

ORDINANCE NO. 689

AN ORDINANCE OF THE CITY OF HARTFORD, S.D., TO AMEND ORDINANCE #630, AUTHORIZING THE OPERATION OF GOLF CARTS ON CITY STREETS IN AND FOR THE CITY OF HARTFORD, SOUTH DAKOTA

BE IT ORDAINED BY THE CITY OF HARTFORD, S.D.:

Chapter 7.09 - GOLF CART PERMIT - APPLICATION

7.0901 Definitions

- A. "Golf Cart" - A four-wheeled vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.
- B. "Driver" - One who is actually engaged in the driving of a golf cart.
- C. "Permit" - No person shall operate or use a golf cart on highways under the jurisdiction of the municipality without having obtained a permit from the municipality and having supplied to the City proof of financial responsibility pursuant to SDCL §32-35-2 and SDCL §32-35-64.
- D. "Application" - Every person desiring to obtain a permit to operate a golf cart on highways under the jurisdiction of the municipality shall make an application in writing to the City Finance Office detailing a description of the golf cart proposed to be operated on highways under the jurisdiction of the municipality including the make, model and serial number of the golf cart for which the permit is sought.
- E. "Issuance" - The Finance Office shall grant a yearly permit if satisfied that the applicant has complied with all of the terms and provisions of this chapter and if the evidence submitted in support of the application meets the conditions required for the granting of such permit. A permit decal issued by the City shall be permanently affixed to the rear fender or bumper on each golf cart.

F. "Transfer" - A permit decal for a golf cart may not be transferred from one golf cart to another. A permit issued for a golf cart that is no longer in use must be surrendered or destroyed. A transfer of the permit from the owner to a new owner may occur only upon review and approval of the City Finance Office.

G. "Permit Year" - For the purpose of this section a permit year begins February 1 and ends January 31 of the following year.

7.0902 Insurance.

Before any golf cart permit is granted permitting the use of golf carts on a highway under the jurisdiction of the municipality, proof of financial responsibility for the future as provided in SDCL §32-35-2 and complying with SDCL §32-35-64 must be filed with the City Finance Office in the form of a certificate or policy of insurance issued by a responsible insurer providing liability insurance complying with SDCL §32-35-2 and SDCL §32-35-64 for the golf cart to be operated by the applicant or the applicant's designee on highways under the jurisdiction of the municipality.

The policy or certificate shall not be modified or canceled without 30 days actual notice to the City Finance Office.

The policy or certificate of liability vehicle insurance required by this section shall be approved by the City Finance Office prior to issuance of the license.

7.0903 Drivers.

No person shall drive a golf cart on a highway under the jurisdiction of this municipality without first obtaining from the State of South Dakota a valid driver's license or learner's permit in compliance with SDCL 32-12-1 through 32-12-116. No person shall be issued a permit to drive a golf cart on a highway under the jurisdiction of this municipality without first obtaining a valid driver's license or learner's permit in compliance with SDCL 32-12-1 through 32-12-116.

Proof of financial responsibility in the future must be located with the driver on the golf cart. Every golf cart owner must comply with SDCL §32-35-113 which provides:

"Every driver or owner of a motor vehicle shall at all times maintain in force one of the forms of financial responsibility on the motor vehicle by one of the following methods:

- (1) Having in force on the motor vehicle an owner's policy of liability insurance as provided in § 32-35-70;
- (2) Having in force a bond as provided in § 32-35-83;
- (3) Having a certificate of deposit of money or securities as provided in § 32-3587, but in the amount of fifty thousand dollars; or
- (4) Having a certificate of self-insurance, as provided in §§ 32-35-90 and 32-35-91, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

Failure to maintain financial responsibility is a Class 2 misdemeanor." and comply with SDCL §32-35-114 which provides: "Every person who drives a motor vehicle, required to be registered in this state, if requested by a law enforcement officer as a secondary action when the driver of the vehicle is detained for a suspected violation of Title 32 or some other offense, shall provide evidence of financial responsibility."

7.0904 Hours or Operation.

Permitted golf carts may operate on highways under the jurisdiction of the City of Hartford from dawn until dusk. Operation of a golf cart from dusk until dawn is not allowed on any highways under the jurisdiction of the city unless the golf cart is equipped with operating

head lights and tail lights.

7.0905 Revocation.

Any permit issued under this section may be revoked by the City Finance Office for the violation by licensee of any applicable provisions of this code, state law or city ordinance or for other good cause.

7.0906 Fee.

The fee for a golf cart permit is \$20.00 per year.

7.0907 Operation.

- A. No person may operate a golf cart on a state or county highway except for crossing from one side of the highway to the other. A golf cart may cross the highway at a right angle but only after stopping and yielding right of way to all approaching traffic and crossing as closely as possible to an intersection or approach. The operation of a golf cart on a state or county highway in a manner not permitted by state law is a Class 2 misdemeanor.
- B. A person who has obtained a permit from the City of Hartford may operate a golf cart on highways under the jurisdiction of the City of Hartford except State Highway 38, County Highway 151 and County Highway 149. A permit is not necessary to operate a golf cart that is crossing 9th Street or Par Tee Drive.
- C. The number of persons riding in a golf cart is limited to the maximum person capacity identified on the manufacture's installed placard. If there is no manufacture's placard or if the golf cart has been modified, the maximum number of persons riding in a golf cart is limited to one person per bucket seat and no more than 3 persons per bench seat.
- D. All persons in a golf cart must remain seated - no standing is allowed while the cart is in motion.
- E. No persons in a golf cart may be carried or sit upon a lap of another person while the vehicle is in motion.

7.0908 Penalty

A violation of this ordinance is punishable by a fine in the amount of \$200.00.

Dated adopted:

Jeremy Menning, Mayor

ATTEST:

Karen Wilber, Finance Officer

(SEAL)

First Reading: 6.16.20

Second Reading: 7.7.20

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