

Proposed Ordinances and Definitions

Prohibited Vehicles City Streets and Sidewalks

The following is a draft ordinance for Review by City Council Introduced by Chief of Police Ross Thompson Fire and Police Committee Meeting June 14, 2022

ATV's, UTV's, Go-Carts, Mini-Bikes, Lawn Mowers Prohibited

Except as otherwise permitted by law, pursuant to A.C.A. § 27-21-106 Operation on public streets and highways unlawful – Exceptions, it is unlawful for a person to operate an all-terrain, utility-task, ATV's, UTV's, Four-Wheelers, Quads, Dirt Bikes, Mini-Bikes, Go-Carts, Side-by-Sides, SXS and or Riding Lawn Mowers or other such vehicle on a public street or highway in the City limits of Blytheville even if the vehicle otherwise meets the equipment standards of A.C.A § 27-20-104.

A. Definitions:

- 1) **ATV/All-Terrain Vehicle:** A three (3) or four (4) wheel vehicle designed primarily for off-road utility or recreational use also commonly referred to as a "quad", "four-wheeler" or "three-wheeler" with a two (2) person capacity designed for recreational and or off-road use.
- 2) **UTV/Utility Task Vehicle:** is a four (4), six (6), or eight (8) wheel vehicle designed for off-road or farming utility or recreational use, also commonly referred to as a "Gator", "Argo", "Side by Side" and or "SxS". They may have multiple passenger and or cargo capacity.
- 3) **Mini-Bike:** A two (2) wheel small motorcycle having a low frame and small wheels 49 cc motor gasoline or electric equivalent designed for recreational and or off-road use regardless of whether the vehicle meets the equipment standards of A.C.A § 27-20-104 or not.
- 4) **Dirt-Bike:** A two (2) wheel lightweight motorcycle equipped with rugged tires and suspension primarily designed to be driven off-road, 50 cc motor gasoline or electric equivalent that does not meet the equipment standards of A.C.A § 27-20-104 designed for recreational and or off-road use only.
- 5) **Go-Cart:** A four (4) wheel small lightweight vehicle that typically has a low frame with little ground clearance, with a single or double occupant powered by a utility and or motorcycle engine of various displacements designed for recreational and or off-road use only regardless of whether the vehicle meets the equipment standards of A.C.A § 27-20-104. Also referred to as "Go-Karts" or "Karts."
- 6) **Lawn-Mower:** For purposes of this section Lawn-Mower refers to an engine propelled riding mower, ride-on mower, and or "Zero Turn" mower which is a type of lawn care implement on which the operator is standing or seated on while operating, regardless of whether the vehicle meets the equipment standards of A.C.A § 27-20-104.

B. Penalties.

Any vehicle operated on city streets in violation of this ordinance or any other law regulating vehicle traffic is subject to fine and immediate removal of the vehicle from the city street by towing. Any person violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of:

First Offense, two hundred fifty dollars (\$250.00).

Second Offense within a twelve (12) month period, five hundred dollars (\$500.00)

Third Offense within a twelve (12) month period, one thousand dollars (\$1000.00)

Any operator fleeing from law enforcement officers, on a city street, as defined by A.C.A 5-54-125 (d) (1) (A) Fleeing, in or on a conveyance as defined by this ordinance is, in addition to state laws, subject to forfeiture of the conveyance by this ordinance.

Golf Carts.

Pursuant to A.C.A. § 14-54-1410, golf carts may be operated by the owner upon the city streets as set forth in this section.

A. Definitions:

The following words, terms, and phrases shall have the meanings ascribed to them in this section.

- 1) **Golf Cart:** a four (4) wheel two (2) seat electric vehicle that is originally designed and manufactured for operation on a golf course and not capable of exceeding speeds of 20 mph with a standard ground clearance of approximately five (5) inches, smooth turf friendly tires. This does not include All Terrain Vehicles, ATV's, Utility Transport Vehicles, UTV's, Side by Side's, SxS or other like vehicles primarily designed for off road recreational or utility use.
- 2) **Negligent Driving Manner:** Any person who operates a Golf Cart upon a City Street in such a manner to be in violation of A.C.A § 27-51-104 Careless and prohibited driving and or A.C.A § 27-50-308 Reckless Driving can be cited and Golf Cart towed for both violations of this ordinance and all applicable state laws.
- 3) **Public/City Street:** Any street, sidewalk, or Public Owned Parking Area within the city limits of the City of Blytheville that is not designated a state highway, federal highway, or county road. This does not include private drives or private parking lots open to the public.

B. Operation:

Unless otherwise provided by this ordinance, the operator of a golf cart on City streets must conform to all ordinances, statutes and laws dealing with motorized vehicles including the operation of a motor vehicle while under the influence of intoxicants and or alcohol open container laws.

- 1) The owner of a golf cart may operate their golf cart upon the city streets without such cart being registered or licensed.
- 2) Operation of golf carts is not authorized on any city street which is also designated as a federal or state highway or as a county road.
- 3) The operator of a Golf Cart being operated on City Streets must be at least sixteen (16) years of age and have in his or her possession a valid state motor vehicle operator's license.
- 4) Operation of a golf cart is authorized on city streets on the shortest most direct route available from the owner's place of residence to the golf course and shortest most direct route available to return from the golf course to the owner's residence.
- 5) Golf Carts must have golf bags containing clubs attached equal to the number of occupants as prima facia evidence that the golf cart is being used only as transport from the owner's place of residence to the golf course and back. Golf Carts being operated on city streets absent golf bags containing clubs is operated in violation of this ordinance.
- 6) Golf cart operation is limited to those streets within the city limits which have a posted speed limit of twenty (20) miles per hour or less.
- 7) Golf carts may only be operated one-half hour after sunrise and one-half hour prior to sunset.
- 8) Golf carts shall not be operated during inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions.
- 9) If mechanical turn signal indicators are not installed, then hand signals are required for turns.
- 10) Only the number of people the golf cart is designed to seat may ride on a golf cart. Passengers must be seated at all times and shall not be carried on the part of a golf cart designed to carry golf club bags or cargo.
- 11) Golf carts shall not be operated in a negligent manner as defined by this ordinance and state law.
- 12) The city may prohibit the operation of golf carts on any City Street, area, or sub-division if the City Council determines that the prohibition is necessary in the interest of safety.

- 13) Golf carts are strictly prohibited from traveling upon or parking on any sidewalk within the city.
- 14) Golf carts are required to follow the rules and regulations of any other vehicles during special events and are not permitted to enter special event areas unless the golf cart is part of the special event.
- 15) Golf carts operated on city streets must be in the appropriate traffic lane and travel with the traffic flow with the right-hand wheels at the right edge of the roadway and must yield to all other vehicular and pedestrian traffic.

C. Penalties.

Any golf cart operated on city streets in violation of this ordinance or any other law regulating vehicle traffic is subject to fine and removal of the Golf Cart from the city street by towing company or both. Any person violating any of the provisions of this Ordinance shall, upon conviction, be punished by a fine of:

First Offense, one hundred dollars (\$100.00).

Second Offense within a twelve (12) month period, two hundred dollars (\$200.00)

Third Offense within a twelve (12) month period, three hundred dollars (\$300.00) and privilege to operate a Golf Cart on city streets suspended for a period of time as determined by the court.

Any operator fleeing from law enforcement officers, on a city street as defined by A.C.A 5-54-125 (d) (1) (A) Fleeing, in or on a conveyance as defined by this ordinance is, in addition to state laws, subject to forfeiture of the conveyance by this ordinance.

D. Insurance Requirements.

Every golf cart and operator thereof shall have in full force and effect, a valid insurance policy as set forth in A.C.A § 27-22-104. Insurance required -- Minimum coverage and 23-89-213 - Proof of insurance of the state motor vehicle laws.

E. Liability Disclaimer

This section is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on City Streets, and the city in no way advocates or endorses their operation on City Streets and roadways. The city, by regulating such operation, is merely trying to address obvious safety issues, and adoption of this section is not to be relied upon as a determination that operating on City Streets and roadways is safe or advisable if done in accordance with this section. All persons who operate or rides upon golf carts on City Streets, do so at their own risk and peril, and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicycles, and pedestrians. The city has no liability under any theory of liability and the city assumes no liability for permitting golf carts to be operated on City Streets and roadways. 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 City Streets and roadways.