

**ST JOHN THE BAPTIST PARISH COUNCIL
STATE OF LOUISIANA**

ORDINANCE 18-14

Mrs. Remondet introduced the following ordinance.

Mrs. Remondet proposes and Mr. Becnel seconds the following ordinance.

THE ST. JOHN THE BAPTIST PARISH COUNCIL HEREBY ORDAINS:

An ordinance amending Ordinance 16-30; Section 40-8 of the St. John the Baptist Parish Code of Ordinances for the Operation of golf carts on public streets.

Sec. 40-8. - Operation of golf carts on public streets.

Consistent with the provisions of R.S. 34:299.4, in order to establish a definitive policy within the Parish of St. John the Baptist to promote the health, safety and welfare of persons operating golf cart(s) within the Parish of St. John the Baptist and to protect the safety of their passengers and the other users of public streets, the implementation of a golf cart ordinance is necessary to provide for local operation of golf carts on parish public streets and to address the interests of public safety.

Golf carts are not designed or manufactured to be used as a vehicle on public streets, roads or highways, and the Parish of St. John the Baptist in no way advocates or endorses their operation on public streets. The adoption of this section is not to be relied on as a determination that operation of golf carts on public streets is safe or advisable if done in accordance with this section. All persons who operate or ride upon golf carts on public streets do so at their own risk or peril and must be observant of, and attentive to, all traffic laws, as well as to the safety of themselves, their passengers, other motorists, bicyclists and pedestrians.

Accordingly, golf carts which meet all requirements of R.S. 34:299.4, both as to the vehicle and operator of said vehicle, shall be permitted to operate within the public streets of St. John the Baptist as follows:

(1) *Rules and regulations.*

a. This section allows for the operation of golf carts, as defined under state law, on parish public streets and roads within the jurisdiction of the Parish of St. John the Baptist Parish and on any designated future highway crossings authorized by statute or rule of the Louisiana State Legislature, or Louisiana State Department of Transportation and Development.

b. This section pertains to golf carts only, as defined under state law. This section does not pertain to the operation of lawn mowers, tractors, four-wheelers, ATV's, go-carts, or other motor propelled carts.

c. In adopting these provisions, the Parish of St. John the Baptist is merely providing for the regulation and permitting of the operation of golf carts by addressing public safety issues and concerns. All operators and passengers of golf carts operating within the jurisdiction of the Parish of St. John the Baptist do so at their own risk and peril.

d. This section does not imply that operation of these vehicles on parish streets or roads is safe or advisable, even if done so in compliance with this section. All operators of golf carts and their passengers must be observant of, and attentive to, all traffic laws, as well as the safety of themselves, other motorists, bicyclists, pedestrians, and the personal and real property of others.

e. The Parish of St. John the Baptist shall bear no liability whatsoever under any theory of liability for permitting the operation of golf carts on parish streets under its jurisdiction as allowed by Louisiana General Statutes and/or special legislation enacted by R.S. 34:299.4, but governed by this section.

f. In addition to, and upon proof of compliance with, the requirements contained in R.S. 34:299.4, prior to operating a golf cart on the permitted public streets within the jurisdiction of St. John the Baptist Parish, the owner must register the cart with the St. John the Baptist Parish Sheriff's Office. Proof of registration shall be carried in or on the cart at all times and shall be in the form of a decal sticker, and shall be renewed by the owner every two (2) years. St. John the Baptist Parish Sheriff's Office will set the fee for such registration not to exceed \$75.00. Registration will be valid for two (2) years from the date of inspection.

g. As part of the issuance of such registration permit, at the time of registration, every owner must sign a release of liability/indemnification form in favor of the Parish of St. John the Baptist and St. John the Baptist Parish Sheriff's Office which shall state, at a minimum, the following: "The undersigned owner and registrant hereby agrees to indemnify, defend, and hold harmless the Parish of St. John the Baptist and St. John the Baptist Parish Sheriff's Office, its officer, agents, servants, employees, assistants, legal representative and their heirs, executors, administrators, and assigns, harmless from and against any liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of, or incidental to, acts or omissions of the owner/registrant, his officers, agents, employees, contractors, subcontractors, sublessees, licensees, invitees, passengers, or any third persons in the use or operation of the owner/registrant's golf cart on the public streets within the jurisdiction of the Parish of St. John the Baptist."

h. Any person who drives, operates or uses a golf cart in the Parish of St. John the Baptist Parish, including the passengers therein, takes full responsibility for all liability associated with the operation of said golf cart.

i. Golf carts may not be operated during inclement weather, including weather in which visibility is reduced or impaired by rain, sleet, snow, fog or other conditions such as smoke, dust, etc.

j. All occupants of golf carts, including passengers, must be properly seated while the golf cart is in motion. No children under the age of six are permitted on golf carts. The maximum number of persons on a golf cart shall be two persons per seat.

(2) *Permit, application and revocation.*

a. In addition to, and upon proof of compliance with, the requirements contained in R.S. 34:299.4, prior to operating a golf cart on the permitted public streets within the jurisdiction of St. John the Baptist Parish, the owner must register the cart with the St. John the Baptist Parish Sheriff's Office. The St. John the Baptist Parish Sheriff's Office shall establish and publish a set of policies and procedures and a fee schedule for the issuance of such permits. Proof of registration shall be carried in or on the cart at all times and shall be in the form of a decal sticker, and shall be renewed by the owner every two (2) years. St. John the Baptist Parish Sheriff's Office will set the fee for such registration not to exceed \$75.00. Registration will be valid for two (2) years from the date of inspection. The application form for registration shall include the full name, address, and telephone number of the owner/registrant, as well as the applicant's date of birth, Louisiana driver's license number, liability insurance company and policy number, and a notarized attestation that the applicant has read and understands the regulations applicable to lawful golf cart operation together with the release described below. Between the effective date of the ordinance from which this section is derived, owners who obtain the necessary state permit from the Louisiana Department of Motor Vehicles shall be allowed to operate the permitted golf cart within the jurisdiction of St. John the Baptist Parish upon signing the hold harmless form and providing a copy of the state issued permit Driver's License Bureau Off Road Vehicle DPSMV 1799 to the St. John the Baptist Parish Sheriff's Office.

b. As part of the issuance of such registration permit, at the time of registration, every owner must sign a release of liability/indemnification form in favor of the St. John the Baptist Parish Sheriff's Office which shall state, at a minimum, the following: "The undersigned owner and registrant hereby agrees to indemnify, defend, and hold harmless the Parish of St. John the Baptist and St. John the Baptist Parish Sheriff's Office, its officer, agents, servants, employees, assistants, legal representative and their heirs, executors, administrators, and assigns, harmless from and against any liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of, or incidental to, acts or omissions of the owner/registrant, his officers, agents, employees, contractors, subcontractors, sublessees, licensees, invitees, passengers, or any third persons in the use or operation of the owner/registrant's golf cart on the public streets within the jurisdiction of the Parish of St. John the Baptist."

c. The two (2) year registration fee shall be used for implementation and maintenance of the golf cart policy, including to defray the costs for signage, administration, and monitoring. The permit must be renewed every two (2) years. A copy of the individual permit document shall be retained by the St. John the Baptist Parish Sheriff's Office.

d. The Sheriff of St. John the Baptist Parish shall have the right to revoke any registration permit issued by the parish for any reason necessary to ensure the safety and well-being of the citizens of the parish, the motoring public, or for other traffic control purposes.

e. In addition to any legal law enforcement authority of the Sheriff of St. John the Baptist Parish, any golf cart permit issued by the St. John the Baptist Sheriff's Office may be revoked by the Sheriff of St. John the Baptist Parish, or his designee, if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, or expired, or if there is other evidence that the permitted golf cart cannot be safely operated or lacks the necessary requirements provided for under state law.

f. In the event a golf cart permit is revoked by the St. John the Baptist Parish Sheriff's Office, the Sheriff of St. John the Baptist Parish, or his designee shall issue a "notice of revocation" which shall be mailed via certified mail to the owner/registrant at the address provided in the registration application. The revocation shall be effective immediately upon issuance.

(3) *Prohibited streets for operation of golf carts.*

Golf carts are **NOT ALLOWED TO OPERATE** on the following streets and roads, and all state highways unless otherwise allowed under state law:

Garyville:

- Garyville Northern from the CN Railroad Track to Highway 54
- South Church Street

Reserve:

- Airport Road
- NW 3rd St. from US Hwy. 61 to KCS Railroad Track
- NW 4th St. from US Hwy. 61 to KCS Railroad Track
- Power Boulevard
- Regala Park Road except for authorized Parish Recreation carts
- Rosenwald Street from KCS Railroad Track to US Hwy. 61
- West 19th Street

LaPlace:

- Bamboo Road
- Bert Street
- Capt. G. Bourgeois Street
- Carrollwood Ave. between US Hwy. 61 and Greenwood Drive
- Deputy Barton Granier Dr.
- Elm Street from W 5th St. to US Hwy. 61
- Fir Street
- Frenier Road
- Indigo Parkway
- Jaubert Lane
- Kimball Drive
- Madewood Drive between Belle Terre Blvd. and Ormond Blvd.
- Madewood Road between Ormond Blvd. and Greenwood Dr.
- Main Street (Old Hwy. 51)
- Ormond Boulevard

- Palmetto Drive
- Parish Road
- Peavine Road between US Hwy. 51 and Railroad Track
- Percy Hebert Road
- Ridgefield Drive
- Rue De Sante Street
- Walnut Street
- Woodland Drive

(4) *Exemptions, exclusions and special events.*

The provisions of these rules shall not apply to any golf carts being operated on or over parish public streets exclusively for the purpose of engaging in golfing activities while playing, participating, or accessing either of the two recognized golf courses located in LaPlace, it being the intention of this exemption to allow for golf cart access to said golf course(s) before, during and after play whether such golf cart is street legal under state law or not when used in furtherance of golfing purposes.

The provisions of these rules shall not apply to any golf carts participating in any marches or parades, such as Mardi Gras parades, which are duly approved and/or otherwise permitted by the St. John the Baptist Parish Council. The provisions of subsection (1)(i) above shall not apply to the annual St. John the Baptist Parish Fourth of July fireworks celebration.

The provisions of these rules may be modified for special events to allow certain variations on location and time of operations of golf carts on parish public streets in furtherance of such events but only in those cases where the event organizer or sponsor obtains the approval of the St. John the Baptist Parish Council, which, prior to approval of such a request, shall require the consent of both the St. John the Baptist Parish Sheriff and the St. John the Baptist Parish Public Safety Director. Such special events may include community movie nights, community holiday celebrations, or other community events open to the general public. In no case shall golf carts be allowed to access prohibited streets for special events unless the street is legally closed to vehicular traffic for the special event, such as a neighborhood block party.

(5) *Penalty for violation.*

In addition to any applicable state law violations, any person violating any part of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100.00 or more than \$500.00, and imprisoned for a period not to exceed six months.

(6) *Savings clause.*

Each section, part and/or provision of this section shall be considered severable. If, for any reason, any section, part and/or provision is determined to be invalid or contrary to any law or regulation, such determination shall not impair the operation of

or have any other effect upon the remaining sections, portions and/or provisions of this ordinance from which this section derives and any such section, portion and/or provision not so invalidated shall be given full force and effect and the invalid part shall be deemed not to be part of the ordinance [from which this section derives].

(Ord. No. 16-30, 6-14-2016)

Unless specified, this ordinance becomes effective five (5) days after publication in the Official Journal.

BE IT ORDAINED, that the St. John the Baptist Parish Council is acting as the governing authority for said Parish.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Sorapuru, Becnel, Remondet, Snyder, Madere, Wright, Malik, Hotard

NAYS: None **ABSENT:** Perrilloux **ABSTAINING:** None

The result of the vote on the ordinance was 8 **YEAS**, 0 **NAYS**, 1 **ABSENT**, 0 **ABSTAINING**, and this ordinance was declared adopted on the 12th day of June, 2018.

Lenny Madere
COUNCIL CHAIR

6/18/18
Date signed

Jodie Grubick
SECRETARY

6/13/18
Date signed

Natalie Robottom
PARISH PRESIDENT

6/13/18
Date signed

CERTIFIED, to be a true and correct copy of an ordinance adopted by the St. John the Baptist Parish Council on the ____ day of _____, 2018.

SECRETARY