



202 S. WATER • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: May 28, 2021

TO: Owosso City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Adoption of Ordinance Governing Operation of golf carts on city streets.

Recommendation:

I recommend Council approve the attached resolution setting a public hearing for June 21, 2021 to receive citizen comment regarding the proposal to adopt the ordinance as attached.

Background:

Currently the City of Owosso does not have an ordinance for Operation of Golf Carts on city streets. The adoption of this ordinance would allow limited use of golf carts on city streets.

RESOLUTION NO.

**AUTHORIZING FIRST READING & SETTING A PUBLIC HEARING FOR
THE PROPOSED ADDITION OF ARTICLE IX, *GOLF CARTS*, TO CHAPTER 33, TRAFFIC AND
MOTOR VEHICLES, OF THE CODE OF ORDINANCES
TO GOVERN THE USE OF GOLF CARTS IN THE CITY**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, does not have an ordinance for operation of golf carts on city streets,

WHEREAS, Public Act 491 of 2014 recently amended Public Act 300 of 1949, commonly known as the Michigan Vehicle Code, being MCL 257.1 through MCL 257.923; and,

WHEREAS, Public Act 491 of 2014 created a new section to the Michigan Vehicle Code which allows for the limited and regulated use of Golf Carts on public streets and highways which is found at MCL 257.657a; and,

WHEREAS, under the amended Michigan Vehicle Code, local units of government may allow for the limited and regulated use of Golf Carts on their streets and highways under the terms and conditions specified in law via the adoption of a Resolution or Ordinance; and,

WHEREAS, the City of Owosso desires to allow for the limited use of Golf Carts on its streets and highways as permitted and regulated by the ordinance proposed below; and,

WHEREAS, it is the long-standing practice of the City Council to hold a public hearing to receive citizen comment regarding any and all proposed ordinance amendments.

NOW, THEREFORE, BE IT RESOLVED, THAT THE CITY OF OWOSSO ORDAINS THAT:

SECTION 1. ADDITION. That Article IX, *Golf Carts*, be added to Chapter 33, Traffic and Motor Vehicles, of the Code of Ordinances of the City of Owosso as follows:

ARTICLE IX. – GOLF CARTS

Sec. 33-170. - Operation of golf carts on city streets.

A person may operate a golf cart on city streets, subject to the following restrictions:

- (1) A person shall not operate a golf cart unless he or she is at least 16 years old and licensed to operate a motor vehicle.
- (2) The operator of a golf cart shall comply with the signal requirements of MCL 257.648 that apply to the operation of a vehicle.
- (3) A person operating a golf cart upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (4) A person shall not operate a golf cart on a state trunk line highway (including M-52, M-21 and M-71). This subsection does not prohibit a person from crossing a state trunk line highway when operating a golf cart on a city street, using the most direct line of crossing.
- (5) Where a usable and designated path for golf carts is provided adjacent to a highway or street, a person operating a golf cart shall be required to use that path.

- (6) A person operating a golf cart shall not pass between lines of traffic, but may pass on the left of traffic moving in his or her direction in the case of a two-way street or on the left or right of traffic in the case of a one-way street, in an unoccupied lane.
- (7) A golf cart shall not be operated on a sidewalk constructed for the use of pedestrians or on or across a cemetery or burial ground.
- (8) A golf cart shall be operated at a speed not to exceed 15 miles per hour and shall not be operated on a highway or street with a speed limit of more than 30 miles per hour except to cross that highway or street.
- (9) A golf cart shall not be operated on city streets during the time period from one-half hour before sunset to one-half hour after sunrise.
- (10) A golf cart shall not be operated on the James Miner Trail or the Riverwalk trail.
- (11) A person operating a golf cart or who is a passenger in a golf cart is not required to wear a crash helmet.
- (12) This article does not apply to a police officer in the performance of his or her official duties.
- (13) A golf cart operated on a city street under this article is not required to be registered under the Michigan Vehicle Code for purposes of section 3101 of the Insurance Code of 1956, 1956 PA 218, MCL 500.3101.
- (14) As used in this article, "golf cart" means a vehicle designed for transportation while playing the game of golf. A golf cart is not required to meet the vehicle safety requirements of a low-speed vehicle for approval under this article.
- (15) All golf carts intended for street use shall be registered and the owners or operators of those golf carts shall register such golf carts prior to operating the same on any city street, at no cost, with the Owosso Police Department and receive a registration sticker. The registration sticker must be affixed in plain view on the driver's side of the golf cart below the seating area at all times it is operated on city streets.
- (16) Violation of any of the provisions of this section shall be penalized as a civil infraction.

SECTION 2. PUBLIC HEARING. A public hearing is set for Monday, June 21, 2021 at 7:30 p.m. for the purpose of hearing citizen comment regarding the proposed addition to the Code of Ordinances.

SECTION 3. EFFECTIVE DATE. This amendment shall become effective twenty days after passage.

SECTION 4. AVAILABILITY. This ordinance may be purchased or inspected in the city clerk's office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Golf Carts and ORVs/ATVs on Local Streets

Introduction

Two separate pieces of legislation allow for the use of golf carts and Off-Road Vehicles/All-Terrain Vehicles (ORVs/ATVs) on municipal streets, and each requires a different municipal action. Under the Michigan Vehicle Code, golf cart use requires a resolution, and under the Natural Resources and Environmental Protection Act (NREPA), an ordinance is required to allow the use of ORVs/ATVs.

Golf Carts—summary of requirements

Public Act 491 of 2014 enables local units of government with a population of 30,000 or less to adopt a resolution to allow the use of golf carts on certain streets within their jurisdiction—streets with a speed limit of 30 MPH or less. The city or village may maintain a recorded list of golf cart operators; if so, they may not charge operators to compile the list.

The local unit of government does not have the ability to modify the requirements or conditions established by the state, with the exception of further prohibiting golf carts on selected streets with a 30 MPH or lower speed limit.

The following conditions are required under the Michigan Vehicle Code:

An Operator

- Must be at least 16 and have a valid driver's license.
- Must comply with signal requirements.
- Must ride as far to the right as possible.
- Is not required to wear a helmet.

Golf Carts

- Shall not be operated on sidewalks.
- May not pass between lines of traffic.
- May travel at a maximum speed of 15 MPH.
- May not be operated 1/2 hour before sunset or 1/2 hour after sunrise.
- Are only permitted to operate on streets that are 30 MPH or less.
- By local ordinance may be required to use a path adjacent to a road, over the use of the roadway, if a path adjacent to a road is provided.

*The local unit may by resolution further restrict which streets golf carts are allowed on.

Off-Road Vehicles (ORVs) and All-Terrain Vehicles (ATVs)

Municipalities are permitted to adopt an ordinance allowing ORVs and ATVs to operate on their streets in a manner allowed under NREPA. The following conditions are required:

ORVs/ATVs

- May travel at a maximum speed of 25 MPH.
- Must have a lighted headlight and taillight.
- Driver must wear a helmet and eye protection (unless the ORV has a windshield and a roof or roll bar which meets or exceeds crash helmet standards and the driver is wearing a safety belt).
- Driver must be at least 18 years old; or, between 12 and 18, the driver must either have a valid driver's license or have a valid ORV safety certificate on them and be under the immediate visual supervision of an adult.
- Are required to attach the license to the vehicle.