

ORDINANCE 09-03

AN ORDINANCE RELATING TO THE USE OF GOLF CARTS/ LOW SPEED VEHICLES ON PUBLIC STREETS WITHIN THE CITY OF MANZANITA

WHEREAS, ORS 820.210(3) states “Notwithstanding any provision of the vehicle code relating to vehicle equipment and condition, upon designation of a portion of a highway becoming effective under an ordinance adopted under ORS 810.070, it shall be lawful to drive golf carts, low speed vehicles and electric cars on highways/roadways within city limits so designated in accordance with the rules and regulations prescribed by the local authority”; ORS 810.070(3) states “...The rules may establish speed limits and other operating standards but shall not require that golf carts conform with the vehicle equipment laws under the vehicle code.” ; and,

WHEREAS, the City of Manzanita wishes to allow and establish rules and regulations for the use of golf carts and/or low speed electric vehicles on its City streets and/or County Roads within the city limits as may be practical and where the combined operation of said vehicles and regular vehicle traffic can be accomplished safely;

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions. The following words and phrases, as used herein, shall have the following meanings:

- A. City Official. City Manager or anyone designated by the City Manager.
- B. Golf Cart. A motor vehicle that has not less than three (3) wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred (1,800) pounds, that is designed to be and is operated at not more than twenty-five (25) miles per hour and that is designed to carry not more than four (4) persons, including the driver.
- C. Electric Vehicle. Any self-propelled electrically powered motor vehicle to which all of the following apply:
 1. The vehicle is emission free.
 2. The vehicle has at least four (4) wheels in contact with the ground.
 3. The vehicle complies with the definition and standards for low speed vehicles set forth in the Federal Motor Vehicle Standard No. 500 (49 CFR 571.3(b) and 49 CFR 571.500, respectively).
- D. Low-Speed Vehicle (Slow Moving Vehicle). A four-wheeled motor vehicle with a maximum speed of not more than 25 miles per hour, generally electric powered , and meeting Federal Motor Vehicle Safety Standard No. 500 (49 CFR 571.500), which in part requires low-speed vehicles to be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seatbelts and vehicle identification numbers.
- E. Minor. Any individual under the age of eighteen who has a restricted driver’s license.
- F. Operator. Any person who has a valid driver’s license or instruction permit.

Section 2. Golf Carts/Low Speed Vehicles permitted. A person may operate a golf cart, low speed vehicle or electric vehicle on public streets within the City limits, subject to the rules and regulations specified in Section 3 of this Ordinance.

Section 3. Rules & Regulations.

- A. Title and Registration. Oregon Law states that low-speed vehicles (golf carts or electric vehicles) are exempt from Title and Registration requirements.
- B. Driver's License. The operator of a low-speed vehicle (golf cart or electric vehicle) must possess on his/her person a valid driver's license or instruction permit. Residents of other states who drive vehicles in Oregon must be at least 16 years of age and have a valid out-of-state driver license, **or** be at least 15 years of age and have a valid out-of-state instruction permit. Out-of state instruction permit holders must abide by the same restrictions as persons with an Oregon instruction permit.
- C. Speed Limit Restrictions. A golf cart and/or low speed vehicle may not travel on any road or street that has a speed limit in excess of 30 miles per hour.
- D. Passengers. A golf cart and/or low speed electric vehicle may only carry the number of passengers for which it is designed, including the driver.
- E. Towing. A golf cart and/or low speed electric vehicle may not tow any trailer, golf cart or other non-motorized piece of equipment.
- F. Mandatory Insurance. Drivers are required by Oregon insurance law to insure their vehicles. The minimum liability coverage for Bodily Injury and Property Damage in Oregon is:
 - \$25,000 per person, \$50,000 per accident for bodily injury to others, and \$10,000 per accident for damage to the property of others. State law also requires every motor vehicle liability policy to provide:
 - Personal Injury Protection – \$15,000 per person for reasonable and necessary expenses one year after an accident, for medical, dental, and other services needed due to the accident.
 - Uninsured Motorist Coverage – \$25,000 per person; \$50,000 per accident for bodily injury.
- G. Required Equipment. Golf Carts, low-speed and electric vehicles operating at dusk or night shall be equipped with two headlamps, at least one stop lamp, turn signal lamps, and tail lamp.

Section 4. Liability for Damage. Any person who causes personal injury or who damages or causes to be damaged any property, whether publicly or privately owned, shall be liable for such damage. The liability shall extend to the parents or legal guardians in the event of a minor being in violation of this Ordinance.

Section 5. Parental or Guardian Responsibility.

- A. The parent, legal guardian or person with legal responsibility for the safety and welfare of a minor, hereinafter "supervisor," shall have the legal responsibility for the actions of such minor which are in violation of any provision of this Ordinance occurring on public streets, roadways or property.
- B. It shall be a defense to the charge of failure to supervise if:

1. The offense occurred in the presence of the supervisor; and
 2. The supervisor took reasonable steps to control the action of the minor or reported the action to the appropriate authorities.
- C. In addition to any fine or penalty imposed pursuant to this Ordinance, the Court may order the supervisor to pay restitution to the City or victim, if any, of the minor's unlawful conduct.

Section 6. Penalties. All State and Federal traffic laws will apply to the operation of a golf cart, low speed or electric vehicle and traffic citations may be issued as with regular vehicular violations with the same penalties imposed.

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

PASSED FIRST READING by the Council this 4th day of February , 2009.

PASSED SECOND READING by the Council this 4th day of March, 2009.

APPROVED by the Mayor this 4th day of March, 2009.

Garry R. Bullard, Mayor

ATTEST:

Jerald P. Taylor, City Manager/Recorder