

BOARD OF COUNTY COMMISSIONERS
County of Grant, State of Washington

ORDINANCE NO. 17- 035 -CC

**AN ORDINANCE AMENDING CHAPTER 11.34 OF THE GRANT
COUNTY CODE TITLED "OPERATION OF GOLF CARTS" RE:
REGULATION AND USE OF GOLF CARTS (OR SIMILAR VEHICLES)
ON PUBLIC PROPERTY
WITHIN GRANT COUNTY**

WHEREAS, the Board of County Commissioners adopted by Grant County Resolution and Ordinance No. 11-024-CC (2011), for the purpose of creating and incorporating chapter 11.34 of the Grant County Code ("GCC"), the same now commonly referred to and cited as "Operation of Golf Carts"; and

WHEREAS, the Grant County Sheriff's Office has advised the Board of County Commissioners that annual inspections of golf carts properly registered pursuant to GCC 11.34.040 are no longer necessary; and

WHEREAS, the Grant County Sheriff's Office has further advised the Board of County Commissioners that the operation of golf carts as contemplated chapter 11.34 GCC are and shall remain subject to all rules of the road applicable to motorized vehicles as set forth in RCW 46.61, et seq. and WAC 308-330; and

WHEREAS, the Grant County Sheriff's Office has further advised the Board of County Commissioners that amounts collected for ~~annuals inspections~~ do not cover the costs of administration and operation; and

WHEREAS, based on the recommendation of the Grant County Sheriff's Office, the Board of County Commissioners has found and determined that it is in the best interests of the County to amend chapter 11.34 GCC.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of County Commissioners of Grant County, State of Washington, that chapter 11.34 GCC be amended and is hereby amended as follows:

Section 1. Chapter 11.34 GCC adopted by Grant County Resolution and Ordinance No. 11-024-CC (2011), and specifically GCC 11.34.040, is now amended to reflect as follows:

SECTIONS

- 11.34.010 Short Title.**
- 11.34.020 Definitions.**
- 11.34.030 Golf Cart Approval.**
- 11.34.040 Golf Cart Registration.**
- 11.34.050 Requirements and Restrictions.**
- 11.34.060 Penalty for Noncompliance.**
- 11.34.070 Golf Cart Zone – Designation.**
- 11.34.080 Severability.**

11.34.010 Short title.

This chapter shall be known and may be commonly referred to and cited as the "Operation of Golf Carts."

11.34.020 Definitions.

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

"Golf Cart" is defined as a gas-powered or electric-powered four-wheeled vehicle 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.

"Operator" means any person who has received approval from Grant County Superior Court or other court of competent jurisdiction to operate a golf cart upon those public streets or roads located within a golf cart zone as a result of a physical impairment; or a person at least sixteen years of age and who has completed a driver education course or has had previous experience driving as a licensed driver. PROVIDED: A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized herein. FURTHER, PROVIDED: Upon receipt of an order from a court of competent jurisdiction, any person desiring to utilize a golf cart upon those public streets or roads located within a golf cart zone shall send a copy of the order via U.S. Mail or provide the same by hand delivery, to the Grant County Sheriff's Office and/or their designee. FURTHER, PROVIDED: "Operator" does not include county personnel or those persons authorized by the Grant County Sheriff's Office to operate golf carts on public streets or roads.

"Street" or "Road" 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.

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

11.34.030 Golf Cart Approval.

~~An Operator shall request an initial inspection by the Grant County Sheriff's Office complete an application, and install (required) equipment to establish that the golf cart is in compliance with provisions set forth in this chapter, and pay an inspection fee of \$15.00 to the Grant County Sheriff's Office at the time of making such request. If the golf cart is in compliance with this chapter, the Grant County Sheriff's Office shall issue written approval authorizing the Operator to operate the golf cart on public streets and roads located within a golf cart zone. No cart shall be operated on public streets or roads located within a golf cart zone without a approval of the Grant County Sheriff's Office, or their designee. valid license and proper equipment.~~

~~All persons requesting golf cart approval are required to submit their golf cart for annual inspection to the Grant County Sheriff's Office and pay an annual inspection fee of \$15.00 at the time of making application for approval to the Grant County Sheriff's Office. PROVIDED: Those persons receiving an order from a court of competent jurisdiction authorizing the use of a golf cart upon those public streets or roads located within a golf cart zone as a result of physical impairment are exempt from the annual inspection fee and annual license fee.~~

11.34.040 Golf Cart Registration.

Any person operating a golf cart upon public streets and roads located within a golf cart zone shall register such golf cart with the Grant County Sheriff's Office prior to operation within a designated golf cart zone. The sole purpose of the registration is to identify the owners of the golf cart or golf carts being operated as provided herein. Registration of a golf cart is not intended to and shall not operate to warrant or guarantee that the golf cart meets any particular standard or condition or that it may be safely operated. Registration shall be made in the manner set forth as follows:

(a) Application for a golf cart registration shall be made upon a form provided by and to the Grant County Sheriff's Office or their designee. An annual license fee as prescribed by the Grant County Sheriff's Office shall be paid before each registration or renewal thereof is granted.

(b) Upon receiving proper application, with a \$35 license fee, the Grant County Sheriff's Office is authorized to issue a golf cart registration number, which shall be effective for one calendar year.

(c) The Grant County Sheriff's Office shall not issue a golf cart registration number for any golf cart if there are reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of such golf cart.

(d) The Grant County Sheriff's Office shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, and a record of all registration or license fees collected.

(e) The Grant County Sheriff's Office, upon issuing a registration number, shall also issue a decal bearing the registration number assigned to the golf cart.

(f) Such decal shall be firmly attached to the rear of the golf cart for which issued in such position as to be plainly visible from the rear.

(g) No person shall remove a license plat or decal from a golf cart during the period for which issued except upon a transfer of ownership or in the event the golf cart is dismantled and no longer operated upon any public street or road within the jurisdiction of Grant County.

(h) Upon the expiration of any golf cart registration, the same may be renewed upon application and payment of the same fee as upon an original application.

11.34.050 Requirements and Restrictions.

Any person operating a golf cart upon streets and roads located within a golf cart zone situated in Grant County shall comply with the following:

(a) Required Equipment. 2 mirrors (left and center or right), seatbelts for all seats, and at least 2 reflectors.

(b) Speed Limit Restriction. The use of golf carts shall be prohibited on any public street or road with a posted speed limit in excess of twenty five miles per hour.

(c) Operation Upon Public Sidewalks Prohibited. No person may operate a golf cart upon a public sidewalk or pedestrian path except when crossing a sidewalk or pedestrian path at or upon a driveway, intersection or alley.

(d) Restricted Highways. Except as provided herein, no person may operate a golf cart at any time upon any public street or road, except when crossing at an intersection.

(e) Rules of the Road – Obedience. Operators of golf carts shall adhere to all rules of the road applicable to motorized vehicles as set forth in RCW 46.61, et seq. and WAC 308-330.

(f) Minimum Age Requirement – Operation. Every person operating a golf cart as authorized herein must be at least sixteen years of age and must have completed a

driver education course or have previous experience driving as a licensed driver. PROVIDED: A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized herein.

(g) Restriction – Negligent Manner Operation. Golf carts shall not be operated on any public street or road 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.

11.34.060 Penalty for Noncompliance.

No person may operate a golf cart on public streets or roads located outside those areas designated as golf cart zones. Upon a determination that a violation of this chapter has occurred, law enforcement officers may, pursuant to RCW 7.80, et seq., issue a Class I civil infraction with a fine not to exceed \$250.00 to any included person, including parent or guardian found in violation of the provisions of this ordinance. PROVIDED: Golf cart operators shall also be subject to all duties, infractions and penalties as set forth in RCW 46.61, et seq.

11.34.070 Golf Cart Zone – Designation.

The following described public streets or roads shall be designated as a golf cart zone for the purposes of permitting the incidental operation of golf carts as set forth in this chapter:

Public streets and roads situated within the census-designated place commonly known as "Desert Aire", to wit:

A tract of land located in Sections: 15, 22, 23, 26, 27, T 14 N, R 23 EWM

Grant Co. Washington, more particularly described as follows:

Beginning at the SE corner of the SW one quarter of said Section 23; thence, S 27°01' 49" E – A distance of 182.96 feet; thence S 62°58'11" W – A distance of 50.00 feet to the westerly right-of-way line of State Highway No. 243, being the TRUE POINT OF BEGINNING.

Thence, continuing S 62°58'11" W – A distance of 468.83 feet; thence N 27°01'49" W, a distance of 173.88 feet; thence S 66°04'19" W, a distance of 200 feet to the easterly right-of-way line of Thunderbird Way, as depicted in Desert Aire No. 1 Plat and field for record in Grant County, WA; thence southeasterly along said easterly right-of-way line of Thunderbird Way. A distance of 200 feet along a curve to the left having a radius of 1,040 feet and central angle of 11°01'06", and whose chord bears S 29°16'14" E. A distance of 99.69 feet to the

northwest corner of Lot No. 1 of Desert Aire No. 1, a subdivision filed for record in Book 9, at Page 38, Grant County, Washington; thence N 55°03'13" E – A distance of 017.51 feet; thence S 39°08'00" E, a distance of 698.08 feet to the SE corner of Lot No. 10 of said Desert Aire No. 1 plat; thence S 50°52'00" W, a distance of 110.00 feet to the easterly right-of-way line of said Thunderbird Way; and the SW corner of said Lot 10; thence S 39°08'00" E, along said easterly right-of-way line of said Thunderbird Way, a distance of 100.00 feet; thence continuing along southerly and easterly right-of-way line of said Thunderbird Way, 1,092.91 feet along an arc of a curve to the right having central angle of 124°00'00" and radius of 505 feet; thence continuing along said southerly right-of-way line, S 84°52'00" W – A distance of 100.00 feet; thence continuing along said southerly right-of-way line of Thunderbird Way, 604.41 feet along the arc of a curve to the right, having radius of 2,343.34 feet and central angle of 14°46'41"; thence continuing along said southerly right-of-way line of Thunderbird Way, 593.52 feet, along an arc of a curve to the left, having a radius of 3,525.97 feet and central angle of 9°00'00" W – A distance of 153.76 feet; thence continuing along said southerly right-of-way line of Thunderbird Way, 583.29 feet along an arc of a curve to the left, having radius of 898.70 feet and central angle of 39°50'53"; thence continuing along said southerly right-of-way line, of Thunderbird Way, 49.35 feet along an arc of a curve to the left having radius of 30.00 feet and central angle of 94°15'17" to a point on the northeasterly right-of-way line of Orchard Drive, a street platted as part of Desert Aire No. 3 and filed in Book 9 of plats at Page No. 71, Grant County, Washington; thence continuing along said northeasterly right-of-way line of Orchard Drive S 44°06'10" E, a distance of 299.77 feet; thence continuing along said northeasterly right-of-way line of Orchard Drive 289.18 feet along an arc of a curve to the right having radius of 380.00 feet and central angle of 43°36'10"; thence continuing along said northeasterly right-of-way line of Orchard Drive S 00°30'00" E, a distance of 101.70 feet; thence continuing along said northeasterly right-of-way line of Orchard Drive 96.64 feet along the arc of a curve to the left having radius of 1,540 feet and central angle of 43°36'10"; thence, continuing along said northeasterly right-of-way line of Orchard Drive S 44°06'10" E, a distance of 150.41 feet; thence continuing along said northeasterly right-of-way line of Orchard Drive 301.68 feet along the arc of a curve to the right, having radius of 5,130.73 feet and central angle of 3°22'08".

Thence continuing along said northeasterly right-of-way line of Orchard Drive 298.15 feet along the arc of a curve to the left having radius of 5,070.73 feet and central angle of 3°22'08". Thence continuing along said northeasterly right-of-way line of Orchard Drive S 44°06'10" E, a distance of 2,648.16 feet; thence continuing along said northeasterly right-of-way line of Orchard Drive 40.36 feet along an arc of a curve to the left having radius of 50.00 feet and central angle of 46°15'04"; thence, S 00°21'13" E, a distance of 30.00 feet to a point on the south line of said Section 26; thence S 89°38'47" W, along said south line of Section 26, a distance of 355.84 feet to the S ¼ corner of said Section 26; thence N

44°06' 10" W, along the southwesterly line of Desert Aire No. 6 as platted and filed for record in Grant County, Washington, a distance of 3,397.16 feet, to the southwesterly corner of Desert Aire No. 4, as platted and filed for record in Grant County, Washington; thence continuing N 44°06'10" W along southwesterly line of said Desert Aire No. 4, a distance of 264.72 feet to a point from whence the west one quarter corner of said Section 26 bears S 89°41'15" W, 118.40 feet distant; thence continuing N 44°06'10" W, along said southwesterly line of Desert Aire No. 4, a distance of 488.48 feet; thence N 40°58'00" W, along said southwesterly line of Desert Aire No. 4, a distance of 335.37 feet to the southwest corner of Desert Aire No. 2, as platted and filed for record in Grant County, Washington; thence continuing N 40°58'00" W, along the southwesterly line of said Desert Aire No. 2, a distance of 1,445.00 feet, to the southwesterly corner of Desert Aire No. 1, as platted and filed for record in Grant County, Washington; thence continuing N 40°58'00" W, along the southwesterly line of said Desert Aire No. 1, a distance of 1,225.62 feet to a point from whence the one quarter corner common to Sections 22 and 27 bears S 89°21'56" W, 446.48 feet distant; thence N 40°57'02" W along said southwesterly line of Desert Aire No. 1, a distance of 693.36 feet; thence N 40°57'30" W along said southwesterly line of Desert Aire No. 1, a distance of 539.38 feet to the SW corner of Desert Aire No. 5 as filed for record in Grant County, Washington; thence continuing N 40°57'30" W along the southwesterly line of said Desert Aire No. 5, a distance of 6734.22 feet; thence N 26°37'47" W, along said southwesterly line of Desert Aire No. 5, a distance of 231.35 feet to the southwest corner of "Replat of Desert Aire Condominiums" as filed for record in Grant County, Washington; thence N 26°37'47" W along the westerly line of said replat of Desert Aire Condominiums, a distance of 850.00 feet to the SW corner of "Desert Aire No. 8" as filed for record in Grant Co., Washington; thence N 26°37'47" W, along the westerly line of said Desert Aire No. 8, a distance of 1,614.79 feet to the NW corner of Lot 136 of said Desert Aire No. 8; thence continuing N 26°37'47" W, along said westerly line of Desert Aire No. 8, a distance of 1,500.00 feet to the northwest corner of said Section 22; thence N 00°31'11" W, along said westerly line of Desert Aire No. 8, a distance of 1,456.15 feet to the northwest corner of said Desert Aire No. 8; thence N 88°39'15" E, along the northerly line of said Desert Aire No. 8, a distance of 2,020.00 feet to the NE corner of said Desert Aire No. 8, also being the NW corner of Desert Aire No. 9; thence N 89°05'12" E, along northerly line of said Desert Aire No. 9, a distance of 2,376.04 feet to the northeast corner of said Desert Aire No. 9; thence 103.18 feet along an arc of a curve to the left, having radius of 3,459.02 feet and central angle of 1°42'32" and whose chord bears S 00°51'16" W 103.16 feet distant; thence S 00°26'24" W, a distance of 87.60 feet, along the easterly line of said Desert Aire No. 9 to a point on the westerly line of Desert Aire Division "C" as recorded in Grant County; thence along said westerly line of Desert Aire Division "C", 603.12 feet along an arc of a curve to the left having radius of 4,320 feet and central angle, of 8°00'00"; thence along said westerly line of Desert Aire Division "C" 591.52 feet along the arc of a curve to the right having radius of 2,824.31 feet and central angle of 12°00'00" thence along said westerly line of Desert Aire Division "C" 782.00 feet along the arc of a

curve to the left having radius of 995.68 feet and central angle of 45°00'00" thence along said westerly line of Desert Aire Division "C", 772.61 feet along the arc of a curve to the right having radius of 1,702.59 feet and central angle of 26°00'00"; thence along said westerly line of Desert Aire Division "C" S 15°00'00" E, a distance of 260.00 feet; thence continuing along said westerly line of Desert Aire Division "C", 782.00 feet along the arc of a circle to the left having radius of 995.68 feet and central angle of 45°00'00"; thence continuing along said westerly line of Desert Aire Division "C", S 60°00'00:" E, a distance of 600.00 feet; thence continuing along said westerly line of Desert Aire Division "C", 734.88 feet along an arc of a curve to the right, having radius of 935.68 feet and central angle of 45°00'00"; thence continuing along said westerly line of Desert Aire Division "C" S 15°00'00" E, a distance of 235.00 feet; thence continuing along said westerly line of Desert Aire Division "C" 625.35 feet along the arc of a curve to the right having a radius of 529.64 feet and central angle of 67°39'00"; thence continuing along said westerly line of Desert Aire Division "C" S 52°39'00" W, a distance of 216.08 feet; thence continuing along said westerly line of Desert Aire Division "C" 46.05 along an arc of a curve to the right having radius of 30.00 feet and central angle of 87°56'28" to a point on the northeasterly right-of-way line of Desert Aire Drive as recorded on Desert Air No. 1 Plat filed in Grant County, Washington; thence 58.93 feet along the arc of a curve to the right, and along said northeasterly right-of-way line of Desert Aire Drive, having radius of 1,640.00 feet and central angle of 2°03'32" and whose chord bears S 38°22'46" E, 58.92 feet distant; thence continuing along said northeasterly right-of-way line of Desert Aire Drive S 37°21'00" E, a distance of 775.00 feet; thence continuing along said northeasterly right-of-way line of Desert Aire Drive 989.60 feet along the arc of a curve to the left having radius of 710 feet and central angle of 79°51'34"; thence continuing along said northeasterly right-of-way line of Desert Aire Drive N 62°47'26" E, a distance of 66.33 feet; thence continuing along said northeasterly right-of-way line of Desert Aire 47.12 feet along an arc of a curve to the left having a radius of 30.00 feet central angle of 90° to the westerly right-of-way line of State Highway No. 243; thence continuing along said westerly right-of-way line of State Highway No. 243; S 27°12'34" E, a distance of 672.94 feet; thence continuing along said westerly right-of-way line of State Highway No. 243 S 27°01'49" E, a distance of 182.88 feet to the TRUE POINT OF BEGINNING.

The following parcel of land is not included in the water service boundary:

EXCEPT a tract of land located in the REPLAT PART OF DESERT AIRE NO. 1; and also part of DESERT AIRE AIRPORT PARCEL, located in Section 22 and 25, Township 14 North, Range 23 EWM and filed for record in Grant County, Washington and more particularly described as follows:

Commencing at the most westerly corner of Lot 403, REPLAT PART OF DESERT AIRE NO. 1, thence North 25°21'00" East a distance of 140.00 feet along the westerly line of said Lot 403 to the TRUE POINT OF BEGINNING; thence continuing North 25°21'00" East a distance of 135.00 feet to the north

corner of parcels of land conveyed to G. Bruce Eskildsen, recorded under Auditor's File Numbers 748444 and 775722, records of Grant County, Washington; thence South 64°39'00" East a distance of 150.00 feet to the westerly line of said REPLAT PART OF DESERT AIRE NO. 1; thence South 64°39'00" East a distance of 30 feet to the most northerly corner of Lot 405, REPLAT PART OF DESERT AIRE NO. 1; thence South 25°21'00" West a distance of 30.00 feet to the easterly corner of Lot 404, REPLAT PART OF DESERT AIRE NO. 1; thence North 64°39'00" West a distance of 180.00 feet along the northerly line of said Lot 404 and said Lot 403, REPLAT PART OF DESERT AIRE NO. 1 to the TRUE POINT OF BEGINNING.

The following parcel of land known as the Rodeo Grounds is also to be included in the water service boundary and is entitled to a maximum of two (2) residential service connections:

That portion of the southeast quarter of Section 23, Township 14 North, Range 23 E.W.M., Grant County, Washington described as follows:

Commencing at the intersection of the centerline of Desert Aire Drive with the south line of said Section 23, 12 shown on the plat of Desert Aire Division "A", recorded in Volume 9 of Plats, Page 49 and 50, records of Grant County, Washington; thence north 36°35'00" west along said road center line a distance of 10.47 feet; thence north 53°25'00" E, a distance of 40.00 feet to the easterly right-of-way margin of said Desert Aire Drive; thence north 36°35'00" west along said right-of-way margin for a distance of 560.00 feet to the TRUE POINT OF BEGINNING; thence continue on said right-of-way margin on a curve to the left having a radius of 747.17 feet and consuming an angle of 33°04'56" for 431.41 feet to a point hereinafter referred to as Point "A", thence continue on said right-of-way margin on said curve to the left having a radius of 747.17 feet and consuming an angle of 00°45'21" for 9.86 feet; thence north 53°25'00" E, a distance of 501.56 feet; thence south 46°35'00" east, a distance of 250.62 feet to a point hereafter referred to as Point "B"; thence continue south 36°35'00" E, a distance of 165.44 feet; thence South 53°25' W, a distance of 375.00 feet to the TRUE POINT OF BEGINNING.

Public streets and roads situated within the development commonly known as "Sunland Estates", to wit:

That portion of Section 2, Township 18, Range 22 East, W.M., Grant County, lying easterly of Wanapum Reservoir Project Boundary Line and that portion of Section 11, Township 18, Range 22 East, W.M., Grant County, Washington, lying easterly and northerly of said boundary line and that portion of Section 12, Township 18, Range 22 East, W.M. lying easterly of Wanapum Reservoir Project Boundary Line, and northerly and westerly of Sunland Road S.W., Section Place S. and Y.5 Road S.W.

Public streets and roads situated within the development commonly known as "Sunserra at Crescent Bar", to wit:

That portion of Crescent Bar Road commencing at the East end of Bridge #301 after Milepost 1.76 and proceeding southwesterly to Milepost 2.72, thence continuing 90 degrees west to the point of Wanapum Ferry Landing.

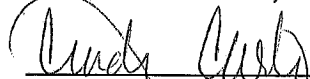
11.34.080 Severability.

If any section, subsection, sentence, clause, phrase, words, word of this chapter is for any reason found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining portions of this chapter, it being expressly declared that each section, subsection, sentence, clause, phrase, words or word would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more section, subsection, sentence, clause, phrase, words, or word be declared or otherwise found unconstitutional or invalid for any reason.

DATED this 10th day of April, 2017.

**BOARD OF COUNTY
COMMISSIONERS
GRANT COUNTY, WASHINGTON**

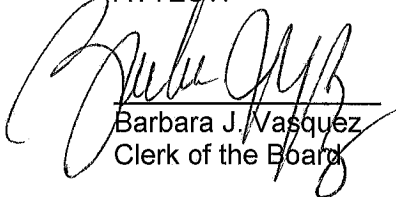
Yea Nay Abstain


Cindy Carter, Chair


Richard Stevens, Member


Tom Taylor, Member

ATTEST:


Barbara J. Vasquez
Clerk of the Board