

ORDINANCE NO.: 19-09
ADOPTED ON: AUGUST 26 2019

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING REGULATIONS GOVERNING THE OPERATION OF A GOLF CART WITHIN THE VILLAGE

WHEREAS, several residents have expressed a desire to operate under-speed motor vehicles on the public streets within the Village of Thornville. The most common example of an under-speed motor vehicle is a golf cart that has been modified to comply with R.C. Chapter 4513; and

WHEREAS, the Police Chief and the Public Facilities & Safety Committee have researched under-speed vehicles and examined how other municipalities regulate them; and

WHEREAS, the Village of Thornville Public Facilities & Safety Committee recommends the Village create a system to regulate under-speed vehicles so that these motor vehicles can be operated lawfully and safely on public street; and

WHEREAS, Council for the Village of Thornville now wants to take the Public Facilities and Safety Committee's recommendation and create, establish, and adopt such regulations.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby creates, establishes, and adopts the following rules and regulation governing the operation of golf carts on the streets in the Village of Thornville:

Operation of a Golf Cart within the Village

(a) Definitions

- (1) "Golf Cart" is a motor vehicle as that term is defined in R.C. 4501.01(XX). A golf cart may not be operated on a public street or highway unless it complies with this Section and R.C. 4513. This Section does not apply to, or govern the use of, any other under-speed vehicle as defined in R.C. 4501.01(XX).
- (2) "Inspection" means that inspection that is required by Ohio Administrative Code 4501:2-1-21.
- (3) "Operator" means a person who drives or is in actual physical control of a vehicle R.C. 4501.01 (X).
- (4) "Proof of financial responsibility" has the same meaning as set forth in R.C. 4509.01 (K).
- (5) "Registration" has the same meaning as set forth in R.C. 4503.10 (A).

(b) Inspection of Golf Carts

- (1) No person shall operate a golf cart on the streets in the Village of Thornville unless the golf cart has been inspected by the Thornville Chief of Police or his designee for compliance with the State of Ohio's statutory requirements that are applicable to motor vehicles.
- (2) The inspection must be prearranged with the Thornville Chief of Police or his designee. There shall be an inspection fee of \$50 per golf cart inspected that must be paid in advance of or at the time of the inspection.
- (3) If the Thornville Chief of Police or his designee determines the golf cart complies with the State of Ohio statutory requirements that are applicable to motor vehicles, the Thornville Chief of Police or his designee shall issue the owner a certificate of compliance entitling the owner to register, apply for a title and purchase license plates for the vehicle. The owner also must show the Thornville Chief of Police or his designee a valid Ohio operator's license (driver's license) and proof of financial responsibility for the golf cart before the certificate of compliance is issued.
- (4) If the owner of a golf cart has had the cart inspected, registered and titled, prior to the effective date of this section or moves to the Village of Thornville after the effective date of this section, but previously having had the golf cart inspected by an authorized

inspection program, in order to legally operate the vehicle in the Village of Thornville, the owner/operator must still provide evidence of an inspection in compliance with Ohio statutory requirements.

(c) Penalties

(1) Whoever violates this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Law Enforcement may impound, or have impounded, any golf cart that is not in compliance with this ordinance, or any golf cart operated by a person who does not have a valid driver license or insurance coverage on the golf cart. A golf cart that is impounded pursuant to this ordinance may be forfeited to the Village of Thornville.

(d) Restricted Operation of a Golf Cart

(1) No person shall operate a golf cart on any street, alley, or roadway within the Village of Thornville unless the operator has a valid Ohio operator's license (driver's license), a valid registration for the vehicle and proof of financial responsibility. It is prima facie evidence that an operator does not have a valid license, registration, or insurance if the operator fails to show proof of such upon being lawfully stopped.

(2) No person shall operate a golf cart on any street or highway within the Village of Thornville where the posted speed limit exceeds thirty-five (35) miles per hour. Operators may cross state highways and streets where the speed limit exceeds thirty-five (35) miles per hour, provided they comply with all other applicable state and local laws.

(3) Occupants of golf carts shall be seated at all times on the seat of the golf cart and wearing a seat belt when the golf cart is in motion. Standing on any portion of the golf cart when it is in motion is prohibited.

(4) Operators of golf carts shall comply with all local and state laws pertaining to, and governing, operating motor vehicles upon public roadways and highways.

(e) Requirements. All golf carts operated under this Section shall have and be equipped with:

(1) Seat Belts. The seat belts shall be securely fastened to the cart to prevent the belt or its mounting from breaking away from the cart during a crash. There shall be enough seat belts as there are seats or passengers on the cart.

(2) Two working head lights capable of revealing persons or substantial objects seventy-five feet (75') ahead,

(3) At least one tail light mounted to the rear, which when lighted, shall emit a red light visible from a distance of five hundred (500') to the rear.

(4) Two red reflectors mounted on the rear which may or may not be incorporated with the tail/brake light assemblies, of such a size and character and so maintained as to be visible at night from all distances of three hundred feet (300').

(5) Two stop lights which shall be mounted on the rear of the golf cart, actuated upon application of the service brake, and may be incorporated with other red lights. Such stop lights, when actuated, shall emit a red light visible from a distance of five hundred feet (500') to the rear of the cart.

(6) A working rear registration plate light, constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of fifty feet (50').

(7) Working electrical or mechanical left and right turn signals mounted to and facing the front and rear of the golf cart, and the same candlepower requirements for all lights as are set for the in Chapter 4513 of the Revised Code.

(8) One working horn capable of emitting audible sounds, under normal conditions, from a distance of not less than two hundred feet (200').

(9) A full front windshield capable of deflecting bugs and other airborne debris.

(10) A working brake capable of bringing the golf cart to a safe stop from top speed, and a Parking brake which may or may not be part of the same braking system.

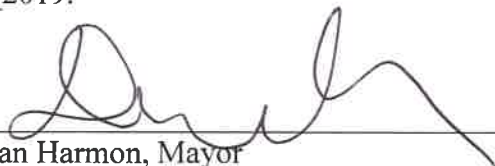
(11) A mirror so located as to reflect to the operator a view of the roadway to the rear of golf cart.

SECTION 2: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent part thereof.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal actions were in meeting in open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 26th Day of August 2019.



Dan Harmon, Mayor

ATTEST



Gina Kaetzel, Clerk of Council

APPROVED:

Approved as to form this 21st day of June 2019



Brian M. Zets, Esq.
Village Solicitor