

ORDINANCE NO. 535

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS ON THE STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF WESTMORELAND, KANSAS; AND PROVIDING FOR RELATED MATTERS, INCLUDING PENALTIES FOR VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTMORELAND, KANSAS:

Section 1. OPERATION OF GOLF CARTS. (a) Golf carts may be operated upon the public highways, streets, roads and alleys within the corporate limits of the City of Westmoreland, Kansas; provided, however, that no golf cart may be operated upon any public highway, street, road or alley which has a posted speed limit in excess of 30 miles per hour. No golf cart shall be operated on any federal highway or state highway; provided however, that the provisions of this subsection shall not prohibit a golf cart from crossing a federal or state highway, or street or highway which has a posted speed limit greater than 30 miles per hour.

(b) No golf cart shall be operated on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland between sunset and sunrise.

Section 2. SAME: VALID DRIVER'S LICENSE REQUIRED; PENALTY. No person shall operate a golf cart on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland unless such person has a valid driver's license and is at least 18 years of age. Operation of a golf cart by minors is specifically prohibited. Violation of this section is punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six months, or by both such fine and imprisonment.

Section 3. SAME; DEFINITION. "Golf cart" means a motorized vehicle which has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be operated at not more than 25 miles per hour, is designed to carry not more than four persons, including the driver, and is designed to carry persons and golf equipment on a golf course. All-terrain vehicles popularly called "three wheelers" and "four wheelers" shall not be considered golf carts.

Section 4. SAME; REGISTRATION AND LICENSE; FEE; APPLICATION; INSPECTION; PENALTY. (a) Before operating any golf cart on any public highway, street, road, or alley within the corporate limits of the City of Westmoreland, the golf cart shall be registered with the City and a license shall be obtained and placed on the golf cart. The license fee shall be thirty dollars (\$30.00), payable in advance to the City Clerk. The full amount of the license fee shall be required regardless of the time of year that the application is made. The registration provided for herein shall not be required to be renewed during any intervals of time.

(b) Application for registration of a golf cart shall be made by the owner, in the office of the City Clerk. The application shall be made upon forms provided by the City and each application shall contain the name of the owner, the owner's residence address, or bona fide place of business, a brief description of the golf cart, including make, model, and serial number, if applicable.

(c) Prior to the issuance of the registration and license, each applicant for a golf cart license shall first present such golf cart for inspection by the City Clerk or the City Clerk's designee. If, upon inspection and completion of the registration application, such golf cart is found to be in safe mechanical condition, and upon payment of the fee herein provided, a license shall be issued to the owner who shall attach it to the golf cart. The license shall be displayed in such a manner as to be clearly visible from the rear of the golf cart.

(d) It is unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter such license during the time in which the same is operative.

(e) The license issued hereunder is not transferrable. In the event of sale or other transfer of ownership of any golf cart licensed under the provisions of this Ordinance, the existing license and the right to use the numbered license shall expire, and the license shall be removed from the golf cart by the owner. It is unlawful for any person other than the person to whom the license was originally issued to have the same in his/her possession.

(f) In the event a license is lost or destroyed, the City Clerk, upon proper showing by the licensee, and payment of a fee of \$10.00, shall issue a new license in accordance with the provisions of this section.

(g) It shall be unlawful for any person to:

- (1) Operate, or for the owner thereof to knowingly permit the operation, upon a public street, road, highway, or alley within the corporate limits of the City of Westmoreland, any golf cart, as defined herein, which is not registered and which does not have attached thereto and displayed thereon the license assigned thereto by the City.
- (2) Display, cause or permit to be displayed, or to have in possession, any registration receipt, registration license or registration decal knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
- (3) Lend to or knowingly permit the use by one not entitled thereto any registration receipt, registration license plate or registration decal issued to the person so lending or permitting the use thereof.
- (4) Remove, conceal, alter, mark or deface the license number plate, plates or decals, or any other mark of identification upon any golf cart. Licenses shall be kept clean and placed as required by law so as to be plainly visible and legible.
- (5) Carry or display a registration number plate or plates or registration decal upon any golf cart not lawfully issued for such golf cart.
- (6) Any person convicted of a violation of the provisions of this section shall, for the first conviction thereof, be punished by a fine of not more than \$100.00. For a second or subsequent such conviction, such person shall be punished by a fine of not more than \$500.00.

Section 5. This Ordinance shall be effective upon passage by the governing body and publication in the official city newspaper.


Passed by the City Council for the City of Westmoreland, Kansas, this 11th day of July, 2013.



Mayor



Attest:



City Clerk

Published in the Westmoreland Recorder on July 18, 2013.