

**State of Michigan
Township of Richfield
Golf Cart Ordinance**

ORDINANCE NO. 51

An ordinance adopted to regulate the use and operation of Golf Carts in Richfield Township, for the purpose of providing penalties for the violation thereof, pursuant to 2008 PA 240, MCL 324.81131.

THE TOWNSHIP OF RICHFIELD ORDAINS:

Sec. 1. As used in this ordinance, the following definitions shall apply:

- a) "Golf Cart" shall mean a ORV when operating upon any roadway in Richfield Township
- b) "Drivers license" means an operator's or chauffeur's license issued to an individual by the secretary of state under chapter III of the Michigan vehicle code, 1940 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in physical control of the operation of a golf cart.
- d) "Operator" means an individual who operates or is in actual physical control of the operation of a golf cart.
- e) "Street, Roadway, or Public right-of-way" shall mean all public or private ways within the corporate boundaries of Richfield Township excluding State or Federal Highways.
- f) "Township" shall mean Richfield Township, Roscommon County, Michigan.
- g) "Maintained portion" for this ordinance includes the gravel shoulder/paved shoulder.
- h) "Golf Cart" shall mean a vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes. All golf carts operated within Richfield Township shall have no increased power, wheelbase or tire modifications from a standard manufactured gas or electric golf cart without prior approval from the Richfield Township Director of Public Safety.

i) "Permit" No person shall operate a motorized golf cart on roads or streets, within Richfield Township without first obtaining a permit from the Township, except no permits will be required for parades.

j) "Validation decal" A person operating a motorized golf cart by permit shall have the proper validation decals displayed on the golf cart when operating a motorized golf cart.

k) "Sticker" A person operating a motorized golf cart by permit shall have a current sticker displayed on the driver's rear fender of the golf cart. Stickers are obtained by completing and submitting the proper registration form to Richfield Township.

Sec. 2. Operation on Roadway; Speed Limit; Occupant.

a) A golf cart may operate on the far right maintained portion of a street, roadway, or public right-of-way and shall ride as near to the far right side of the maintained portion of roads within the township.

b) The maximum speeds at which a golf cart may be operated as permitted, under the provisions of this chapter is 25 mph. or less so as not to cause dust or gravel to leave the road.

c) Golf carts may only be operated on designated roadways from one hour before sunrise to one hour after sunset. All golf carts are required to have a red reflector on the rear of a type that shall be visible from all distances up to 500 feet to the rear when in front of lawful low beams of headlamps on a motor vehicle. All golf carts are required to display a lighted headlight and lighted taillight beginning January 1, 2010.

d) A golf cart shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is: insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet or when roads are snow covered.

e) Golf carts shall not be operated on a road or street in a negligent manner. For the purpose of this subsection "to operate in a negligent manner" is defined as the operation of a Golf Cart in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, paths, trails, walkways, or parks.

f) Golf carts shall travel single file, except that a golf cart may travel abreast of another ORV when it is overtaking and passing, or being overtaken and passed by another ORV.

g) A golf cart shall not be used to carry more persons at one time than the number for which it is designed and equipped.

Sec 3. Regulation of Golf Carts; General Regulation; Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code.

a) All golf carts operated on the public or private ways of the Township shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the director of state police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

b) No motorized golf carts shall be operated in Richfield Township at any time on state or federal highways.

c) All persons operating a golf cart, on the public or private ways of the Township shall possess a current valid motor vehicle operator's license.

d) A person operating a motorized golf cart shall have validation decals and will be displayed on the golf cart with three-inch (3") **BLOCK** numerals to be placed on both sides of the cart. Validation decal numbers are obtained by submitting the proper permit application to the township. Number must read from left to right. No other numbers can be displayed on either side of the golf cart.

e) A person operating a motorized golf cart by permit shall obtain a sticker from Richfield Township and be displayed on the driver's rear fender of the golf cart. The sticker is valid for three years and must be renewed.

Sec 4. Revocation of Permit; Enforcement

a) The Richfield Township Board and/or the Richfield Township Director of Public Safety retains the right to refuse to issue and /or revoke any permit and/or validation decal and/or sticker from any golf cart at any time for any reason that is felt appropriate to ensure the safety and well being of the citizens of Richfield Township.

b) Any police officer may temporarily suspend any permit and ban further access on any public or private way or public property by any golf cart, when in the opinion of officer that the golf cart is being used in a manner to cause damage to public property or members of the public and upon investigation by the recommendation of the Richfield Township Public Safety Director, the Richfield Township Board may permanently revoke a permit hereunder upon a finding that there is evidence that the permittee has violated any provisions of this ordinance.

c) The Richfield Township Public Safety Department's and/or the Township Board's interpretation of the above rules and regulations are final.

d) The Richfield Township Board reserves the right to revoke this Ordinance at any time.

Sec 5. – Appeal- Denial, suspension or revocation of license or permit procedures.

When the Richfield Township Board and/or Public Safety Department refuses to grant a permit, or suspends or revokes the same, the applicant shall be notified in writing of the same, and shall inform the applicant of his or her right to appeal before an Appeal Board within ten (10) days of the date of the written notice. The failure to give notice of a request for appeal within this time shall constitute a waiver of the right to contest the decisions.

A request for a hearing shall set forth, in detail, all facts supporting the request. The Township Board shall, within 30 days of receiving a request for an appeal hearing designate an Appeal Board consisting of a three (3)-member panel. The Appeal Board shall comprise of two (2) Richfield Township residents and the Director of Public Safety who will hear the appeal and provide written notice to the citizen of the hearing date, time, and place. The hearing date shall not be more than 30 days from the mailing or delivery of such notice, unless a later date is agreed to by the citizen. If the hearing is not held at the agreed upon time due to the actions or inaction of the citizen, then the decision shall be deemed final.

At the hearing, the citizen will have the opportunity to present information supporting his or her position. After the hearing, the Appeal Board shall deliver a written report to the Richfield Township Board setting forth findings of fact, conclusions, and their decision on whether to uphold, modify, or reverse the townships original action within ten business days. The Appeal Board shall uphold the townships or designee's decision unless it finds the decision is not supported by substantial evidence.

Sec 6. Civil Infractions; Penalties for Violation.

a) Any person violating any provisions of this Ordinance shall be responsible for a civil infraction. The penalty for the first offense shall be \$50 and for the first repeat offense, \$120.00. Repeat offense shall be defined as a violation of said ordinance, which has been ticketed for within the past 30 days. For any second or subsequent repeat offense, the fine shall be no more than \$250.00. It shall be the duty of the Richfield Township Public Safety Department to enforce the provisions of this Ordinance. If, after investigation, an officer determines that a violation of this Ordinance exists, the officer shall be authorized to issue a municipal civil infraction citation to any person, firm, or corporation that is responsible for violating the provisions of this Ordinance. Service of said civil infraction citation or civil infraction notice shall be made in accordance with MCL 600.8707, Public Act 12 of 1994.

b) A court may order a person who causes damage to the environment, a road, or other property as a result of the operation of a golf cart to pay full restitution for that damage above and beyond the penalties paid for civil infractions.

Sec 7. Severability

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Sec 8. Effective Date

This Ordinance shall become effective in the Township of Richfield following adoption by the Richfield Township Board and thirty (30) days after publication.

ADOPTED: July 21, 2009

PUBLISHED: July 26, 2009

EFFECTIVE: August 25, 2009

Pamela J. Scott,
Richfield Township Clerk