

ORDINANCE 08-18

Refer to minutes 6/5/18

AN ORDINANCE ON PROVIDING FOR ALLOWANCE OF CARTS TO BE PERMITTED BY THE VILLAGE OF ELIZABETH POLICE DEPARTMENT AND ALLOWED TO BE DRIVEN ON STREETS WITHIN THE VILLAGE CORPORATE LIMITS.

WHEREAS, The Village of Elizabeth, Louisiana is empowered to adopt amendments and revisions of its ordinance by Louisiana Revised Statutes.

WHEREAS, the Mayor and Board of Alderman of the Village of Elizabeth, Louisiana, and it is hereby ordained by the same:

1. "DOTD" means the Department of Transportation and Development.
2. "Driver" means every person who drives or is in actual physical control of a vehicle.
3. Carts are defined as a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes.
 - For purpose of this section only, CART will also refer to a John Deere Gator, Polaris Ranger, Kawasaki Mule or other similarly designed and operated vehicle with either a bench or bucket seat designed for and capable of carrying more than one person.
 - CART does not include a snowmobile or all terrain vehicle (ATV).
4. "Highway" means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for purpose of vehicular travel, including bridges, causeway, tunnels and ferries: synonymous with the word "street".
5. "Local Municipal Authority" means every council, commission, or other board given authority by the constitution and law of the state to govern the affairs of a municipality.
6. "Motor Vehicle" means every vehicle which is self-propelled, but excluding a motorized bicycle, motor vehicle shall also include any "golf cart" as described above, equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in this ordinance.
7. "Municipality" means an incorporated village, city, or town created under the authority of the constitution or laws of this state.
8. Operator means every person, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being owned by a motor vehicle.
9. "Owner" means a person who holds a legal title to a vehicle or in the event a vehicle is subject of an agreement for the performance of the conditions stated in the agreement, with the right of immediate possession in the vendee, lessee, possessor, or in the event such similar transaction is had by means of mortgage and the mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, possessor, or mortgagor shall be deemed the owner for the purposes of this chapter.

10. "Police Officer" means every officer authorized to direct or regulate traffic or make arrest for violation of traffic regulations.
11. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other person.
12. "Right of way" means the privilege of the immediate use of the highway.
13. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the shoulder. A divided highway has two or more roadways.
14. "Shoulder" means the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use or bicyclists when other accommodation are not available, and for lateral support of base and surface.
15. "Sidewalk" means that portion of highway between the curb lines, or the lateral lines of a highway, and the adjacent property lines, intended for the use of pedestrians.
16. "State maintained highway" means any highway in this state which is contained in the state highway system as defined by law or which is maintained by the department.
17. "Street" means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeway, tunnels, and ferries; synonymous with the word "highway".
18. "Traffic" means pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.
19. "Traffic control device" means all signs, signals, markings, and devices, not inconsistent with this chapter, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.
20. "Traffic control signal" means as type of highway traffic signal, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.
21. "Vehicle" means every device by which person or thing may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

RULES AND REGULATION

1. Ordinance allows for the operation of Carts on public streets, roads, pathways, and at designated highway crossing and path within the Village of Elizabeth incorporated limits **excludes** state owned highways (MAIN STREET, PINE STREET, HWY 112N, HWY 112S & LA 10).
2. This ordinance pertains to carts as defined herein. This Ordinance does not pertain to operation of lawn mowers, tractors, ATVs, or any other conveyance, other than those described herein.
3. Carts, hereinafter referred to as "cart(s)" are not generally to be operated and used on public streets, roads, path, or highways. The Village of Elizabeth by adopting this ordinance is no way endorsing, nor is it advocating, the use of carts on public street, roads, paths, or highways within its incorporated limits.

4. By adopting this ordinance, the Village of Elizabeth is merely regulating the operation of such vehicles by addressing public safety issues and concerns. All operators and passengers of carts, which operate within the Village of Elizabeth incorporated limits, do so at their own risk and peril.
5. This ordinance does not imply that operation of these vehicles on said streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this ordinance, all operators of said vehicles, and their passengers, must be observant of, and attentive to, the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others.
6. The Village of Elizabeth has no liability, under any theory of liability, for permitting the operation of carts on streets, roads, paths, or highways under its jurisdiction as allowed by Louisiana General Statutes and special legislation granted by the Louisiana State Legislature but governed by this ordinance.
7. Carts may only be operated on streets, roads, paths and designated highway paths within the Village of Elizabeth in accordance with the following rules and regulations:

Permit, Application & Revocation

1. All carts operated within the Village of Elizabeth jurisdiction must display, on the left side of the front bumper, a valid "Permit of Operation" sticker issued by the Village of Elizabeth Police Department.
2. The non-refundable annual fee for said sticker shall not exceed \$25 per vehicle and said fee will be used for implementation and maintenance of this privilege. The permit must be renewed annually. The Chief of Police or their designee shall have the rights to refuse to issue and /or revoke any permits sticker and may remove said sticker from any cart at any time and for any reason that he, or she, feels is appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of the Village of Elizabeth.
3. Any person wishing to make application for a "Permit of Operation" for Carts shall complete the required application form distributed for the Village of Elizabeth Police Department by the Village Clerk and shall pay the Village Clerk the annual non-refundable registration fee at the time of application.
4. Permit Application Form – The applicant form shall include the full name, address, and telephone number of the applicant; the applicant's date of birth; the applicant's driver's license information to include state of issuance and the driver's license number (a photocopy of the applicant's driver's license shall be attached to the application form); the name of the applicant's insurance company and the applicant's insurance policy number, along with the date of expiration of said policy; the date of the application; and the applicants signature attesting to his or her reading and understanding of the Village of Elizabeth's Ordinance governing the operation of Carts, within the Village of Elizabeth.
5. Any "Permit of Operation" may be revoked by the Chief of Police or their designee if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permitted cannot operate a cart.

6. A permit shall be revoked by the Chief of Police or their designee if it is found that the operator, or any person that the operator allows to operate said vehicle, driver's license has been suspended, revoked, or has expired.
7. Any person who violates any section or part of this Ordinance or fails to comply with any section or part of this Ordinance shall be held responsible for an infraction and shall be required to pay a penalty in the amount of \$100.00 and court costs.
8. Before Carts can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the Village of Elizabeth, the owners thereof must purchase and maintain liability insurance in at least the minimum amount required by the State of Louisiana for a licensed motor vehicle which policy injuries against personal injury and property damage of any nature, relative to the operation of said vehicles. Proof of insurance must be provided to the Village of Elizabeth Police Department at the time of application for a permit to operate said vehicles.
9. Any person who operates a Cart in the Village of Elizabeth takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on a Cart in the Village of Elizabeth takes full responsibility for all liability associated with the "riding on" or the "sitting on" of said vehicles.
10. Any person that operates a Cart on the streets, roads, pathways, or designated highway paths within the Village of Elizabeth jurisdiction, shall hold a valid driver's license issued by Louisiana State DOTD, and said operator shall have this driver's license on their person at all times while operating said vehicles.
11. Carts must be equipped with a rear vision mirror on the exterior of the Driver's side, and a mirror on the passenger side or an interior mirror capable of providing the operator with a 100 feet clear rear sight picture.
12. Carts must be equipped with front and rear turn signals, head lights and brake lights.
13. Any person who operates a Cart within the Village of Elizabeth jurisdiction must adhere to all State of Louisiana traffic laws, and all laws governing the use of, or the possession of, alcoholic beverages and controlled substances.
14. Cart operators must yield the right-of-way to pedestrians and overtaking vehicles at all times.
15. All passengers, including children, must be properly seated while the Cart is in motion and shall not be transported in a negligent manner. Carts shall not be allowed on any Village sidewalks, unless otherwise designated by the Chief of Police.

THIS ORDINANCE was introduced on the 7th day of May 2018.

Motion was made by Ken Kelly and seconded by Garold Steele to publish a "Notice of Intent".

Notice of proposal of this Ordinance was published in the official journal on the 17th day of May 2018.

Public Hearing of Ordinance No. 08-18 was held June 5, 2018 at 5pm.

The above foregoing Ordinance was called for a vote by the Mayor at a regular meeting of the Village of Elizabeth, Louisiana held on the 5th day of June 2018, and the vote thereon was as follows:

Ordinance 08-18, page 5

Motion made by Garold Steele and seconded by Ken Kelly to adopt said **Ordinance 08-18**.

Shirley Smith: Yea

Ken Kelly: Yea

Garold Steele: Yea

THUS, DONE AND PASSED in the Village of Elizabeth, Louisiana on June 5, 2018.

Mayor

Attest By:

Clerk