g) Repeal of Ordinances

BE IT FURTHER ORDAINED, etc., that any and all ordinances in conflict herewith shall be abolished.

Section 17.25(h) Severability Clause

If any provisions of this ordinance or the application thereof are held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all other provisions of the ordinances of the Town of Woodworth shall remain in full force and effect except as specifically amended herein.

Said Amended Ordinance having been introduced on October 6, 2022, by Council Member Aymond, notice of public hearing having been published on Sunday, October 16, 2022, in the Town Talk, Official Journal of the Town of Woodworth, Louisiana, said public hearing having been held on November 3, 2022, the title having been read and the Amended Ordinance considered on motion by Council Member Reich, seconded by Council Member Cranford, to adopt the Amended Ordinance, a record vote was taken and following results was had:

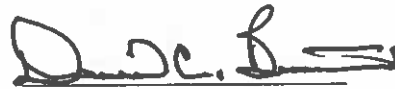
YEAS: Reich, Cranford, Melder, Aymond, Kitchen

ABSENT: None

NAYS: None

ABSTAINED: None

APPROVED:



David C. Butler, II – Mayor

Whereupon, the Municipal Clerk delivered said Amended Ordinance to the Mayor on the 4th day of November 2022, and this same date, the Mayor returned said Amended Ordinance to the Municipal Clerk, declaring the above Amended Ordinance duly adopted.

I, David C. Butler, II do hereby certify that the above is a true and correct copy of the AMENDED ORDINANCE, duly passed and adopted by the Town of Woodworth, Parish of Rapides, State of Louisiana, on the 3rd day of November, 2022.

ATTEST: Mary D. Pringle, CMMC
Clerk, Town of Woodworth

