

Sponsor: Kitchen/Hendler

ORDINANCE NO. 13-16 "As Amended"

AN ORDINANCE TO ENACT RULES AND REGULATIONS CONCERNING THE OPERATION OF GOLF CARTS INSIDE THE CITY OF JACKSON AND PENALTIES FOR THE VIOLATIONS OF SAID RULES AND REGULATIONS.

WHEREAS, the present general and permanent ordinances of the political subdivision are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality concerning the control of golf carts being operated within the City limits; and

WHEREAS, the acts of the Legislature of the State of Ohio empower and authorize the political subdivision to create new ordinances not heretofore adopted; and

WHEREAS, it is necessary to provide for the public peace, health, safety and general welfare of the municipality that there be enacted an ordinance governing the operation of golf carts within the City and providing penalties for the violation of the ordinance.

NOW, THEREFORE, be it ordained by the legislative authority of the political subdivision of the City of Jackson that the following be an Ordinance governing the operation of golf carts and that it be numbered in accordance with the Jackson City Code of Ordinances and placed therein:

XXX.01 DEFINITIONS.

- (a) "Vehicle" has the same meaning as set forth in ORC 4501.01
- (b) "Motor Vehicle" has the same meaning as set forth in ORC 4501.01.
- (c) "Operator" has the same meaning as set forth in ORC 4501.01.
- (d) "Golf Cart" shall be a vehicle with a primary design purpose for use on a golf course and that has three or four wheels, has an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds. A "Golf Cart" shall not include utility vehicles, low-speed vehicles or motor-driven cycles or motor scooters as defined under ORC 4501.01, nor shall it include under-speed vehicles not primarily designed for use on a golf course.
- (e) "ORC" and "RC" means Ohio Revised Code.

XXX.02 INSPECTION OF GOLF CARTS.

(a) No person shall operate a golf cart on the streets within the City of Jackson unless the golf cart has been inspected by the Chief of Police or designee for compliance with the State of Ohio's statutory requirements that are applicable to motor vehicles and such other equipment that may be determined necessary by the Chief of Police, a list of such requirements shall be maintained at the police department and shall include no less than the following:

- (1) a minimum of one tail light, visible from a distance of 500 feet, in compliance with ORC 4513.05.
- (2) two red reflectors on the rear of the vehicle and which may be incorporated into other rear lights in compliance with ORC 4513.06.
- (3) directional signals in compliance with ORC 4513.261.
- (4) each cart shall have brackets for mounting a front and rear license plate and the rear plate must be able to be illuminated in compliance with ORC 4513.05 & 4503.21.
- (5) each cart shall have a horn audible from not less than 200 feet, in compliance with ORC 4513.21.
- (6) each cart shall have a rear view mirror in compliance with ORC 4513.23.
- (7) each cart shall have two working headlights capable of illuminating persons or objects at a distance of 75 feet, in compliance with ORC 4513.16.
- (8) each cart must be equipped with two working brake lights, visible from a distance of 500 feet, in compliance with ORC 4513.071
- (9) each cart shall have a windshield in compliance with ORC 4513.24.
- (10) each must be equipped with a seat safety belt for each occupant of the cart which shall include a belt, anchor attachment assembly, and a buckle or closing device attached securely to the cart.
- (11) each cart shall have a maximum speed of no more than 20 miles per hour.

(b) The owner or operator of any golf cart shall be required to pay an inspection fee of \$25.00, to the general fund of the City. If the Chief of Police or designee determines that the golf cart complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police or designee shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the golf cart on the streets within the City of Jackson. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the golf cart before a certificate of compliance is issued.

(c) The owner of a golf cart shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating a golf cart on any street within the City of Jackson.

XXX.03 TITLE AND LICENSING REQUIREMENTS.

(a) The Chief of Police shall send a letter to the Ohio Bureau of Motor Vehicles, Deputy Registrar and Title Support Section, Columbus, Ohio, certifying that the Chief of Police of the City of Jackson has a program of inspecting golf carts.

(b) The Chief of Police shall, upon a passing inspection of a golf cart, provide the owner with a certificate of inspection on Jackson Police Department letterhead which shall include the inspection requirements.

(c) Vehicle owner shall submit the certificate of inspection to the Jackson County Clerk of Courts for issuance of a title and shall present the title, with proof of insurance, to the deputy registrar for issuance of license plates.

(d) Nothing contained herein shall supercede the requirements of the Ohio Bureau of Motor Vehicles, Clerk of Courts or deputy registrar's offices and issuance of title and license plates shall be subject to compliance with State law and each such offices administrative rules.

XXX.04 OPERATION OF GOLF CARTS.

(a) While operating a golf cart on the streets within the City of Jackson, the operator shall comply with any and all laws pertaining to motor vehicles, including without limitation, safety requirements and insurance requirements. The operator shall also have a valid driver's license for the operation of motor vehicles in the State of Ohio.

(b) No person shall operate a golf cart upon any street in the City of Jackson where the posted speed limit is 35 miles per hour or greater; provided, however, that a person may operate a golf cart on such roadways in the following circumstances:

(1) For the purposes of crossing a 35 mph-and-over roadway while traveling to and from a sub-35 mph roadway;

(2) To the extent reasonably necessary to access a point of arrival, or a point of destination, where the only reasonable point of access is located on a 35 mph-and-over roadway. Provided, however, that travel on 35 mph-and-over roadways shall be no more than is necessary to access a point of departure or destination located thereon. Sub-35 mph roadways shall be used when that option is available for any portion of travel.

(c) For purposes of this section, a 35 mph-and-over roadway is one on which the posted or legal speed limit is 35 miles per hour or greater. For the purpose of this section, a sub-35 mph roadway is one in which the posted speed limit is under 35 miles per hour.

(d) The driver shall be responsible for ensuring that all passengers are in compliance with any child safety restraint laws in effect for motor vehicles.

XXX.05 SPECIAL FESTIVAL PERMIT.

The Chief of Police ^{or his designee} may issue a special permit, without requiring compliance with the inspection, title or licensing requirements of XXX.02 or XXX.03, for the use of golf carts during the week of the Jackson County Apple Festival and in the festival area as designated by the City Service Director or City Council.

XXX.99 PENALTY.

An operator of a golf cart who violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

OPEN MEETING. It is hereby found and determined that all formal actions of this council concerning and relating to this ordinance were adopted in an open meeting, and that these deliberations of this council and its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 14th day of March, 2016.

ATTEST:

Sherry Bann
Clerk of Council

E. A. Brown
President of Council

Approved this 14th day of March, 2016.

APPROVED:

Randy Heise
Mayor