

PROPOSED BY: Public Works-Engineering
INTRODUCTION DATE: _____

ORDINANCE NO. _____

REAUTHORIZING A GOLF CART ZONE ON CERTAIN ROADS IN THE BIRCH BAY AREA

WHEREAS, Birch Bay area residents have requested to operate golf carts in the Birch Bay area; and

WHEREAS, RCW 46.08.175 allows for the creation of golf cart zones; and

WHEREAS, the Birch Bay Chamber of Commerce supports the reauthorization of a golf cart zone in the Birch Bay area; and

WHEREAS, the speed limit on all of the roads in the proposed Golf Cart Zone are 25 MPH or less; and

WHEREAS, the operators of golf carts shall be licensed motor vehicle operators as required by RCW 46.20.001.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a Golf Cart Zone is hereby established on Birch Bay Drive and all county roads posted 25 MPH or less that lead to, and are contiguous with, Birch Bay Drive;

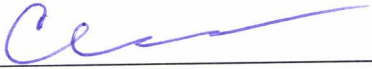
BE IT FURTHER ORDAINED, that the County Engineer is hereby directed to install the appropriate signs and the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

ADOPTED this ____ day of _____, 2019.

ATTEST:

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

 9/26/19

Christopher Quinn,
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

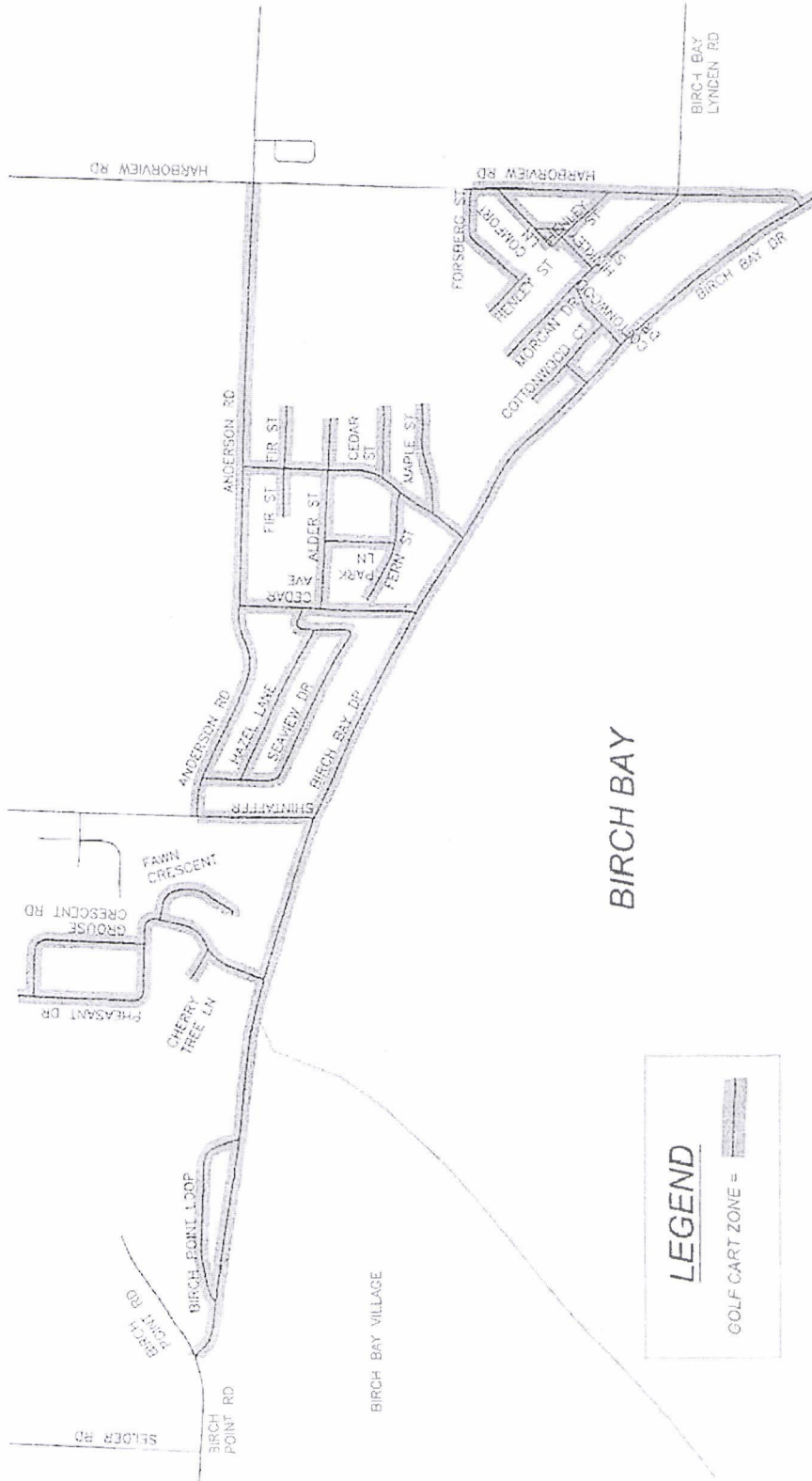
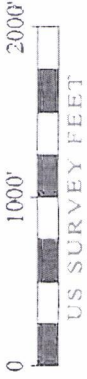
() Approved () Denied

Date Signed: _____

ATTACHMENT "A"

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210

SITUATE IN A PORTION OF SECTION 24
TOWNSHIP 40 NORTH, RANGE 1 WEST, W.M.
WHATCOM COUNTY, WASHINGTON



LEGEND

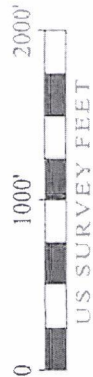
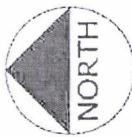
GOLF CART ZONE = [hatched pattern]

SEE ATTACHMENT "B"

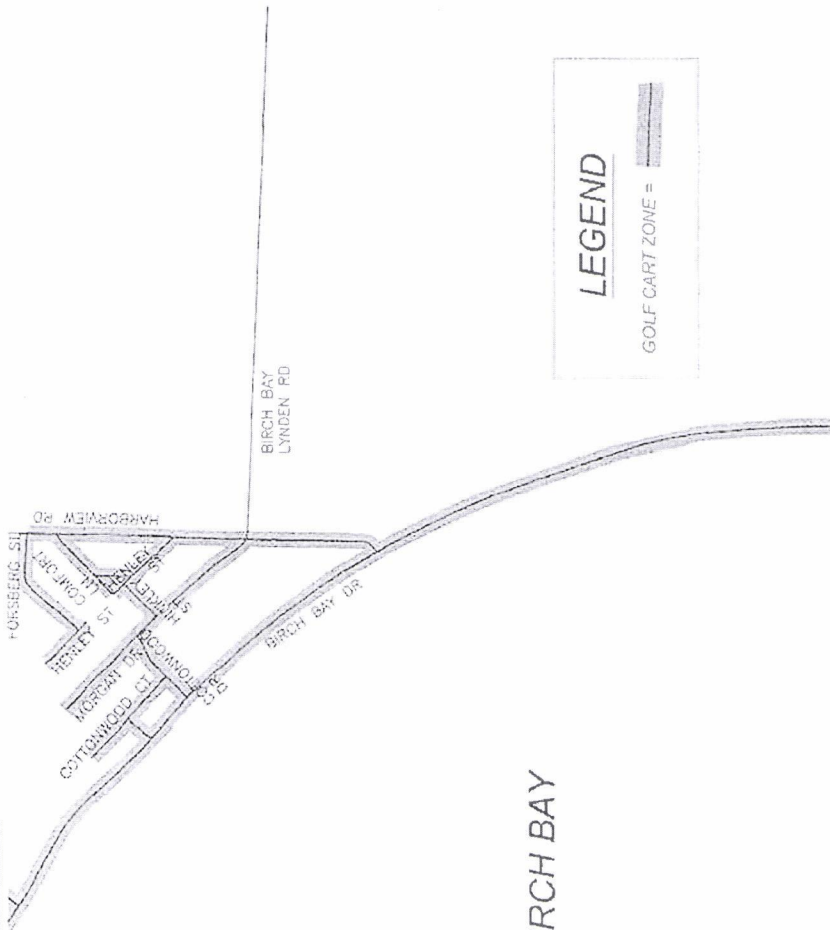
ATTACHMENT "B"

SITUATE IN A PORTION OF SECTION 24
TOWNSHIP 40 NORTH, RANGE 1 WEST, W.M.
WHATCOM COUNTY, WASHINGTON

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
13601 779-6210



SEE ATTACHMENT "A"



LEGEND

GOLF CART ZONE =

SEE ATTACHMENT "C"



ATTACHMENT "C"

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210

SEE ATTACHMENT "B"

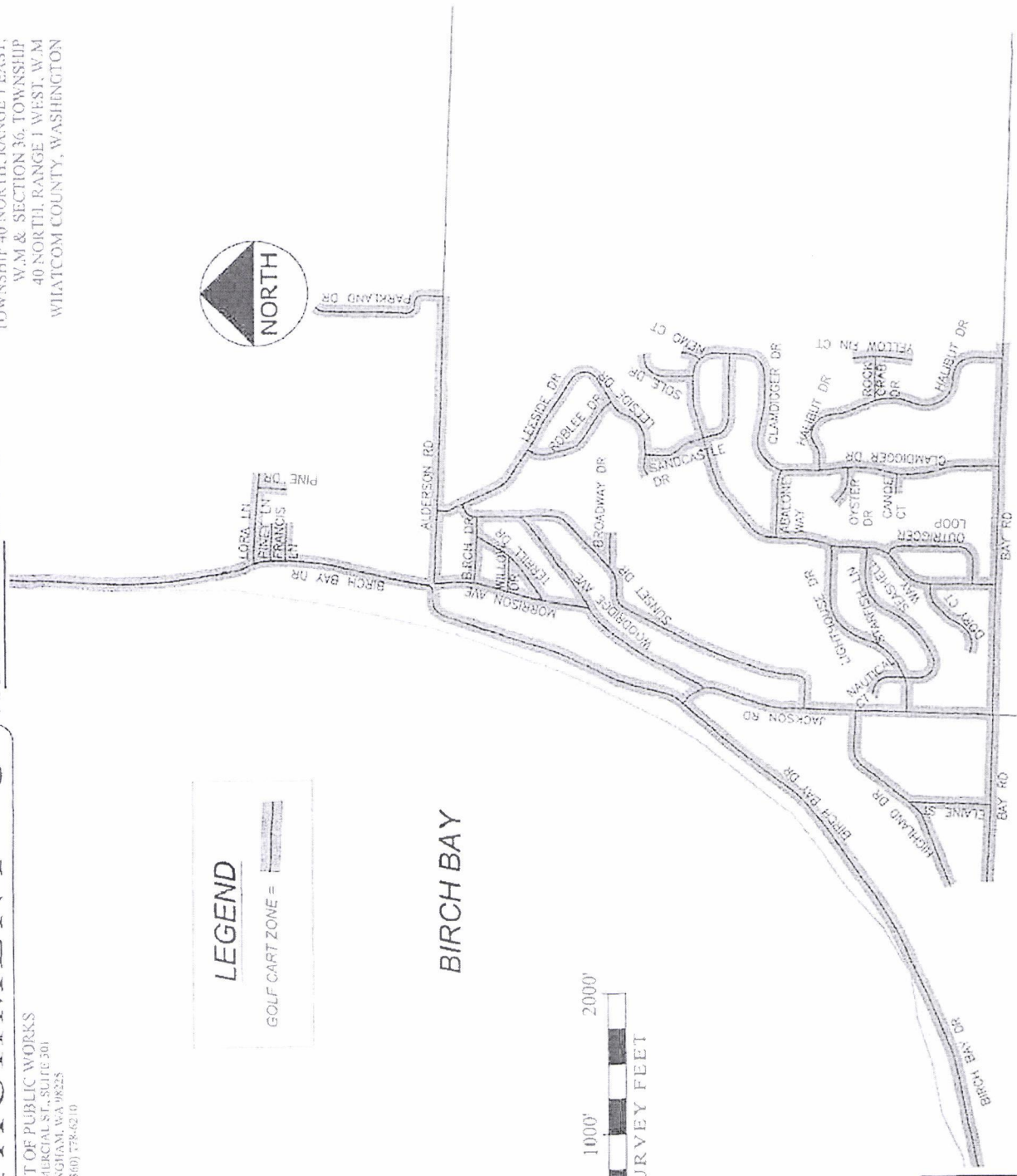
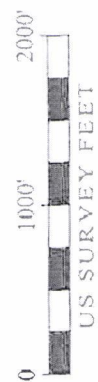
SITUATE IN A PORTION OF SECTION 31
TOWNSHIP 40 NORTH, RANGE 1 EAST,
W.M. & SECTION 36, TOWNSHIP
40 NORTH, RANGE 1 WEST, W.M.
WHATCOM COUNTY, WASHINGTON

LEGEND

GOLF CART ZONE = 



BIRCH BAY



SEE ATTACHMENT "D"

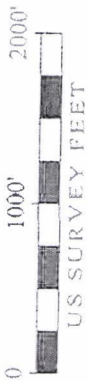
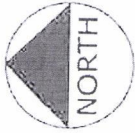


ATTACHMENT "D"

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 738-6210

SITUATE IN A PORTION OF SECTION 2
TOWNSHIP 39 NORTH, RANGE 1 WEST, W.M.
WHATCOM COUNTY, WASHINGTON

SEE ATTACHMENT "C"



LEGEND

GOLF CART ZONE =

BIRCH BAY



Jason Ardt

From: Kevin Moyes
Sent: Wednesday, September 11, 2019 11:37 AM
To: David Hower; Mike Donahue; Jason Ardt
Subject: FW: Birch Bay Golf Cart Zone Ordinance
Attachments: image001.png

FYI,

Pretty much same thing we discussed yesterday.

-----Original Message-----

From: George Ratayczak
Sent: Tuesday, September 10, 2019 10:19 PM
To: Kevin Moyes
Subject: RE: Birch Bay Golf Cart Zone Ordinance

Kevin,

I have not seen any great issues with the Golf Cart Zone other than in a few areas it should be expanded a block or so to include a couple of the major campground entrances the carts come from.

The one issue that did come up was the original email referencing the golf cart zone indicates no night time driving but the actual county ordinance does not specifically address this. The way I read the state law RCW 48.08.175 (5) the county MAY limit driving during hours of darkness. The temporary ordinance does not specifically address night time driving indicating that golf carts at night are legal. This has caused some confusion with deputies enforcing it differently some saying it's legal some saying it's not.

This should be clarified in the ordinance if it is to continue. I personally think it should be legal/ authorized.

Be safe,
G

Deputy George Ratayczak
Whatcom County Sheriff's Office
311 Grand Avenue,
Bellingham, WA 98225

360-778-6705

From: Kevin Moyes
Sent: Monday, September 9, 2019 13:22
To: DL-SH_CommissionedDeputies
Subject: Birch Bay Golf Cart Zone Ordinance

The one year temporary ordinance is scheduled to end in October 2019. The traffic engineers are asking for any feedback on issues with any of the current regulations or needs for change to the ordinance. They will be providing information to the Council, who will then decide to end it, keep it or make additional requirements.

Please feel free to provide me with any information for or against this ordinance. I will need the information by September 25th.

Thanks!

[cid:image001.png@01D56711.9484BE10]

Jason Ardt

From: Jason Ardt
Sent: Thursday, April 25, 2019 9:25 AM
To: www.TimothyLambert.com
Subject: RE: Birch Bay Area Golf Cart Zone

Timothy –

If you'd like to produce a better map, I can certainly include it in our items to council on this, but it is not a necessity. Public Works knows where you are referring to and in the correspondence I received from Councilwoman Brenner on the issue, I believe she is aware of the area as well. I did copy her on my email to you, as well as the public works director, county engineer and traffic engineer, unfortunately I was a little confused on your email address and the first one I sent came back undeliverable, that's why you received one without all the cc's. You are also welcome to give public testimony at the Council meeting when the golf cart zone comes up for renewal in September, I can make sure to keep you informed as to the dates of the meetings.

Regards,
Jason

Jason Ardt

Engineering Technician III – Traffic
Whatcom County Public Works
5280 Northwest Dr.
Bellingham, WA 98226
(360) 778-6272 – Office
jardt@co.whatcom.wa.us

NOTE: Incoming and outgoing emails may be subject to public disclosure and/or records retention requirements pursuant to the Public Records Act (RCW 42.56).

From: www.TimothyLambert.com [<mailto:timothy@timothylambert.com>]
Sent: Thursday, April 25, 2019 9:14 AM
To: Jason Ardt
Subject: Re: Birch Bay Area Golf Cart Zone

Hello Mr. Ardt,

Thank you for your response to my suggestion. I am confident that you will present it to the Council for their consideration.

Do you think it would help if I were to draw up a more professional looking map? Or do you feel the one I attached is sufficient? It is not rocket science, as everyone always says, but I do want it to be clear to the council. Please let me know.

Thanks again, Tim

Timothy Lambert

US Cell (202)250-0746
Canada Cell (778)240-9143
www.timothylambert.com

From: Jason Ardt <JArdt@co.whatcom.wa.us>
To: "timothy@timothylambert.com" <timothy@timothylambert.com>
Sent: Thursday, April 25, 2019 9:03 AM
Subject: Birch Bay Area Golf Cart Zone

Mr. Lambert –

Thank you for your suggestion regarding the speed limit change on Bay Rd. and the use of the Bay Crest Subdivisions for golf carts to access Jackson Road leading to Birch Bay Drive. The Golf Cart Zone ordinance must be renewed by the Whatcom County Council no later than October 31st, 2019. As such, Public Works will be evaluating the current Golf Cart Zone and will incorporate your suggestion into our evaluation. Public Works will be bringing forth the renewal of the ordinance for the Council's consideration in September and at that time we will also propose any modifications to speed limits in the area that would better serve both the community and the traveling public. Should you wish to discuss this further, you can reach Traffic Engineer Mike Donahue or me at (360) 778-6220.

Regards,
Jason

Jason Ardt

Engineering Technician III – Traffic
Whatcom County Public Works
5280 Northwest Dr.
Bellingham, WA 98226
(360) 778-6272 – Office
jardt@co.whatcom.wa.us

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Jason Ardt

From: Joe Rutan
Sent: Tuesday, April 16, 2019 3:37 PM
To: Mike Donahue; David Hower; Jason Ardt
Cc: Jon Hutchings
Subject: Fwd: Golf Cart Zone
Attachments: FW: Golf Cart Zone; ATT00001.htm; Golf Zone FinalIMG_20190412_0001_NEW.pdf; ATT00002.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Traffic group,

Please review the attached suggestion. I will reach out to you Wednesday afternoon to discuss.

Joe

Sent from my iPhone

Begin forwarded message:

From: "Barbara Brenner" <BBrenner@co.whatcom.wa.us>
To: "Jon Hutchings" <JHutchin@co.whatcom.wa.us>, "Joe Rutan" <JRutan@co.whatcom.wa.us>
Cc: "timothy@timothylambert.com" <timothy@timothylambert.com>, "BBGUN1010@aol.com" <BBGUN1010@aol.com>, "NaDean Hanson" <NHanson@co.whatcom.wa.us>
Subject: FW: Golf Cart Zone

Jon or Joe,

Will someone please respond to the e-mail below and copy me to keep me in the loop regarding whether this type of change would work.

Thank you.

Barbara Brenner, Whatcom County Council Member

NOTICE: All emails, and attachments, sent to and from Whatcom County are public records and may be subject to disclosure pursuant to the Public Records Act (RCW 42.56)

From: bbgun1010@aol.com [mailto:bbgun1010@aol.com]
Sent: Monday, April 15, 2019 7:30 PM
To: Barbara Brenner
Subject: Fwd: Golf Cart Zone

From: BBrenner@co.whatcom.wa.us
To: BBGUN1010@aol.com
Sent: 4/15/2019 8:09:39 AM Pacific Standard Time
Subject: FW: Golf Cart Zone

From: www.TimothyLambert.com [<mailto:timothy@timothylambert.com>]
Sent: Sunday, April 14, 2019 3:47 PM
To: Council; Sheriff; Barbara Brenner
Subject: Golf Cart Zone

Hello,

This message is regarding the "Golf Cart Zone" recently established in the area of Bay Crest North and Bay Crest South subdivisions, a one square mile zone bordered by Blaine Rd., Bay Rd., Alderson Rd., and Jackson Rd. in Birch Bay. Please see the attached diagrams.

The top diagram represents the "Golf Cart Zone" as it now exists, highlighted in red.

Without commenting on the questionable merit of the zone, I would like to propose changing

the zone (if it is to be kept) to the area in the 2nd diagram, eliminating the unnecessary stretch along Bay Rd. My proposal is also highlighted in red.

It is unnecessary because this stretch only allows access to to Bay Crest North and South,

which are already accessible off Jackson Rd., where the speed limit has been 25mph for years.

As a major artery to both I-5 and the Cherry Point Refinery, Bay Rd. is heavily trafficked.

Inconveniencing those of us who regularly use this stretch of Bay Rd. for absolutely no benefit to Golf Cart users, who would still have complete access to the Bay Crest subdivisions

is unfair, unnecessary, and counter-productive.

Please contact me with any questions you may have.

Thank you,

Timothy Lambert

timothy@timothylambert.com

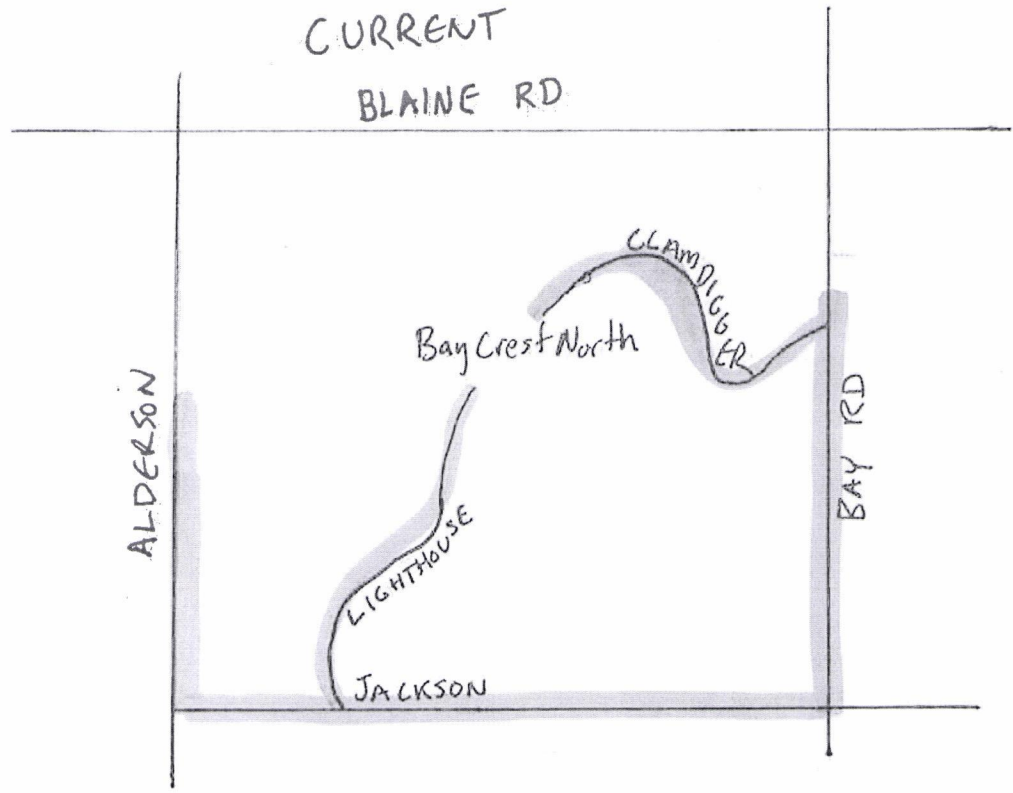
Timothy Lambert

US Cell (202)250-0746

Canada Cell (778)240-9143

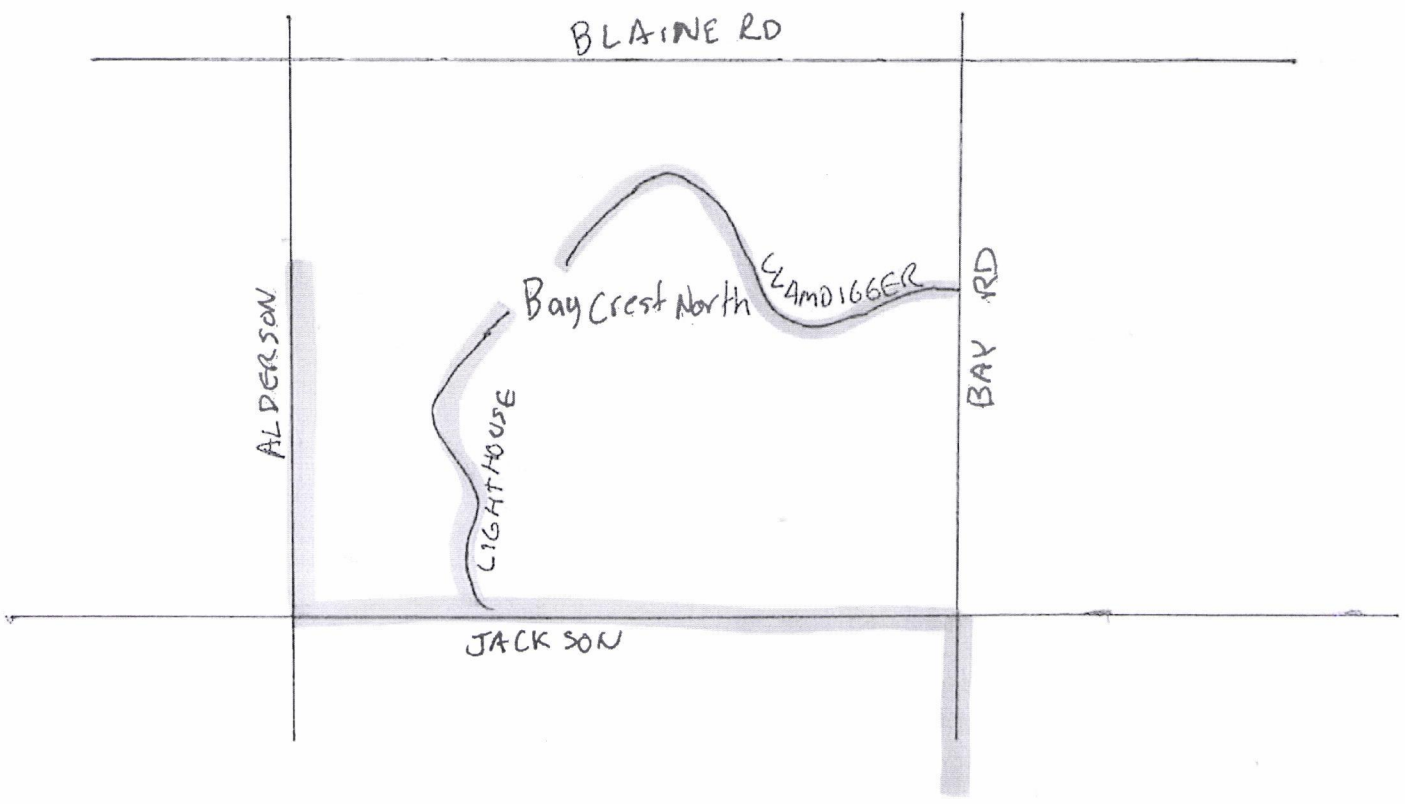
www.timothylambert.com

CURRENT
BLAINE RD



PROPOSED

BLAINE RD



RCW 46.08.175**Golf cart zones.**

(1) The legislative authority of a city or county may by ordinance or resolution create a golf cart zone, for the purposes of permitting the incidental operation of golf carts, as defined in RCW 46.04.1945, upon a street or highway of this state having a speed limit of twenty-five miles per hour or less.

(2) Every person operating a golf cart as authorized under this section is granted all rights and is subject to all duties applicable to the driver of a vehicle under chapter 46.61 RCW.

(3) Every person operating a golf cart as authorized under this section 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.

(4) A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized under this section.

(5) The legislative authority of a city or county may prohibit any person from operating a golf cart as authorized under this section at any time from a half hour after sunset to a half hour before sunrise.

(6) The legislative authority of a city or county may require a decal or other identifying device to be displayed on golf carts authorized on the streets and highways of this state under this section. The city or county may charge a fee for the decal or other identifying device.

(7) The legislative authority of a city or county may prohibit the operation of golf carts in designated bicycle lanes that are within a golf cart zone.

(8) Golf carts must be equipped with reflectors, seat belts, and rearview mirrors when operated upon streets and highways as authorized under this section.

(9) A city or county that creates a golf cart zone under this section must clearly identify the zone by placing signage at the beginning and end of the golf cart zone on a street or road that is part of the golf cart zone. The signage must be in compliance with the department of transportation's manual on uniform traffic control devices for streets and highways.

(10) Accidents that involve golf carts operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with chapter 46.52 RCW. The accident report must indicate that a golf cart operating within a golf cart zone is involved in the accident.

[2010 c 217 § 4.]

RCW 46.04.1945

Golf cart.

"Golf cart" means a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than twenty miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.04.365.

[2011 c 171 § 12; 2010 c 217 § 3.]

NOTES:

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.