

City of Cheney  
609 Second Street  
Cheney, WA 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE V-04**

**AN ORDINANCE OF THE CITY OF CHENEY, WASHINGTON AMENDING  
CHAPTER 11.90 OF THE CHENEY MUNICIPAL CODE REGULATING THE  
USE OF GOLF CARTS (OR SIMILAR VEHICLES) ON PUBLIC PROPERTY  
WITHIN THE CITY LIMITS**

**WHEREAS**, the City Council of the City of Cheney desires to regulate the use of Golf Carts within its municipal limits to enhance the health, safety and welfare of its citizens;

**WHEREAS**, through RCW 46.08.020 the Legislature has authorized the City to enact traffic regulations within the City of Cheney;

**WHEREAS**, the City Council of the City of Cheney enacted Cheney Municipal Code Chapter 11.90 to provide for the minimum use and operational requirements for Golf Carts on July 22, 2009; and

**WHEREAS**, the City desires to amend those operational requirements.

**NOW, THEREFORE, the City Council of the City of Cheney, do ordain as follows:**

**Section 1.**        **Section Amended.** Section 11.90.010 of the Cheney Municipal Code is hereby amended to read as follows:

**11.90.010**        **Definitions.** The following definitions shall be used in this Chapter. Where a word or term is undefined reference shall be to RCW Title 46.

A.        "Golf Cart" is defined as a motorized vehicle with three or four wheels that is not designed to be operated at a speed of more than twenty five miles per hour (25 m.p.h.), whose purpose can include, but is not limited to, the playing of golf and as a means of ordinary transportation, and is generally designed to carry two (2) persons including the driver.

B.        "Street" means the entire right of way width excluding the sidewalk and between the curb boundary lines and shoulder or swale of public property when any part thereof is

open to the use of the public for purposes of pedestrian, bicycle or vehicular travel including parking.

C. "Operator" means any person who has received approval from Spokane County Superior Court or other court of competent jurisdiction to operate a Golf Cart on the City Streets as a result of a physical or mental impairment; or a person possessing a valid driver's license issued by the Washington State Department of Licensing and authorized by the Chief of Police.

"Operator" does not include City personnel

D. "Sidewalk" shall be that area paved with concrete, asphalt or other similar material located within the right of way adjacent to a Street intended for the public purpose of pedestrian or bicycle travel.

**Section 2.** **Section Amended.** Section 11.90.020 of the Cheney Municipal Code is hereby amended to read as follows:

**11.90.020** **Requirements and Restrictions.** The following use, operational requirements and restrictions are adopted by the City for Golf Carts.

A. The use of Golf Carts shall be prohibited on City Streets with posted speed limits of twenty five miles per hour or less within the municipal limits of the City of Cheney unless the provisions of this chapter are complied with. The use of Golf Carts shall be prohibited on all City Streets with posted speed limits in excess of twenty five miles per hour.

B. Upon receipt of an Order from a court of competent jurisdiction, any person desiring to utilize a Golf Cart on City Streets shall send a copy of the Order via US Mail or hand delivery to the Chief of Police or their designee.

C. Operators of Golf Carts shall adhere to all rules of the road applicable to motorized vehicles as set forth in RCW Title 46.61 and WAC Chapters 308-330.

D. Any person desiring to operate a Golf Cart on City Streets other than a person listed in CMC 11.90.010 Section C, shall apply to the City of Cheney Police Department for approval.

E. The use of Golf Carts shall be prohibited on all City Sidewalks.

F. Golf Carts shall not be operated on a 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.

G. Golf Carts shall not be operated on a street during one-half hour after sunset to one-half hour before sunrise unless in compliance with RCW 46.37 regarding vehicle lighting and other equipment. The Chief of Police or their designee shall adopt applicable rules and regulations regarding the required safety equipment for Golf Carts. These regulations shall be available upon request.

**Section 3.** **Section Amended.** Section 11.90.030 of the Cheney Municipal Code is hereby amended to read as follows::

**11.90.030** **Golf Cart Approval.** An Operator shall request an inspection by the Police Department to establish that the Golf Cart is in compliance with 11.90.020(F). If the Golf Cart is in compliance with this Chapter, the City shall issue written approval authorizing the Operator to use the Golf Cart on City Streets. No cart shall be operated on City Streets without approval by the Chief of Police, or their designee, indicating compliance with this Chapter.

A. Annual Inspection and Fee. Except for as provided for in Cheney Municipal Code section 11.90.030(B), all persons requesting Golf Cart approval are required to submit their golf cart to annual inspections and pay an annual fee of \$50.00 at the time of making application for approval to the Police Department.

B. Exemption from Inspection and Fee. Those persons receiving an Order from a court of competent jurisdiction authorizing the use of a Golf Cart on City Streets as a result of physical or mental impairment are exempt from the annual inspection and fee requirements listed in Cheney Municipal Code section 11.90.030(A).

**Section 4.** **Unamended Provisions.** All other sections, phrases, clauses, sentences and provisions contained in Chapter 11.90 of the City of Cheney Municipal Code not herein specifically amended or repealed, shall remain in their present form and stay in full force and effect.

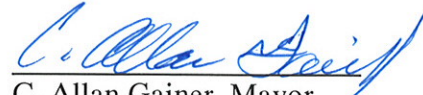
**Section 5.** **Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 6.** **Effective Date.** This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

Introduced this \_\_\_\_\_ 10<sup>th</sup> \_\_\_\_\_ day of February, 2009.

Passed by the City Council this 10<sup>th</sup> day of March, 2009.

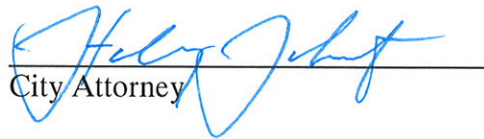
Approved by the Mayor this 10<sup>th</sup> day of March, 2009

  
C. Allan Gainer, Mayor

ATTEST:

  
Cynthia L. Niemeier, Finance/City Clerk

APPROVED AS TO FORM:

  
City Attorney