

ORDINANCE NO. OR07-12
AN ORDINANCE AMENDING THE MUNICIPAL CODE,
CHAPTER 94, TRAFFIC AND VEHICLES
ARTICLE VI, GOLF CARTS,
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 does 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 94, Traffic and Vehicles: Is hereby created, pursuant to section 349.18(1)(c) of the Wisconsin statutes, City Ord. Chapter 94, Traffic and Vehicles: Article VI, Golf Carts Section 94-446 through 94-453, Golf Carts.

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. 94-446. 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. 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.
- 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 and Taillight.** - 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. It is the

intent that the fee for this permit be reviewed annually and may be 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.

(c) Registration Exemption – A golf cart shall be exempt from the registration requirement if the operator meets the definition of a person with a disability as described in 340.01(43g) of Wisconsin Statutes. Proof of disability must be carried while the vehicle is in operation.

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.

Ch. 94-447. 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. 94-448. 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. 94-449. Restrictions on operators of Golf Carts

No person shall operate a Golf Cart upon City streets, alley or public right-of-way within the corporate limits of Brillion unless such person shall have a valid motor vehicle operator's license.

SECTION IV - ROUTES

Ch. 94-450. 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. 94-451. 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 regulating the operation of a Golf Cart to and from a golf course.

(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 are found in Wis. Stats. 349.18(1)(c). By authority of Wis. 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 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. 94-452. Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit

not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Chapter 94 of this Code of Ordinances. 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 OR07-12 introduced and its adoption moved by Alderperson _____; and seconded by Alderperson _____.

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

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

The Mayor declared Ordinance Number OR07-12 adopted, approved and signed the same this ____day of July, 2007.

Gerald Sonnabend, Mayor

Attested:

Lori M. Gosz, City Clerk/Treasurer