



TWO RIVERS

WISCONSIN

CITY MANAGER

1717 E. Park Street

P.O. BOX 87

Two Rivers, WI 54241-0087



MEMORANDUM

TO: Owners of Golf Carts Registered in the City of Two Rivers

FROM: Greg Buckley, City Manager

DATE: January 9, 2023

SUBJECT: Upcoming Discussion of Golf Cart Regulations at City Council:
Monday, January 16, 2023 at 6:00 PM

I am writing to let you know that the Two Rivers City Council at its meeting on Monday, January 16, 2023 will be discussing possible changes to the local ordinance regulating the operation of golf carts on city streets.

Again, POSSIBLE changes to the ordinance will be DISCUSSED at this meeting. If a majority of the City Council wishes to see any of the changes pursued, there will be a vote directing staff to prepare an ordinance amendment and bring it back for a vote at a subsequent meeting.

At its November work session, when the City Council first discussed this matter, the following possible changes to the ordinance were identified by members:

- Prohibiting golf carts on certain city streets where they are currently allowed, but where there are concerns about conflicts with motor vehicle traffic. Examples cited were Forest Avenue and Lincoln Avenue.
- Prohibiting unsecured passengers in rear-facing seats. (all passengers or under a certain age)
- Prohibiting operation after dark (operation currently allowed from 5:00 AM to midnight)
- Increasing the annual registration fee (currently \$25)

None of these changes have been recommended by the Two Rivers Police Department or other City staff. Golf carts have been allowed to operate on City streets since July 2019, and in the time since there have been no accidents involving a golf cart nor any complaints received by the Police Department regarding golf cart operation. (Fifty-one golf carts are currently registered.) We understand that individual Council members have either observed traffic situations that concern them or have been contacted by citizens with such concerns.

Staff HAS identified the need to amend the current ordinance to bring it into compliance with State law. Wisconsin Statutes Section 349.18 permits municipalities, by local ordinance, to allow operation of golf carts on any streets with speed limits of 25 MPH or less and to allow golf carts to CROSS a street or highway with speed limit of 35 MPH or less. Our current ordinance allows operation of golf carts on streets with speed limits of 35 MPH or less, which appears to exceed our authority under State law.



www.two-rivers.org



920.793.5532



grebuc@two-rivers.org



You are welcome to attend this meeting in person, to hear the discussion and provide input to the Council. If you wish to provide comments in advance of the meeting, to be shared with the City Council, you can either:

- Mail or e-mail your comments to my office (email gbuckley@two-rivers.org); or
- Send an e-mail to all City Council members directly, by going to www.two-rivers.org, clicking on “Government,” then “City Council,” then “Contact the Council”

A copy of the current ordinance on golf carts is attached.

CHAPTER 8-9. GOLF CARTS¹

Sec. 8-9-1. Purpose.

The purpose of this chapter is to provide a means of travel that is not only convenient and safe, but conserves resources and protects the environment. Golf carts, if properly used, are an effective way to travel for short distances within the city. However, to ensure the public safety and welfare, the operation of golf carts must not only comply with normal regulations regarding vehicles, but should comply with special safety regulations intended to protect the operator and passengers in a vehicle that is primarily designed for operation on a golf course or for recreational purposes. This chapter establishes the basic, minimum standards of care to be used by the operators of golf carts on public roads, streets and highways. Likewise, the public safety requires that golf carts, used as a means of transportation, must also meet certain minimum safety standards that can only be assured through a system of registration and inspection. The registration and inspection of golf carts is required in order to protect the public health, safety and welfare.

Sec. 8-9-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

Golf cart. A vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding 20 miles per hour.

Sec. 8-9-3. Applicability.

- A. The operation of golf carts is not subject to the provisions of this chapter under the following circumstances: the operation of golf carts at golf courses, private clubs or on private property, with the consent of the owner.
- B. The use of a golf cart in connection with a parade, a festival or other special event is still subject to all provisions of this chapter. Additionally, consent from the coordinator of any event is required for use at and/or during the event.

Sec. 8-9-4. License required.

No person who is less than 16 years of age or who does not have a valid driver's license issued by the State of Wisconsin or another state may operate a golf cart on any public street within the city. For purposes of this section, a learner's permit shall not be considered as a valid driver's license nor shall any license that has been suspended or revoked for any reason, temporarily or otherwise, be considered as a valid driver's license during the period of suspension or revocation.

Sec. 8-9-5. Registration.

- A. No golf cart may be operated on any public street within the city unless the golf cart has first been registered with the Two Rivers police department as required herein. The registration shall be renewed thereafter in

¹Editor's note(s)—Adopted by the city council of the City of Two Rivers 7-1-2019; amended in its entirety 6-21-2021. Amendments noted where applicable.

accordance with the provisions of this section. To evidence the registration, the owner shall be issued an annual permit, which shall be displayed in a prominent, visible place on the rear fender of the golf cart or at such other place as may be approved by the police department. The permit may contain a registration number assigned for the particular golf cart and may contain an expiration date.

- B. *Registration fee.* An annual registration fee, as may be established and adopted by the city council and amended from time to time, shall be paid to the city at the time the application for registration is filed with the Two Rivers police department or for any permit renewal.
- C. *Application.* The application for registration shall be made to the Two Rivers Police Chief, or to some other person designated, on forms provided by the city. The application may, among other things, require the owner's name, street address, mailing address, a phone number, the make, model and identification or serial number of the golf cart, proof of insurance and such other information as may be reasonably required, as well as a release of the city from liability for any accidents involving the registered golf cart and an agreement to indemnify and hold the city harmless from any claims arising from any such use/operation.
- D. *Inspection.* Prior to issuing the initial registration permit or any renewal thereof, the golf cart shall either be inspected or, in place of inspection, the Two Rivers police department may require photographs/video submitted of the golf cart, to determine that:
 - (1) The golf cart is equipped with at least two red rear reflectors to the rear of the cart and those reflectors are at least three inches in height and width;
 - (2) The golf cart is equipped with a reflective slow-moving sign or flag on the rear of the cart;
 - (3) The brakes provided by the manufacturer of the golf cart are in proper working order;
 - (4) The golf cart has all of the standard safety features provided by the manufacturer and has not been modified to exceed a speed of 20 miles per hour, nor otherwise modified in any way that creates a hazard;
 - (5) The golf cart is equipped with all mechanical systems and safety equipment required by this chapter; and
 - (6) All existing manufacturer's lights are in working order, or a minimum of one headlight/taillight installed so as to not conflict with oncoming traffic's vision if not driven during daylight hours. All lighting must be capable of being observed from a distance of 500 feet.
- E. *Denial and revocation.* The initial registration of a golf cart may be denied or subsequently revoked by the City of Two Rivers if it is determined that:
 - (1) The application contains any material misrepresentation;
 - (2) The golf cart is not in compliance with the requirements set out above;
 - (3) The golf cart has been altered or customized and no longer meets the definition of "golf cart;"
 - (4) Equipment supplied by the manufacturer, especially safety equipment, has been removed from the golf cart or the vehicle identification or serial number has been removed; or
 - (5) Other good cause shown, including repeated violations of this chapter.
- F. *Disqualified vehicles.* All-terrain vehicles (ATVs), four-wheel utility vehicles (UTVs) and other similar utility vehicles which are not manufactured for operation on a golf course and golf carts which have been modified so that they no longer meet the definition of a "golf cart" may not be registered as a golf cart nor shall such vehicles be operated on the public roads within the city unless such vehicles are otherwise registered with and allowed under the motor vehicle laws of the State of Wisconsin.

Sec. 8-9-6. Operation.

Golf carts shall not be operated on the public streets of the city, except in full compliance with the provisions of this section.

- A. *Hours of operation.* Golf carts may be driven on approved public streets from 5:00 a.m. to 12:00 midnight. Golf carts may not be operated when fog, smog, smoke or other conditions reduce visibility so that the golf cart is not visible for a distance of 250 feet.
- B. *Streets.* Golf carts may be operated on any city-owned streets, within the city limits with a posted speed limit of 35 miles per hour or less.
- C. *Motor vehicle laws.* All laws regarding the use of motor vehicles in the State of Wisconsin, including possession of a valid driver's license, and all ordinances regarding the use of motor vehicles in the city not inconsistent therewith shall be observed, except that no golf cart may be operated at a speed in excess of 20 miles per hour, or the top speed set by the manufacturer, whichever is lesser.
- D. *Right-of-way.* The operator of a golf cart shall yield the right-of-way to overtaking motor vehicles.
- E. *City property and sidewalks.* Golf carts shall not be operated on any sidewalk, pedestrian walkway, bicycle path or trail, jogging path, greenway, or park or on any beach, or trail except for official police business or by city personnel while on city business. Notwithstanding anything herein to the contrary, golf carts shall not be operated on property owned or leased by the city except with the express written consent of the city council and upon the terms and conditions as may be set forth in such written permission.
- F. *Golf cart capacity.* The manufacturer's recommended seating capacity shall not be exceeded, nor shall the operator or any passenger be permitted to stand while the golf cart is in operation.
- G. *Commercial purposes.*
 - (1) Golf carts may not be used as a taxicab or bus. The commercial carrying of passengers is permitted to the extent that a business or organization may use a golf cart as a shuttle in direct connection with said business or organization and then only to the extent that the passenger capacity is not exceeded as noted above.
 - (2) The hauling of freight is permitted to the extent that a business or organization may transport products or materials in direct connection to said business. The transportation of hazardous or flammable materials is prohibited. Freight in combination with the operator and any passengers may not exceed the cart manufacturer's gross vehicle weight rating (GVWR).
 - (3) The rental or the use of any golf cart for consideration shall be considered a commercial use.
 - (4) Golf carts used under this subsection shall be insured for liability for property damage and personal injury by a reputable insurer satisfactory to the city. A certificate of insurance verifying insurance coverage shall be filed with the city with each application for registration or renewal. Such insurance shall provide for policy limits of at least \$1,000,000.00 for one person and \$1,000,000.00 for any number of persons injured or killed in one accident and \$100,000.00 property damage per incident. Additionally, it shall be agreed that the city is released from liability for any accidents involving the registered golf cart and to indemnify and hold the city harmless from any claims arising from any such use.
- H. *Parking.* Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing or parking of golf carts in an area where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.

- I. *Unattended vehicles.* No person shall leave or allow any golf cart owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- J. *Towing.* Golf carts may not be used for the purpose of towing another cart, trailer, or vehicle of any kind including a person on roller skates, skateboard or bicycle.

(Ord. of 7-6-2022(2) , § 1)

Sec. 8-9-7. Disclaimer; liability.

- A. *Disclaimer.* Golf carts are not designed for nor manufactured to be used on public streets and the city neither advocates nor endorses the golf cart as a safe means of travel on public streets, roads and highways. The city in no way shall be liable for accidents, injuries or death involving the operation of golf carts.
- B. *Assumption of risk.* Any person, who owns, operates or rides upon a golf cart on a public street, road or highway within the city does so at his or her own risk and peril and assumes all liability resulting from the operation of the golf cart.

Sec. 8-9-8. Violations and penalties.

If any person shall violate this chapter, he or she shall be guilty of a forfeiture and shall be fined not less than \$100.00 nor more than \$500.00, including court costs, except that the owner or operator of a golf cart who shall violate a provision regulating the parking of vehicles shall be subject to a civil penalty as set forth in the general penalty of the Code, including the imposition of larger civil penalties for multiple or repeat offenses within a specified period of time.