

**CITY OF ELEPHANT BUTTE  
ORDINANCE NO. 158**

**PROVIDING FOR THE OPERATION OF GOLF CARTS  
ON CITY STREETS AND ESTABLISHING STANDARDS, RESTRICTIONS AND  
REGISTRATION REQUIREMENTS**

**WHEREAS**, the State of New Mexico has authorized municipalities to permit and regulate the use of golf carts on the streets of the municipality in NMSA 1978, § 66-7-9(A)(13); and

**WHEREAS**, the mayor established an ad hoc committee to study the potential for operation of golf carts on city streets; and

**WHEREAS**, having conducted a review of the applicable laws, studied the traffic and demographic characteristics of the city, and received public input, the ad hoc committee presented its report to the governing body recommending that the city authorize and regulate the operation of golf carts on city streets; an

**WHEREAS**, the governing body finds the report to be well-taken and finds further that the city embraces unique characteristics suitable for golf cart operation, including being a small town, retirement community and resort community; having a year-round moderate climate; being principally residential in character; having a sizeable component of second-home owners; and having a predominance of residential streets with low speed limits and light traffic; and

**WHEREAS**, the governing body finds it to be in the best interest of the city, its residents and visitors to authorize by ordinance the operation of golf carts on city streets and to provide for appropriate standards, regulations and permitting;

**NOW THEREFORE**, be it ordained by the governing body of the City of Elephant Butte as follows:

**Section One.** Title VII of the City of Elephant Butte Code of Ordinances, "Traffic Code," is amended to add the following new material as Chapter 71, Sections 71.01-71.09:

**§ 71.01. PURPOSE AND INTENT.**

In order to protect the public health, safety and welfare of citizens and visitors of the city, to reduce traffic congestion and adverse impacts on the environment, and to facilitate the convenience of vehicle operators in conducting their daily affairs at lower speeds and reduced costs, the governing body finds it appropriate to authorize the operation of golf carts on city streets and to prescribe the necessary equipment, standards and permitting for such operation.

**§ 71.02. DEFINITIONS.**

**CITY.** All territory within the municipal limits of the City of Elephant Butte.

**GOLF CART.** A vehicle that is manufactured primarily for operation on golf courses and that has four wheels, a steering wheel, bench seats or individual seats for each passenger, and that has a maximum speed of 20 to 25 miles per hour. "Golf cart" does not include neighborhood electric vehicles or neighborhood electric car ("NEV") as defined in NMSA 1978, § 66-3-1103, off-highway vehicles as defined in NMSA 1978, § 66-1-4.13(B), all-terrain vehicles ("ATV"), or low speed vehicles ("LSV") as defined in 49 C.F.R. 571.3.

**STREET.** Any public or private street within the city that is not a designated county road or state or federal highway.

**§ 71.03. PERMIT REQUIRED.**

- (A) No golf cart shall be allowed on any city street without a permit issued by the city manager or designee.
- (B) The cost of a permit shall be adopted by resolution and may be amended by resolution at the discretion of the city council.
- (C) Permits must be kept on the golf cart when in operation on city streets.

**§ 71.04. OPERATION OF GOLF CARTS ON CITY STREETS AUTHORIZED.**

- (A) Golf carts may be operated on any public street, excluding Warm Springs Blvd and any state highways. A golf cart may cross any other street or highway at intersections or designated crossing points. The golf cart shall come to a complete stop prior to crossing.
- (B) Golf carts may be operated on private streets as follows:
  - (1) The private street shall be within a subdivision that is governed by an association such as a community or homeowner's association;
  - (2) The private street shall have been approved by the association for use by golf carts;
  - (3) The association shall have provided written notice to the city manager of such streets as are approved for golf cart operation.
- (C) The city shall post appropriate signs to indicate that golf cart operation is allowed on city streets and is allowed for purposes of crossing other streets and highways.

**§ 71.05. COMPLIANCE WITH TRAFFIC LAWS.**

- (A) Drivers of golf carts shall have a valid Driver's License.
- (B) Drivers of golf carts shall observe and comply with all state and local traffic laws.
- (C) It shall be unlawful to operate a golf cart on any sidewalk or walking path.
- (D) The maximum number of occupants in any golf cart shall be restricted to the number of seats in the golf cart and may not exceed the number of persons for which the golf cart was designed by its manufacturer. Occupants of golf carts must remain seated at all times that the golf cart is in motion.
- (E) No child under five years of age or who weighs less than 40 pounds shall be a passenger in a golf cart unless properly secured by a child passenger restraint device that meets federal standards.

(F) Drivers of golf carts must yield to pedestrians at all times.

**§ 71.06. MANDATORY FINANCIAL RESPONSIBILITY.**

Drivers of golf carts are subject to the mandatory financial responsibility requirements of the State of New Mexico for passenger vehicle operation.

**§ 71.07. HOURS OF OPERATION.**

Golf carts equipped with the equipment specified in sections 71.08(A) and 71.08(B) may be operated 24-hours per day. Golf carts not equipped with the equipment specified in section 71.08(B) may be operated only during the hours between sunrise and sunset.

**§ 71.08. REQUIRED EQUIPMENT.**

(A) At a minimum, all golf carts operated on city streets shall be equipped with the following properly operating equipment:

- (1) Efficient brakes;
- (2) Reliable steering;
- (3) Safe tires;
- (4) Rear-view mirror;
- (5) Slow-moving vehicle emblem or flashing amber light as per NMSA 1978, § 66j-3-887; and
- (6) An audible device.

(B) All golf carts operated on city streets after sunset and before sunrise shall be equipped with the following additional equipment:

- (1) Headlights;
- (2) Taillights;
- (3) Brake lights; and

(4) Turn signals.

(C) The equipment required in this section shall comply with the standards set forth in NMSA 1978, §§ 66-3-801 through 66-3-887.

**§ 71.09. ENFORCEMENT.**

All golf cart operation is subject to the fines and penalties contained within the Uniform Traffic Ordinance adopted by the city. Violations of this chapter that are not covered by the Uniform Traffic Ordinance shall be subject to the general penalty provisions of this code.

**Section Two. Severability.** If any provision of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, than all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section Three. Effective Date.** This ordinance shall be effective on February 22, 2016.

**PASSED, APPROVED AND ADOPTED** by the Governing Body of the City of Elephant Butte this 3rd day of February, 2016.



*Karen Rieth*  
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Karen Rieth, City Clerk

*Eunice Kent*  
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Eunice Kent, Mayor