



**CITY OF TEA
ORDINANCE 273**

**AN ORDINANCE OF THE CITY OF TEA, SD AMENDING CHAPTER 8, TRAFFIC CODE OF THE
TEA MUNICIPAL ORDINANCES BY ADDING CHAPTER 8.07 GOLF CARTS**

BE IT ORDAINED BY THE CITY COUNCIL, OF THE CITY OF TEA, LINCOLN COUNTY SOUTH DAKOTA THAT CHAPTER 8, TRAFFIC CODE OF THE TEA MUNICIPAL ORDINANCE BE AMENDED BY ADDING SECTION 8.07 GOLF CARTS.

SECTION 8.07 GOLF CARTS

- a) Definitions
 - i) Golf carts are defined as a self-propelled machine, powered either by battery or gas originally designed for transporting one or two (2) person and their equipment around a golf course for the purposes of the game of golf. A golf cart may be three (3) or four (4) wheeled.
- b) Golf Cart Permit Required
 - 1) No person shall operate a golf cart upon any public street withing the City of Tea corporate limits without having first obtained an inspection and permit from the Tea Police Department.
 - 2) Inspection will include the following
 - a. 2-headlights
 - b. 2-taillights
 - c. Horn
 - d. Rearview Mirror
 - e. Shall be equipped with a slow-moving vehicle sign positioned and plainly visible at the rear of the golf cart which conforms to the provisions of SSDCL 32-15-20
 - 3) The permit fee shall be set by Resolution of the City Council.
 - 4) Permitted operation upon a public way within the City shall follow all provisions of the City of Tea Chapter 8, Traffic Code.
 - 5) Pursuant to this chapter, permits may not be transferred with the transfer of ownership of the permitted golf cart
 - 6) Permits will expire on December 31 of each year
 - 7) The City issued permit shall be visibly displayed on the left rear side of the golf cart.
- c) Operation
 - i) Operation of a permitted golf cart upon public streets of the City of Tea shall be in conformance with all the following requirements:
 - a. Operator must in in possession of a valid driver's license (SDCL 32-12-22). Instructed or restricted minor's permits will not be allowed or accepted.
 - b. Operator must have proof of insurance covering operation of the golf cart in not less than the minimum required by the State of South Dakota for operation of permitted vehicle on public ways.
 - c. Shall not operate the golf cart upon any state or federally designated highway excepting only to cross such highways.

- d. Shall not operate golf cart on any city street with a speed limit of 25 miles per hour or higher. Golf carts are strictly prohibited from driving on Main Ave, except Teapot Day Saturday.
 - e. All persons within the golf cart shall be seated and no person shall at any time be on the outside or on the top of the permitted golf cart at any time during operation on a public street.
 - f. Golf cart cannot exceed the two (2) passenger seating capacity unless modifications have been made for rear seating (additional seating capacity (2)) will be allowed.
 - g. No passengers allowed to ride in the rear of the cart (golf equipment area).
 - h. Golf carts are prohibited from driving on sidewalks, bike paths and walking trails.
 - i. Operation under the influence of alcohol is prohibited. Open container laws will be enforced.
 - j. Allowed months of operations: April 1st – November 1st.
- d) Violating the provisions of this chapter:
- i. The operator is subject to a Class 2 misdemeanor punishable by no more than Thirty (30) days imprisonment in County jail or a \$500.00 fine or both. The defendant may also be ordered to pay the victim restitution as ordered by the court (SDCL 22-6-2)
 - ii. The golf cart permit can be also subject to immediate revocation by the City of Tea Police Chief. Notice of revocation shall be given to the owner in person or by mail (US Postal Service). Permit will be suspended for a period of one (1) year upon revocation.

John M. Lawler, Mayor

ATTEST:

Dawn R. Murphy, Finance Officer

First Reading: May 18, 2020
Second Reading: June 1, 2020
Publication: June 5, 2020
Effective Date June 25, 2020

VETOED BY MAYOR JUNE 15, 2020

MAYOR'S VETO. Pursuant to 9-19-10, 9-8-3 and 9-19-11 Mayor Lawler exercised this veto power by filing a written notice with Finance Officer Murphy, vetoing Ordinance 273, An Ordinance of the City of Tea Amending Chapter 8, Traffic Code of the Municipal Ordinance by Adding Section 8.07 Golf Carts. The ordinance was approved at the June 1, 2020 meeting. A written objection must be filed within 10 days after its passage (SDCL 9-19-10). Mayor Lawler filed his objection on June 5th. The City Council can override the veto with a two-thirds vote of the council or 4 votes (SDCL 9-19-11). **MOTION 20-78. MOTION** by Weis, seconded by Munson to override the Mayor's veto of Ordinance 273. Members Weis, Boots and Munson voted AYE. Members Ortmeier and Voelker voted NO. Motion failed due to a lack of a two-thirds vote of approval. The ordinance is now void and will not go into effect.