

ORDINANCE NO. 09-15-20-A

AN ORDINANCE OF NEPHI CITY, STATE OF UTAH, ADOPTING CHAPTER 3 OF TITLE 6 OF THE NEPHI CITY CODE GOVERNING USE OF GOLF CARTS WITHIN CITY LIMITS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Utah State Legislature has enacted Utah Code Ann. §41-6a-1510 authorizing municipalities to allow the use of golf carts on highways under the jurisdiction of the municipality;

WHEREAS, Utah Code Ann. § 41-6a-1510 directs that if a municipality allows the operation of golf carts on specified highways, then the municipality shall provide sufficient parameters regarding the operation of golf carts to ensure public safety;

WHEREAS, the City Council has the authority to enact ordinances to promote the health, safety, morals, convenience, order, prosperity, and general welfare of Nephi City;

WHEREAS, Nephi City finds that this ordinance is in the best interest of the City and its citizens,

NOW THEREFORE, be it ordained by the City Council of Nephi City, State of Utah, that:

PART ONE: Adoption and Enactment Chapter 3 of Title 6 of the Nephi City Municipal Code.

The following is hereby adopted as Chapter 3 of Title 6 of the Nephi City Municipal Code:

Chapter 6-3
GOLF CARTS

Sections:

- 6-3-1: Purpose
- 6-3-2: Definitions
- 6-3-3: Operation of Golf Cart by Licensed Drivers
- 6-3-4: Operation of Golf Carts by Unlicensed Drivers
- 6-3-5: General Requirements for Golf Course Operation
- 6-3-6: Responsibility for Compliance
- 6-3-7: Penalties and Enforcement
- 6-3-8: Severability

6-3-1: Purpose.

The purpose of this Chapter is to authorize the use of golf carts on specified streets within city limits and set forth parameters for such golf cart operation.

6-3-2: Definitions.

1. *Golf Cart* means a motorized cart designed for carrying golfers and their golf equipment over a golf course. The design and build of the golf cart must be such that it would be appropriate for use on the Nephi City Canyon Hills Golf Course.
2. *Safety Certificate* means a certificate issued by the state of Utah to a person for completion of an authorized safety education course.
3. *Streets Designated for Off-highway Vehicle Use* include and are defined as from and to the operator's residence and his/her destination (by shortest route) using the following streets, to the extent reasonably possible: ~~to and including the streets of~~ 700 North Street, including the golf course road; 200 West Street from 700 North to 500 South; 500 South Street from 400 East to the west city limits; 400 East Street from 700 North to 500 South; 100 South Street from 400 East to 800 East; and 800 East Street from 700 North to 100 South.

6-3-3: Operation of Golf Cart by Licensed Drivers.

- A. Individuals who possess an active state issued driver's license may operate a Golf Cart on any road or street under the jurisdiction of Nephi City.
- B. Golf Carts are not authorized on any state, county, or federal road, street, highway, or freeway except:
 1. when crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
 2. when loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation;
 3. when an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical or when the operation is directed by a peace officer or other public authority; or
 4. when specifically authorized by state law.

6-3-4: Operation of Golf Carts by Unlicensed Drivers.

- A. Individuals 14 years of age or older who do not hold an active state issued driver's license may operate a Golf Cart if:
 - 1. they possess an active Safety Certificate
 - 2. their driver's license is not currently denied, revoked, or suspended if at one time they possessed a state issued driver's license; and
 - 2. they are driving the shortest route from the operator's home or destination to and on Streets Designated for Off-highway Vehicle Use.
- B. Children under the age of 14 years of age are prohibited from operating Golf Carts in city limits under any circumstance.

6-3-5: General Requirements for Golf Course Operation.

- A. Golf Carts shall not be operated at a speed in excess of 15 miles per hour.
- B. Golf Carts shall at all times be operated in accordance with applicable state, county, and city laws and regulations. Golf Carts shall comply with the same requirements as a bicycle for traffic rules under Title 41, Chapter 6a, Traffic Code.
- C. Golf Carts shall carry no more people than the number of seats in the Golf Cart as existed at the time of manufacturing. All Golf Cart occupants shall sit in a seat at an originally manufactured seat location – one person per seat.
- D. Golf Carts may only be operated during daylight hours unless they have originally manufactured equipment headlights and taillights. The lights must be operable and in use anytime a Golf Cart is being operated at non-daylight times.
- E. All operators and passengers of an off-highway ^{Golf Carts} vehicle who are under the age of sixteen (16) years shall correctly wear a department of transportation certified helmet.

6-3-6: Responsibility for Compliance

- A. No person or owner may give permission to any person to operate a Golf Cart contrary to the provisions of this chapter and applicable state law.

- B. A parent or legal guardian who fails to take reasonable measures to prevent their child from violating the provisions of this chapter shall also be in violation of this chapter and subject to the penalty provisions set forth herein.

6-3-7: Penalties and Enforcement

- A. Any person who violates any provision of this chapter is guilty of a class C misdemeanor and subject to penalties as outlined herein.
- B. The penalties for a minor fourteen (14) years of age or older who violates any provision of this chapter are as follows:
1. First Offense:
 - a) Referred to youth court and successfully complete the requirements imposed by youth court.
 - b) If there is no youth court or the minor does not successfully complete the requirements of youth court, then the minor may be fined up to Fifty Dollars (\$50) and/or required to complete up to ~~five~~ (5) hours of community service.
 2. Second Offense:
 - a) A fine up to One Hundred Dollars (\$100).
 - b) Required to complete up to ~~ten~~ (10) hours of community service.
 3. For any third or more offense of this section, the minor may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
 4. Regardless of whether it is a first offense, second offense, or any offense thereafter, in the event there is an accident and the minor is in violation of this section at the time of the accident, the minor may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
- C. The penalties for an adult who violates any provision of this chapter are as follows:
1. First offense: A warning shall be given that will be documented through a police report.

2. Second offense: A fine up to One Hundred Dollars (\$100).
 3. For any third or more offense of this section, the adult may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
 4. Regardless of whether it is a first offense, second offense, or any offense thereafter, in the event there is an accident and the adult is in violation of this section at the time of the accident, the adult may receive penalties for a class C misdemeanor as set forth in section 1-4-1 of this code.
- D. An adult and a minor may be prosecuted simultaneously for the same incident that led to violations of this chapter.

6-3-8: Severability

If any provision of this chapter is declared invalid by a court of competent jurisdiction the remainder of this chapter shall not be affected.

PART TWO: Effective date.

This Ordinance take effect immediately upon its passage and publication as prescribed by law.

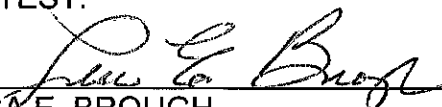
PASSED AND ADOPTED BY THE NEPHI CITY COUNCIL, STATE OF UTAH, ON THIS 15 DAY OF SEPTEMBER, 2020.

NEPHI CITY
A Municipal Corporation



GLADE R. NIELSON
Mayor

ATTEST:



LISA E. BROUGH
City Recorder

