

ORDINANCE NO. OR07-____
AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CHAPTER 96, TRAFFIC AND VEHICLES
ARTICLE VI, GOLF CARTS,
SECTION 96-446, OPERATION RESTRICTED,
AS IT RELATES TO THE OPERATIONS OF GOLF CARTS IN THE CITY OF BRILLION,
CALUMET COUNTY, WISCONSIN

The Common Council of the City of Brillion do ordain as follows:

SECTION I - INTENT

The City of Brillion, Calumet County adopts the following ordinance creating a 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 route has been created.

Chapter 96, Traffic and Vehicles: Is hereby created, pursuant to section 349.18(1)(c) of the Wisconsin statutes, City Ord. Chapter 96, traffic and vehicles: Article IV, Golf carts Section 96-446 through 96-453, operation restricted.

SECTION II - STATUTORY AUTHORITY

This route is created pursuant to City authority under 349.18(1)(c) Wis. Stats. This ordinance is intended to facilitate the implementation of sections 349.18(1)(c) of the Wisconsin Statutes. To the extent necessary to accomplish this, section 349.18(1)(c) 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.

Ch. 96-446. Speed & Equipment.

(a) **Speed** - No person shall operate a Golf cart within the City of Brillion or on any trail or street or other public way designated in Section 94-450 of this Chapter at a speed in excess of any posted limit.

(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. Statutes. (See #7 under Uniformity on P#4)

(b) **Restriction on Equipment** - No Golf cart may be operated on any street within the City limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin statutes or the Municipal Code of the City of Brillion.

(c) **Headlight** - Every Golf cart operating within the City, upon any public street *must* display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of this ordinance.

Headlights – Shall be of a white or clear light and must be capable of illuminating the road ahead during hours of darkness and be observed at a distance of 500 feet. Headlights must be properly adjusted, as not to interfere with the operation of other vehicles on the roadway.

Taillights – Shall be red in color and be observable to a distance of 500 feet at night.

(d) **Registration / Inspection**– In addition to any other registration requirements that may be imposed by the State, an annual Municipal trail use permit is required to operate any Golf cart within the City limits. The fee for this permit shall be reviewed annually and published by the City Clerk on the City web site www.ci.brillion.wi.us and in the Brillion News.

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

(a) The annual trail use permit shall be valid from May 1st. through April 31st. of each consecutive year.

(b) The trail use permit fee for the 2007 season shall be \$25.00

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 City Clerk, prior to issuance of the permit.

(d) The vehicle must meet all inspection requirements prior to any permit being issued.

NOTE – Permit requirements can be obtained in advance from a member of the Brillion Police Department or Brillion City Clerk. The permit application fee is a service fee in payment for the inspection of vehicles and related paperwork. The application fee is nonrefundable.

Ch. 96-447. Unattended Vehicles.

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

Ch. 96-448. 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 City, except as specifically authorized for the purpose of legally crossing the street, to obtain immediate access to an authorized area of operation.

Ch. 96-449. Restrictions on operators of Golf Carts

Operation by non licensed or youthful operators restricted to Ch. 23.33(5) Wis. Stat.

(a) No person who is not lawfully licensed, under current driver's license Suspension, Revocation or cancellation for any reason, may operate a Golf cart upon City streets within the corporate limits of Brillion.

SECTION IV - ROUTES

Ch. 96-450. Golf cart Routes and Trails Designated.

1. Routes Designated - Except as provided in Wis. Stats. or herein stated, no person shall operate any vehicle upon any public right-of-way, in any public park or cemetery or on any other public or private property in the City except upon routes and trails designated by the City Council as Golf cart routes.

There shall be certain established routes or streets within the City limits. These routes shall be designated as Golf cart routes and are to be used for that purpose, under all circumstances at any time of day or night.

2. Operation prohibited in certain areas:

(a) No person may operate a Golf cart for any reason on the following streets:

1. USH-10 / East Ryan St. on its entire length
2. USH-10 / West Ryan St. on its entire length
3. Any street where operation is prohibited by a posted sign

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.

(b) No person may operate a Golf cart in the following areas, unless authorization is first obtained from the City Council: (City property need not be posted, Golf cart operators must know who's property they are operating upon before entering any property)

1. Any city parks
2. Any city cemeteries
3. Any property owned or leased by the City
4. Anywhere in the City on the grass skirt area between the street and sidewalk.

(Except where motor vehicle traffic is normally allowed on paved surfaces only)

(c) Golf Cart routes are described as follows:

(1) Trail Markers - The Director of Public Works and City of Brillion law enforcement officers are directed and authorized to procure, erect and maintain appropriate route, trail and speed limit signs and markers as approved by the State Department of transportation and covered by Wis. Stats.

(2) Trail status - City of Brillion Law Enforcement officers shall have the power to declare the stated Golf cart routes and trails either open or closed. Such openings and closures may be posted on the official City of Brillion web site www.ci.brillion.wi.us and in the Brillion News.

(3) 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 Section or traffic sign or signal under authority of Wis. Stats.

Ch. 96-451. Golf Cart Travel within the City Limits.

(a) Statutory Authority – State law 349.18(1)(c) allows towns, cities and villages to enact local regulations allowing Golf carts to travel upon City streets.

(b) Golf Cart Travel upon City streets – Operation of Golf carts within the city limits shall be strictly limited to traveling along the extreme right side of city streets designated for that purpose. The authority to enact local Golf cart residential access regulations is found in Wis. Stats. 349.18(1)(c). By authority of Stats. 349.18(1)(c), The City of Brillion does hereby provide for Golf cart access into and from residential areas, stores and lodging establishments and golf courses within the City limits of Brillion according to the guidelines set herein.

(c) **Operation Authorized** – This Section allows for the operation of Golf carts on designated streets, roadways and / or shoulders of a streets or highways by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the City of Brillion, Calumet County, Wisconsin or to travel to or from an established trail, route or golf course within or connected to the Corporate limits of the City of Brillion.

(d) **Golf Car** – Under this section the operation of Golf Cars/carts of the type and kind equipped and used solely and specifically for golfing will be allowed to operate upon city streets under the circumstances listed herein. All restrictions listed for the operation apply to the operation of golf cars/carts upon city 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.

(c) **Conditions** - This Section designates the roadways and specific streets and highways for Golf cart travel by persons residing in the City, patronizing business or staying at a lodging establishment within the limits of the City of Brillion, Calumet 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:

Uniformity - For the purpose of uniformity in this document the term cars/carts will have the same meaning as the term golf car/cart.

1. **Carts** shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
2. **Carts** shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind, the trailer must conform to all lighting requirements for **Carts**.
3. **Cart** operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
4. **Carts** violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and City Ordinance.
5. **Speed – Carts** operated on any portion of any roadway or shoulder of a highway pursuant to this Section shall observe the posted speed limit for that roadway.
6. **Any Cart** unable to reach a maximum speed of 25 MPH, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin state statutes governing the SMV emblems at all times while in operation on any roadway.

SECTION V - ENFORCEMENT

(a) **Enforcement** – This Section shall be enforced by any law enforcement officer of the City of Brillion, Calumet County, Wisconsin, or such 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 highway use except as herein provided.

(c) **Parking Violations** - The special standardized City 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) or (b) shall be enforced in accordance with Wis. Stats. Stipulations of guilt 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 City of Brillion municipal court costs listed in Chapter 3 of this Code of Ordinance.

SECTION VI – State forfeiture laws and penalties

Ch. 96-452. 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 VI shall be a forfeiture as provided in section 346.965 of the Wisconsin Statutes and Chapter 94-2, 94-3 and 94-4 of the Brillion 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 City of Brillion Common Council.

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the City 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 circumstances shall not be deemed affected.

SECTION VIII – EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR07- ____ introduced and its adoption moved by Alderperson _____; and seconded by Alderperson _____.

Upon a pole vote thereon, the result was as follows:

- _____ Votes Cast
- _____ Votes Yes
- _____ Votes No

The Mayor declared Ordinance Number OR03- ____ adopted, approved and signed the same this _____ day of _____, 2003.

Gerald Sonnabend, Mayor

Attested:

Lori M. Gosz, City Clerk/Treasurer

CITY OF BRILLION GOLF CART INSPECTION REQUIREMENTS

Before going through the inspection process, here are a few tips to save you some time and money.

- No racing type or Golf cart/ATV conversions will be allowed on City streets. It is the intention to allow carts that are designed to be used on a golf course use the streets to access the golf course.
- No dirt bikes or vehicles that cannot qualify as a Golf cart will be allowed.
- Bring proper identification and proof of registration and insurance with you to the inspection. (You will not be issued a permit if you are not the owner of the Golf cart or if the owner of the cart has a Suspended or Revoked driver's license in any state) or the cart is uninsured.
- Golf carts are not required to be registered but must meet all of the lighting requirements.
- Make sure that you have a functioning muffler on your vehicle, of the type originally installed by the manufacturer. No tuned or expansion type mufflers will be allowed.
- Make sure that all of the lights work and are visible.
- If your vehicle will not meet the minimum 25 MPH speed requirement you are required to install an approved slow moving vehicle triangle on the rear of your vehicle prior to operation on streets. (SMV sign must be present at time of inspection)
- Check the brakes, tires and other safety equipment to assure that you will pass inspection.

We will be checking to see that:

1. There are no broken, loose or unsafe parts hanging from your vehicle.
2. The Golf Cart owner's driver's license is not suspended or revoked.
3. All of the required lights function properly.
4. All of the equipment required to operate your vehicle is present and in good working condition.
5. There are no modifications that would make operation of your vehicle unsafe.
6. The Golf Cart has a functioning muffler and is quiet.
7. The Golf Cart is in generally good condition and will not be a hazard.

NOTICE – Under this provision, local or City resident owners of Golf Carts will be issued a permit to operate within the City of Brillion only. Any operation outside of the City of Brillion or upon any private property must conform to the appropriate State and local laws governing those areas. City of Brillion trail use permits do not apply to any other area what-so-ever. Make sure that you are familiar with all regulations governing the use of Golf Carts. If you are unsure, contact the local Law Enforcement authority for the area you intend to operate in.

You will be held strictly responsible for knowing all laws and restrictions associated with the operation of Golf Carts within the City of Brillion.