

Ordinance No. 1566

Passed October 3, 2017

AN ORDINANCE TO ENACT RULES AND REGULATIONS CONCERNING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS OF THE VILLAGE OF PEMBERVILLE AND PENALTIES FOR THE VIOLATION OF SAID RULES AND REGULATIONS.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PEMBERVILLE, COUNTY OF WOOD, AND STATE OF OHIO:

WHEREAS, the present general and permanent ordinances of the Village of Pemberville are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality concerning the regulation of golf carts being operated within the Village limits on public streets; and

WHEREAS, the acts of legislation of the State of Ohio empower and authorize the Village of Pemberville to create new ordinances not heretofore adopted; and

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

NOW, THEREFORE, be it ordained by the legislative authority of the Village of Pemberville that the following be an Ordinance governing the operation of golf carts and it be numbered in accordance with State law and the Village Code of Ordinances as follows:

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 the primary design purpose for use on a golf course and that has three or four wheels, has an attainable speed on paved level surfaces of not more than twenty miles per hour and with a gross vehicle weight of 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 scooters not designed for use on a golf course.

INSPECTION OF GOLF CARTS

- (a) No person shall operate a golf cart within the Village of Pemberville 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 the other rear lights in compliance with ORC 4513.06
 - 3. Directional signals in compliance with ORC 4513.261

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4. Each cart shall have brackets for mounting a front and rear license that must be illuminated in compliance with ORC 4513.05 and 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 rearview 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 shall 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 wind shield with wiper blades in compliance with ORC 4513.24
 10. Each cart shall be equipped with seat belts 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 25 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 Village. 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 entitling the owner or operator to operate the golf cart on the streets within the Village of Pemberville. 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 streets within the Village of Pemberville.

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 Village of Pemberville 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 Village of Pemberville Letterhead which shall include the inspection requirements.
- (c) Vehicle owner shall submit the certificate of inspection to the Wood 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 pertaining herein shall supersede the requirements of the Ohio Bureau of Motor Vehicles, Clerk of Courts or Deputy Registrar's offices and the issuance of title and license plates shall be subject to compliance with State law and each such offices administrative rule.

OPERATION OF GOLF CARTS

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

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(b) No person shall operate a golf cart upon any street in the Village of Pemberville where the posted speed limit is 35 miles or hour of greater, provided however that a person may operate a golf cart on roadways in the following manner.

1. For the purposes of crossing a 35 mph and over road-way 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 a 35 mph and over roadway 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.
3. For the purposes of this section, a 35 mph and over roadway is one which is posted or the legal speed limit is 35 mph 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.
4. The driver shall be responsible for ensuring that all passengers are in compliance with any child safety restraint laws in effect for motor vehicles.

PENALTY

An operator of a golf cart who violates this chapter is guilty of a minor misdemeanor on the first offense; on the second offense with in 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.

Passed: October 3, 2017

Gordon Borman
Mayor

Attest
Sarah Dyer
Clerk of Council

First Reading 9 5 17
Second Reading 9 19 17
Third Reading 10 3 17

POSTING CERTIFICATE
I hereby certify that the foregoing Ordinance No. 1566, passed by the Council of the Village of Pemberville, Ohio on the 3rd day of October, 2017, was posted by me on October 3, 2017, at five conspicuous places in the Village of Pemberville as authorized by Ordinance No. 610 and remained posted for 15 days.
Sarah Dyer
Clerk