

## ORDINANCE 2021-5

AN ORDINANCE BY THE TOWN OF ST. FRANCISVILLE, LOUISIANA, PROVIDING FOR ALLOWANCE OF ELECTRIC GOLF CARTS TO BE PERMITTED AND DRIVEN ON CERTAIN DESIGNATED PUBLIC ROADS AND STREETS WITHIN THE TOWN OF ST. FRANCISVILLE CORPORATE LIMITS.

WHEREAS, the Town of St. Francisville, Louisiana is empowered to adopt amendments and revisions of its ordinances to regulate the use and operation of electric golf carts;

WHEREAS, the Mayor and Board of Aldermen are desirous of exercising said power to provide for the allowance, and regulate the use and operation of, Golf Carts (as defined hereinbelow), now therefore

BE IT ORDAINED by the Mayor and Board of Aldermen of the Town of St. Francisville, Louisiana as follows:

### **Definitions**

1. 'DOTD' means the Louisiana Department of Transportation and Development.
2. "Driver" means every person who drives or is in actual physical control of a vehicle.
3. "Golf Carts" are defined as four-wheeled electric motorized pleasure vehicles that do not exceed 25 miles per hour on a straight and level surface, and shall have that meaning, and must be operated in compliance with La. R. S. 32:299.4.
4. "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 word "Street".
5. "Local Municipal Authority" means every council, commission, or other board given authority by the constitution and laws of this state to govern the affairs of a municipality.
6. "OMV" means the Louisiana Department of Corrections Office of Motor Vehicles.
7. "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.
8. "Owner" means a person who holds a legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale, lease or transfer of possession thereof 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 Chapter.

9. "Police Officer" means every officer authorized to direct or regulate traffic or to issue citations and/or make arrests for violations of traffic regulations.
10. "Private Road or Drive" 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.
11. "Right of Way" means the privilege of the immediate use of the highway.
12. "Sidewalk" means that portion of a highway between the curb lines, or the lateral lines of a highway, and the adjacent property lines, unintended for the use of pedestrians.
13. "State Maintained Highway" means any highway in this state which is contained in the state highway system as defined by law or which is maintained by the DOTD.
14. "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 word "Highway."
15. "Traffic" means pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.
16. "Traffic Control Device" means all signs, signals, markings, and devices, not in consistent with this Chapter, placed or erected by authority of a public body or official, having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
17. "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.
21. "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.

### **Rules and Regulations**

1. This Ordinance allows for the operation of Golf Carts on certain public streets, roads, pathways, paths, and highways within the Town of St. Francisville's jurisdiction which have been designated by the Town of St. Francisville for use by Golf Carts, as authorized by and in compliance with R.S. 32:299.4, as may be amended from time to time.
2. This Ordinance pertains to Golf Carts as defined in R.S. 32:299.4 and herein. This Ordinance does not pertain to the operation of lawn mowers, tractors, four-wheelers, all-terrain vehicles (ATVs), utility task vehicles (UTVs), 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, pathways, paths, and highways. The Town of St. Francisville, by adopting this Ordinance, is no way endorsing, nor is it advocating, the use of Golf Carts on the public streets, roads, paths, or highways within its jurisdiction.
4. By adopting this Ordinance, the Town of St. Francisville is merely regulating the operation of Golf Carts by addressing public safety issues and concerns. All Operators and passengers of Golf Carts, which operate within the Town of St. Francisville's jurisdiction, do so at their own risk and peril, and must operate said vehicles with due regard for the safety and convenience of other vehicles, Golf Carts, bicyclists, pedestrians, and the like.
5. This Ordinance does not imply that operation of Golf Carts on certain designated streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this Ordinance. All Operators of said vehicles and their passengers, must be observant of, and attentive to the safety of themselves, vehicles, motorists, pedestrians, bicyclists, and the movable and immoveable property of others.
6. The Town of St. Francisville has no liability, under any theory of liability, for permitting the operation of Golf Carts on certain designated streets, roads, paths, or highways under its jurisdiction as allowed by Louisiana General Statutes and special legislation granted by the Louisiana State Legislature but governed by this Ordinance.
7. The Owner and registrant must sign a release from liability for the Town of St. Francisville which is as follows: The undersigned Owner and/or registrant hereby agrees to indemnify, defend and hold the Town of St. Francisville, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators and assigns completely harmless from and against any injury, including 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 of 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/or registrant's Golf Cart, regardless of where the injury, death, or damage may occur.
8. Golf Carts may only be operated on designated streets, roads, paths, or highways within the Town of St Francisville in accordance with the following rules and regulations.
  - (a.) Before Golf Carts can be operated on designated streets, roads, pathways, or highways within the jurisdiction of the Town of St. Francisville, the Owner(s) must purchase and maintain liability insurance in at least the minimum amount required by the provisions of R.S. 32:900, which policy insures against personal injury and property damage of any nature, relative to the operation of said vehicles. Proof of insurance must be provided to at the time of application for a permit to operate said vehicles, and must be carried at all times by the Operator when the Golf Cart is being operated on the streets, roads, pathways, or highways within the Town of St. Francisville jurisdiction

- (b.) Any person who operates a Golf Cart in the Town of St Francisville 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 in the Town of St. Francisville takes full responsibility for all liability associated with the “riding on” or the “sitting on” of said vehicles.
  - (c.) Any person that operates a Golf Cart on the streets, roads, or pathways within the Town of St. Francisville jurisdiction, shall hold a valid driver’s license, and said Operator shall have this driver’s license on their person at all times while operating the Golf Cart.
  - (d.) Any Golf Cart operated shall be registered with the State of Louisiana through the OMV as an off-road vehicle and shall display a decal issued by the OMV.
  - (e.) **Neither US Highway 61 nor LA Highway 10 are designated as public streets or roads on which Golf Carts can be operated. Accordingly, no Golf Cart may be operated on either US Highway 61 or LA Highway 10.**
9. Golf Carts must be equipped with efficient brakes, a reliable steering apparatus, safe tires, and red reflectorized warning devices in both the front and rear of the Golf Cart.
  10. 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.
  11. Golf Carts must be equipped with front and rear turn signal lamps, headlamps, tail lamps, and brake lights.
  12. Any person who operates a Golf Cart within the Town of St. Francisville’s jurisdiction must adhere to all State of Louisiana traffic laws, obey all Traffic Control Devices and Traffic Control Signals, and all laws governing the use of, or the possession of, alcoholic beverages and controlled substances.
  13. Operators must yield the right-of-way to pedestrians and overtaking vehicles at all times.
  14. All Golf Cart passengers, including children, must be properly seated while the Golf Cart is in motion and shall not be transported in a negligent manner. The maximum number of persons on a Golf Cart shall be two (2) persons per seat.
  15. Golf Carts shall not be allowed to operate on any town sidewalks, unless otherwise designated by the Mayor.

### **Permit, Application, & Revocation**

1. All Golf Carts operated within the Town of St. Francisville jurisdiction must display on the left side of the front bumper, a valid “Permit of Operation” sticker issued by the St. Francisville Police Department. The “Permit of Operation” sticker is and shall be the property of the Town of St. Francisville, and is neither transferrable or assignable.

2. The non-refundable annual fee for said sticker shall not exceed \$20.00 per Golf Cart and said fee will be used for implementation and maintenance of this privilege. The permit must be renewed annually. The Mayor, or the Mayor's designee, shall have the right to refuse to issue and or revoke any Permit of Operation sticker and may remove said sticker from any Golf Cart at any time and for any reason that the Mayor, or the Mayor's designee, feels is appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic of the Town of St. Francisville.
3. Any person wishing to make application for a "Permit of Operation" shall complete the required application form which shall be distributed, by the Town Clerk and shall pay the Town Clerk the annual non-refundable registration fee at the time of application. The fee must be paid even if a "Permit of Operation" is denied or revoked by the Mayor, or the Mayor's designee.
4. 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, including the license number and the dates of issuance and expiration thereof, a photocopy of the applicant's driver's license which 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 issuance and expiration of said policy; the date the application is submitted, and the applicant's signature attesting to his or her reading and understanding of the Town of St. Francisville's Ordinance governing the operation of Golf Carts within the Town of St. Francisville, and actual knowledge of the designated streets, roads, pathways, or highways within the jurisdiction of the Town of St. Francisville on which a Golf Cart is allowed to operated.
5. Any "Permit of Operation:" may be revoked by the Mayor or the Mayor's 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 person permitted cannot safely operate a Golf Cart.
6. A permit shall be revoked by the Mayor, or the Mayor's designee if it is found that the Operator, or any person that the Operator allows to operate the Golf Cart, driver's license has been suspended, revoked, or has expired or is otherwise no longer valid.
7. The Mayor or their the Mayor's designee shall issue a "notice of revocation" in the event that a Permit of Operation is revoked. Such notice shall be hand delivered to the permit holder or sent by certified mail to the permit holder, at the address as shown on the permit application form. The revocation shall be effective immediately upon hand delivery or three days after mailing thereof by certified mail.
8. Any person who violates any section or part of this Ordinance shall be held responsible for an infraction and shall be required to pay a penalty in the amount of \$100, and further, may be penalized by having the Permit of Operation sticker issued for the Golf Cart operated thereby to revoked or cause it to be forfeited.

**BE IT ORDAINED** that this ordinance shall become effective upon passage by the Board of Aldermen.

An ordinance introduced by Al Lemoine and seconded by Abby T. Cochran this 10th day of August, 2021.

Adopted on a motion by James R. Leake and seconded by Al Lemoine on this 24th date of August, 2021.

The roll was called on the adoption thereof, and the ordinance was adopted by the following votes:

YEAS: Abby T. Cochran, James R. Leake, Al Lemoine, Gigi Robertson

NAYS: Andrew D'Aquila


ABSTAINED: none

ABSENT: none

Ordinance Approved this 24<sup>th</sup> day of August, 2021

ATTEST:

  
Shannon Sturgeon, Clerk

  
Robert P. Leake, Mayor