

VILLAGE OF BALDWIN, WISCONSIN

ORDINANCE ADDING CHAPTER 498 TO THE MUNICIPAL CODE regarding the use and regulation of golf carts

The Village Board of the Village of Baldwin does ordain as follows:

(added language is underlined, deleted language is struck through).

Chapter 498 - GOLF CART OPERATIONS AND ROUTES.

The Village Board of the Village of Baldwin, St. Croix County, Wisconsin, hereby ordains as follows to add Chapter 498 of the Code entitled Golf Cart Operation and Routes:

498-01 – Purpose and Intent. The purpose of this Ordinance is to provide a means of travel that is not only convenient and safe but conserves resources and protects the environment as authorized by Section 349.18 of the Wisconsin Statutes. Golf Carts, if properly used, are an effective way to travel for short distances within the Village. However, to ensure the public safety and welfare, the operation of Golf Carts must not only comply with normal regulations regarding vehicles but must 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, 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 public health, safety and welfare.

498-02 – Definitions. For purposes of this Ordinance, the following definition shall apply through the Ordinance:

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.

498-03 – Applicability.

- (a) This Ordinance shall apply to the operation of Golf Carts on the public streets within the Village.
- (b) The operation of Golf Carts at golf courses, private clubs, or on private property, with the consent of the owner, is not subject to the provisions of this Ordinance.
- (c) The use of a Golf Cart in connection with a parade, festival, or other special event is not subject to the provisions of this Ordinance. However, consent from the coordinator of any special event and approval by the Chief of Police are required for use of a Golf Cart at and/or during such event if use of a Golf Cart on public property or streets is requested.

498-04 – Operation of Golf Carts Allowed. The operation of Golf Carts on the designated public streets within the Village, set forth in Section 498-07 (b) and in compliance with the provisions of this Ordinance shall be permitted.

498-05 – License Required. No person 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 Village. 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.

498-06 – Registration.

- (a) *Registration Required.* No Golf Cart may be operated on any public street within the Village unless the Golf Cart has first been registered with the Baldwin Police Department and received a permit as required herein. To evidence the registration, upon meeting the registration requirements set forth in this Section, the owner of the Golf Cart shall be issued a one-year 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 Baldwin Police Department.
- (b) *Renewal.* Golf Cart registrations must be renewed every two years. Applicants seeking to renew their Golf Cart registration must follow the same procedures for registration set forth in this Section 498-06 (a).
- (c) *Registration Fee.* A bi-annual registration fee, as may be established and adopted by the Village Board and amended from time to time, shall be paid to the Village at the time the application for registration or renewal is filed with the Baldwin Police Department. The initial registration fee shall be \$100.00.
- (d) *Application.* Only residents of the Village of Baldwin may apply to register or renew the registration of a Golf Cart. The application for registration or renewal shall be made to the Baldwin Police Chief, or to some other person designated, on forms provided by the Village. The application shall include the owner's name; street address; mailing address; phone number; the make, model, and identification or serial number of the Golf Cart being registered; proof of liability insurance equivalent to operate a motor vehicle; and such other information as may be reasonably required, including a release of the Village from liability for any accidents involving the registered Golf Cart and an agreement to indemnify and hold the Village harmless from any claims arising from any such use/operation.
- (e) *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 Baldwin Police Department may require a minimum of four (4) photographs (clearly showing the front, back and each side) or videos of the Golf Cart to be submitted. The purpose of this inspection is to determine that:
 - (1) The Golf Cart is equipped with at least two red rear reflectors to the rear of the Golf 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 Golf 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 a rearview mirror; and
 - (6) The Golf Cart is equipped with at least one white, forward-facing light and at least one red, rear-facing light. Every light shall be in proper working condition and shall be properly aimed so that glaring light rays from the lights are not directed into the eyes of the driver of any oncoming vehicle. All lighting must not be covered or obscured by any object or material and must be capable of being observed from a distance of at least 500 feet.
- (f) *Registration in Other Municipalities.* If a Golf Cart is registered in another Wisconsin municipality, the owner of that Golf Cart may operate that Golf Cart in the Village without registering with the Village, provided that the owner abides by all other requirements of this Ordinance. Upon request, the owner of such Golf Cart shall provide proof of registration in another Wisconsin municipality.
- (g) *Denial and Revocation.* The Village may deny registration of a Golf Cart, revoke a Golf Cart registration, or refuse to renew a Golf Cart registration if it is determined that:
- (1) The application contains any material misrepresentation(s);
 - (2) The Golf Cart is not in compliance with the requirements set forth in this Ordinance;
 - (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;
 - (5) The vehicle identification or serial number of the Golf Cart has been removed; or
 - (6) Other good cause is shown, including repeated violations of this Ordinance.
- (h) *Disqualified Vehicles.* All-terrain vehicles (ATVs), four-wheel utility vehicles (UTVs), 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 Village unless such vehicles are otherwise registered with and/or allowed under other Village ordinances or the motor vehicle laws of the State of Wisconsin.

498-07 – Operation. Golf Carts shall not be operated on the public streets of the Village, except in full compliance with the provisions of this section.

- (a) *Hours and Dates of Operation.* Golf Carts may be driven on approved public streets, designated in Section (k) below, from 6:00 AM through 10:00 PM from April 1st through December 1st of each year, provided all of the requirements of this Ordinance are met.
- (b) *Streets.* Golf Carts may be operated only on Village streets within the Village limits with a posted speed limit of 25 mph or less. Except for crossing as set forth in Section (k) below, operation on State or County highways is prohibited.
- (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 Village not inconsistent therewith shall be observed, except that no Golf Cart may operate 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) *Village Property and Sidewalks.* Golf Carts shall not be operated on any sidewalk, pedestrian walkway, bicycle path or trail, jogging path, greenway, park, beach, or trail, except for official police business or by Village personnel while on Village business. Notwithstanding anything herein to the contrary, Golf Carts shall not be operated on property owned or leased by the Village except with the express written consent of the Village Board 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. Passengers shall not be seated in the lap of another passenger, and passengers shall not 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) Golf Carts used under this subsection shall be insured for liability for property damage and personal injury by a reputable insurer satisfactory to the Village. A certificate of insurance verifying insurance coverage shall be filed with the Village 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 Village is released from liability for any accidents involving the registered Golf Cart and to indemnify and hold the Village 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, nor may Golf Carts be used to pull a person on roller skates, skateboards, bicycles, or similar objects.
- (k) *Crossing Points.* Operators of Golf Carts may only cross State Highway 63 and State Highway 12 at standard crossing points and where marked with appropriate signage. At each crossing point, the operator must stop and yield the right-of-way to all vehicles approaching on the highway before crossing the highway.

498-08 – Disclaimer/Liability.

- (a) *Disclaimer.* Golf Carts are not designed for nor manufactured to be used on public streets, and the Village neither advocates nor endorses the Golf Cart as a safe means of travel on public streets, roads, and highways. The Village in no way shall be liable for accidents, injuries, or death involving the use 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 Village does so at his or her own risk and peril and assumes all liability resulting from the operation of the Golf Cart.

498-09 – Violations and Penalties.

- (a) Any person who shall violate any Wisconsin traffic law in a Golf Cart may be issued the appropriate citation for such violation and be subject to the penalties associated with that violation.

(b) Any person who shall violate any provision of this Ordinance may be issued a citation and be subject to the penalties provided in Village Code Chapter 29.


498-10 – Severability. If any provisions of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or applications.

498-11 – Effective Date. This Ordinance shall be published as required by Wis. Stat. § 61.50 and shall take effect on 6/14/2023.

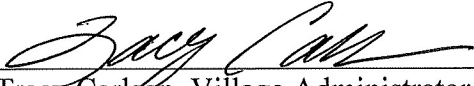
Adopted by the Village Board on 6/14/2023, 2023.

VILLAGE OF BALDWIN

By:


Lance Van Damme, President

Attest:


Tracy Carlson, Village Administrator/Clerk-Treasurer

Published: 6/20/, 2023

Voted for:

4

Voted against:

1

Abstained:

1

Absent:

1