

**CITY OF ELEPHANT BUTTE
ORDINANCE NO. 161**

**AN ORDINANCE OF THE CITY OF ELEPHANT BUTTE, NEW MEXICO
AMENDING ORDINANCE NO. 158 AND SECTIONS 71.02, 71.03, 71.08 AND 71.09 OF
THE CODE OF ORDINANCES RELATING TO GOLF CART OPERATION ON CITY
STREETS AND CLARIFYING THE DEFINITION OF A GOLF CART, PROVIDING
FOR DISPLAY OF PERMITS, PROVIDING FOR ISSUANCE OF SLOW-MOVING
VEHICLE EMBLEMS, AND SETTING PENALTIES FOR VIOLATIONS OF THE
ORDINANCE**

WHEREAS, the Governing Body adopted Ordinance No. 158 on February 3, 2016, authorizing the operation of golf carts on city streets and establishing standards, restrictions and registration requirements for said operation; and

WHEREAS, the Governing Body has determined that the implementation of the ordinance requires certain minor revisions to the ordinance relating to definitions, display of permits and slow-moving vehicle emblems, and establishing specific penalties for violation of the ordinance; and

WHEREAS, Ordinance 158 is to be codified in the city's Code of Ordinances as part of the traffic code contained in Title VII, necessitating revisions to the specific sections.

NOW THEREFORE, BE IT ORDAINED by the governing body of the City of Elephant Butte as follows:

SECTION ONE: Section 71.02 of the code, "Definitions," is amended to revise the definition of "golf cart" as follows:

§ 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 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.

SECTION TWO: Section 71.03 of the code, "Permit Required," is amended to require display of the permit as follows:

§ 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~~ displayed on the golf cart when in operation on city streets as directed in the city's permit approval procedures.

SECTION THREE: Section 71.08, "Required Equipment," is amended to provide for issuance of slow-moving vehicle emblems as follows:

§ 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) New Mexico Department of Transportation approved slow-moving vehicle emblem or flashing amber light as per NMSA 1978, § 66-3-887.
 - (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.

SECTION FOUR: Section 71.09 of the code, "Enforcement," is amended to establish specific penalties and to provide for penalty assessments as follows:

§ 71.09. ENFORCEMENT.

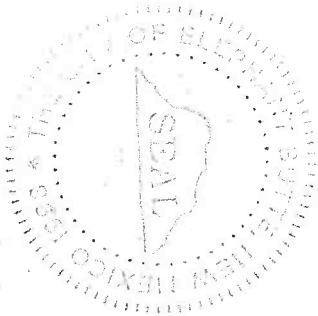
- (A) **Fines and penalties.** All golf cart operation is subject to the fines and penalties contained within the Uniform Traffic Ordinance adopted by the city. Violations of this chapter that are not covered by the Uniform Traffic Ordinance shall be subject to a fine of \$25.00 in addition to the required permitting fee. ~~the general penalty provisions of this code.~~
- (B) **Penalty assessment.** This subsection shall be administered in accordance with the penalty assessment program provided for in Section 70.01(B) of this code.

SECTION FIVE: All other provisions of Chapter 71 not specifically amended shall remain unchanged and in full force and effect as written.

SECTION SIX: This ordinance, as amended, shall be designated in the code as “Chapter 71, Golf Cart Operation.”

SECTION SEVEN: Effective date. This ordinance shall become effective five days following publication.

PASSED, APPROVED AND ADOPTED by the Governing Body of the City of Elephant Butte, New Mexico, this 16th day of March, 2016.



Eunice Kent
Eunice Kent, Mayor

Attest:

Karen Rieth
City Clerk