

ORDINANCE NO. 666

An Ordinance amending Chapter 106 of the City Code, entitled "VEHICLES AND TRAFFIC", by adding a new Article VII, which such new Article VII shall be codified at § 106-31 of the City Code and entitled "Golf Carts" as set forth hereunder.

WHEREAS, pursuant to MD Code, Transportation, §§ 13-402(c)(12) & 21-104.2, the use and operation of a golf cart is permitted on a highway located within the municipal limits of the City of Crisfield that is not designated or maintained as a part or an extension of the State of Maryland or federal highway system;

WHEREAS, the Mayor and Council of the City of Crisfield deem it necessary and appropriate, in the interests of the public's health, safety and welfare, to regulate the use and operation of golf carts within the City of Crisfield; and,

WHEREAS, in order to effectuate and implement the aforesaid purposes, the Mayor and Council of the City of Crisfield desire to amend Chapter 106 to add Article VII entitled "Golf Carts."

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CRISFIELD, MARYLAND, that Chapter 106 of the City Code is hereby amended by adding a new Article VII entitled "Golf Carts" as follows:

ARTICLE VII

Golf Carts

§ 106-31. Definitions.

The following terms, wherever used in this Article VII, shall have the following meanings unless a different meaning clearly appears from the context:

GOLF CART -- a self-propelled vehicle having at least four wheels, which is designed to transport persons playing golf and their equipment on a golf course.

§ 106-32. City inspection and safety equipment.

A golf cart shall pass a safety inspection at least once every license year as defined in § 106-34(A). Such safety inspection shall be conducted by the City of Crisfield Police Department. Such safety inspection shall cover the following items:

- A. Headlights, tail lights and turn signals.

- B. Windshield wipers, if the golf cart is equipped with a permanent windshield; windshield wipers are not required on any golf cart not equipped with a permanent windshield.
- C. Horn, adequate steering gear, brakes, emergency or parking brake, one rearview mirror, and adequately fixed driver's seat.
- D. All other factory installed safety or mechanical systems, including checking for gasoline or propane leaks.
- E. Fuel gauge and speed governor, if the golf cart is gasoline powered.
- F. Charge meter, if the golf cart is battery powered.
- G. Safety lap seat belts.
- H. Slow moving vehicle emblem in conformity with applicable State law.
- I. Proof of insurance is required.

§ 106-33. Operation on public highways.

It is unlawful to operate a golf cart on a highway, street, road or public right-of-way within the City unless the following requirements are met:

- A. A golf cart may be operated on a highway, street, road or public right-of-way located within the municipal limits of the City that is not designated or maintained as a part or an extension of the State or Federal Highway System, and allows for a maximum speed of 30 miles per hour.
- B. No person may operate a golf cart unless that person possesses a valid driver's license.
- C. A golf cart must be operated in accordance with all applicable State and local laws and ordinances, including the motor vehicle laws of the State and all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- D. Only the number of people the golf cart is designed to seat may ride on a golf cart. Passengers shall not be carried on the part of the golf cart designed to carry golf bags.
- E. A golf cart shall not be operated when visibility is impaired by weather, smoke, fog or other conditions.
- F. A golf cart may be operated only between dawn and dusk.

- G. An operator of a golf cart shall keep the golf cart as far to the right of the roadway as feasible and must yield to all vehicular and pedestrian traffic.
- H. A golf cart may not be operated on any part of a highway, street or road which is marked as a dedicated bike lane.
- I. Any child who is subject to the child safety seat requirements set forth in MD Code, Transportation, § 22-412.2(d) is prohibited from being a passenger in a golf cart operated on highway, street, road or public right-of-way located within the City.
- J. The Chief of Police, or his designee, may prohibit the operation of golf carts on any highway if the Chief of Police determines that the prohibition is necessary and in the interests of public safety.

§ 106-34. Local vehicle license and license tax.

- A. For the purpose of this Article, the “license year” means the 12-month period beginning on January 1 and ending on December 31 of each calendar year. A City vehicle license issued under this Article prior to January 1, 2017 shall be valid through December 31, 2017.
- B. The City shall assess and levy an annual license tax upon each golf cart required to be licensed under this Article. The annual license tax shall be set forth in the annual budget of the City. The revenue derived from the tax levied by this Article shall be distributed to the general fund of the City.
- C. The annual license tax imposed by this Article shall be paid to the City Clerk-Treasurer prior to the issuance of a vehicle license decal.
- D. Upon receipt of the license tax prescribed by this Article and approved inspection of the golf cart and proof of insurance in accordance with the requirements of § 106-32, the Chief of the Police, or his designee, shall issue a vehicle license decal for the golf cart on which the license tax was paid. The vehicle license decal shall show thereon the words “City of Crisfield”, an indication of the year for which the vehicle license was issued and the number of the vehicle license, together with such other information as the Council may from time to time designate.

- E. Display of vehicle license decal.
- (1) A vehicle license decal issued under this Article shall be affixed to the lower right-hand side of the windshield of the golf cart for which it was purchased or to such other location as the Chief of Police shall direct on a golf cart not equipped with a windshield.
 - (2) It shall be unlawful for any person to operate a golf cart required to be licensed under this Article within the City unless a current vehicle license decal is displayed on the golf cart in the manner prescribed by § 106-34(E)(1).
- F. It shall be unlawful for the owner of a golf cart to display thereon a vehicle license decal issued under this Article after the expiration date of the vehicle license.
- G. A vehicle license acquired pursuant to the provisions of this Article shall be transferable by the licensee from any golf cart sold, traded in or otherwise disposed of by the licensee to any golf cart thereafter acquired by the licensee during the license year. The transfer shall be accomplished by the payment of \$25.00 to the City Clerk-Treasurer, together with the delivery to the City Clerk-Treasurer of either the remains of the vehicle license decal, including the number portion thereof, or an affidavit of the licensee certifying that the vehicle license decal was destroyed or is no longer in the City and is unavailable to the licensee for delivery to the City Clerk-Treasurer. The City Clerk-Treasurer shall then direct the Chief of Police to transfer or reissue the vehicle license decal.

§ 106-35. Liability disclaimer.

This Article is adopted to address the interests of the public's health, safety and welfare. Golf carts are not designed or manufactured to be operated on public streets or roads. The City of Crisfield in no way advocates or endorses the operation of golf carts on public streets or roads. The City of Crisfield assumes no liability for permitting golf carts to be operated on public streets and roads under special legislation granted by the Maryland General Assembly. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril, and must be observant of bicyclists, pedestrians and other vehicular traffic. Any person

who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

§ 106-36. Violation; penalties.

It shall be unlawful for any person to violate any provision of this Article or any rule or regulation promulgated pursuant to this Article. Unless otherwise provided, each such violation shall constitute a municipal infraction punishable by a fine of not more than \$250.00.

BE IT FURTHER ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CRISFIELD, MARYLAND, as follows:

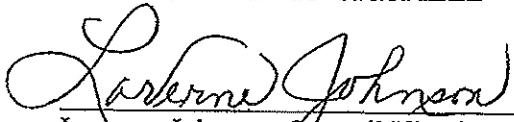
Section 1. It is the intention of the Mayor and Council of the City of Crisfield, Maryland that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 2. It is further the intention of the Mayor and Council of the City of Crisfield, Maryland that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable State or Federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain valid and enforceable.

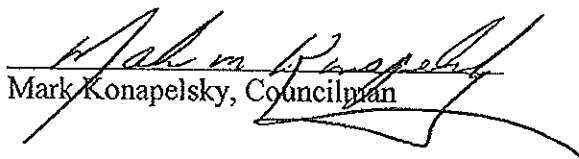
Section 3. The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.

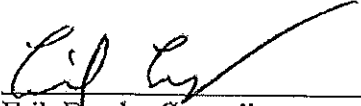
THE ABOVE ORDINANCE, having been read and passed for first reader on the 26th day of October 2016, this Ordinance is duly read, passed, enacted and ordained this 9th day of November, 2016.

CITY COUNCIL OF CRISFIELD


Laverne Johnson, Council Vice-President

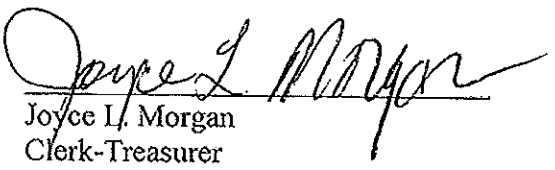

Barbara Ward, Councilwoman

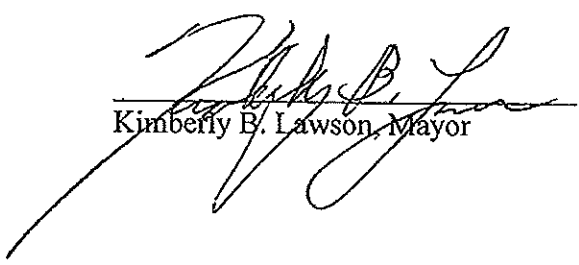

Mark Konapelsky, Councilman


Erik Emely, Councilman


Charlotte Scott, Councilwoman

Approved this 9th day of November, 2016.
ATTEST:


Joyce L. Morgan
Clerk-Treasurer


Kimberly B. Lawson, Mayor

Approved as to form:


Michael P. Sullivan, City Solicitor