

TOWN OF HAXTUN

ORDINANCE NO. 2022-6

AN ORDINANCE AMENDING TITLE 10 OF THE HAXTUN MUNICIPAL CODE, MOTOR VEHICLES AND TRAFFIC, TO ADOPT A NEW CHAPTER 10.40 REGULATING GOLF CARTS ON TOWN STREETS AND HIGHWAYS.

WHEREAS, The Town of Haxtun, Colorado, acting by its Board of Trustees, may regulate the operation of golf carts on streets and highways within the Town; and

WHEREAS, a golf cart may be operated on the public streets, roads, and highways within the Town when authorized by the Town; and

WHEREAS, the Town acknowledges that no street or road that is part of the state highway system may be so designated, and it is not the intent of the Board of Trustees when adopting this ordinance to designate any such street or road; and

WHEREAS, many of the residents of the Town of Haxtun own and use golf carts, and the Town Board of Trustees believes that the use of golf carts is an efficient mode of transportation on Town roadways when operated safely; and

WHEREAS, the Board finds it is in the best interest of the health, welfare, and safety of its residents to amend the Haxtun Municipal Code to repeal and reenact in its entirety Ordinance 2020-5.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF HAXTUN COLORADO:

Section 1. Ordinance 2020-5 of the Haxtun Municipal Code is hereby repealed in its entirety and replaced by the new Ordinance 2022-6, to read as follows:

Chapter 10.40
GOLF CARTS

Sections:

10.40.010	Definitions
10.40.020	Designation of Golf Cart Routes
10.40.030	Requirements and Limitations
10.40.040	Safety Equipment Required
10.40.050	Violations
10.40.060	Limitation of Liability

10.40.010 Definitions. As used in this Chapter 10.40, unless the context otherwise requires, the following words and terms shall have the following meanings:

A. "Golf Cart" is a gas or electric powered vehicle having three or four wheels designed and intended to transport golf equipment and people while playing golf and not designed primarily for travel on public highways, with a designed speed of less than twenty-five miles per hour.

B. "Town Streets" is that portion of a town highway, road, street, alley, or right of way; that is improved, designed, or ordinarily used for vehicular travel or parking. Town streets do not include Colorado state highways.

C. "Operator" is the person who is in actual physical control of the vehicle.

D. "Insured" is the same liability insurance requirements needed to operate a vehicle in the state of Colorado.

E. "State and Town traffic laws" means laws of the State of Colorado regulating traffic and any traffic codes adopted by the Town.

F. "Valid driver's license" is any current, legal license not subject to revocation or suspension.

10.40.020 Designation of Golf Cart routes. All Town streets, not including Colorado state highways, are hereby designated as Golf Cart routes.

10.40.030 Requirements and limitations. Operation of a golf cart by permit is hereby authorized on all the Town Streets within the Town of Haxtun. Any person operating a golf cart under permit has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to operating a golf cart. Town Streets are open for golf cart use under the following conditions and restrictions:

A. The Operator must have in their possession a valid, current, and un-revoked driver's license.

B. The Operator is a licensed driver sixteen (16) years of age or older.

C. The Operator must have in their possession a valid, current, and un-revoked permit issued to the operator by the Chief of Police or designee. Any person, 16 years and older, holding a valid, current driver's license may apply for a permit. All permits shall expire annually on January 1, unless renewed. The fee for the permit shall be

set by resolution. The Town of Haxtun Board of Trustees may amend the permit fee from time to time.

1. Permit Application shall include the name and address of the applicant and other information as the Chief of Police or the Town of Haxtun may require.
2. The Haxtun Police Department or designee shall conduct an inspection of the golf cart prior to the issuance of the permit to assure that the golf cart has all required equipment.
3. Each permit application, whether for an initial permit or renewal, shall be accompanied by evidence of a current liability insurance policy.

D. The Operator must not operate the golf cart during inclement weather or when visibility is impaired by weather, smoke, fog, or other condition, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

E. The Operator must equip the golf cart with the required equipment described under Chapter 10.40.040.

F. The Operator must carry the same liability insurance requirements needed to operate a vehicle in the state of Colorado.

G. The Operator may not carry a number of persons in the golf cart that exceeds the number of seats in the vehicle.

H. The Operator may not carry a passenger under the age of 6 years or 60 pounds or according to the Colorado State Statutes regarding car seat restraints.

I. The Operator must observe all traffic laws and regulations set forth by the State of Colorado, and the Town of Haxtun, except when those provisions cannot reasonably be applied to motorized golf carts;

J. The Operator must not impede traffic without yielding to the right away of faster moving vehicles; and

K. All alcohol related violations will be pursuant to the Colorado Revised Statutes.

10.40.040 Safety equipment required. Every golf cart must meet all the following safety equipment requirements:

A. Headlamps; must be white lamp, visible at a distance of at least 500 feet to the front;

B. Tail lamps and stop lamps, must be a red lamp visible at a distance of a least 500 feet to the rear;

C. Parking brake;

D. Rear view mirror, or mirrors, properly mounted on the golf cart so as to reflect to the operator a view of the street for a distance of at least 200 feet to rear of the cart;

E. A safety flag installed on rear of vehicle extending no less than 7 feet above the ground;

F. A slow moving vehicle emblem, properly mounted on the rear of the golf cart pursuant to state statutes.

10.40.050 Violation and penalty. Any Operator who violates any provision of this Chapter 10.40 shall be charged with a misdemeanor and shall be punished by a fine of not more than \$500.00.

A. Revocation or modification of Permit. A permit issued under this ordinance may be revoked or modified at any time by the Chief of Police or designee if there is evidence that the permit holder cannot safely operate a motorized golf cart on the town streets. For purposes of this chapter, not following any of the regulations and limitations constitutes evidence that the Operator cannot safely operate a motorized golf cart on the town streets.

B. An Operator whose permit has been revoked may appeal the revocation to the Municipal Court Judge. Appeals shall be submitted in writing to the Haxtun Municipal Court within 20 days of the date of revocation.

10.40.060 Limitation of liability. Nothing in this Chapter 10.40 shall be construed as an assumption of any duty of care by the Town of Haxtun with respect to, or the assumption of any liability by the Town for any injuries to, persons or property that may result from the operation of a golf cart on Town streets.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any ordinance of the Town of Haxtun by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty,

forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, APPROVED, ADOPTED, AND ORDERED PUBLISHED IN FULL THIS 7th DAY OF November 2022.

Lori Lundgren, Mayor

ATTEST:

Kelsey Harms, Town Clerk