

ORDINANCE NO. 1042-2014

AN ORDINANCE OF THE VILLAGE OF ELIDA, OHIO GOVERNING THE USE AND OPERATION OF GOLF CARTS WITHIN THE VILLAGE OF ELIDA, OHIO, AND DECLARING AND EMERGENCY

Vote	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
<del>Marvin L. Adams</del>			
Larry J. Flick	Y		
Mike Sebenoler	Y		
Rhonda McCoy	Y		
Christine McNamara	Y		
Claude Paxton	Y		
Kim Hardy Mayor			
Total	5-0		

**Whereas**, the Council of the Village of Elida, Ohio met at a duly called and authorized meeting of the Council, such meeting being duly called pursuant to the rules of Council, with notice received by all Council members; and

**Whereas**, the use of golf carts as a means of alternative transportation has increased in recent years; and

**Whereas**, The Village of Elida Council desires to permit and regulate the operation of golf carts in the Village of Elida; and

**Whereas**, the Village of Elida Council desires to establish rules regulating the operation, insurance, inspection, and registration of golf carts and providing for a penalty for violating the said rules and regulations, as relating to the Ohio Revised Code and Bureau of Motor Vehicles requirements.

**Whereas**, it is immediately necessary for the health, welfare and safety of the citizens and children of the Village of Elida, Ohio that this Ordinance shall take effect immediately upon its passage; and

**Whereas**, the Council of the Village of Elida, by an affirmative vote of three-fourths of the members elected, approve Ordinance # 1042-2014 read by title, and moved that the rule requiring ordinances to be read by title on three different days be suspended pursuant to section 731.17 of the Revised Code of Ohio.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELIDA, OHIO, TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING:**

**Section 1.** That the Village of Elida hereby enacts the following applicable to the operation and use of golf carts within the Village.

## **A. Definitions:**

As used in this chapter:

(a) **PROOF OF FINANCIAL RESPONSIBILITY** has the same meaning as set forth in Ohio R.C. 4509.01(K).

(b) **GOLF CART** is a motor vehicle as that term is defined under Ohio R.C. 4501.01(B). Most golf carts are a type of under speed vehicle (USV). A USV is a four wheeled vehicle other than a truck that is originally designed and constructed with a top attainable speed of 20 mph or less or is not originally designed or constructed for operation on a street or highway. It may not be operated on a public street or highway unless it complies with Ohio R.C. Chapter 4513.

(c) **INSPECTION** means that inspection that is required by Ohio Administrative Code (OAC) 4501:2-1-01 through 4501:2-1-21.

(d) **OPERATOR** means person who drives or is in actual physical control of a vehicle Ohio R.C. 4501.01(X).

(e) **REGISTRATION** has the same meaning as set forth in Ohio R.C. 4503.10(A).

## **B. Inspection of Golf Carts**

(a) No person shall operate a golf cart on those streets permitted by this chapter in the Village of Elida unless the golf cart has been inspected by the Chief of Police or his designee for compliance with the state of Ohio's statutory requirements that are applicable to motor vehicles.

(b) The inspection must be prearranged with the Chief of Police or his designee.

(c) The owner of any golf cart shall be required to pay an inspection fee of twenty dollars (\$20.00). This inspection fee shall be deposited into the general fund. If the Chief of Police or his designee determines that the golf cart complies with the state of Ohio statutory requirements that are applicable to motor vehicles, the 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 must also show the 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.

(d) If the owner of a golf cart has had the cart inspected, registered and titled, prior to the effective date of this chapter or moves to the Village of Elida after the effective

date of this chapter, but previously having had the golf cart inspected by an authorized inspection program, in order to legally operate the vehicle in the Village of Elida, the owner/operator must still provide evidence of an inspection in compliance with Ohio statutory requirements.

### **C. Permissible Operation of a Golf Cart on City Streets**

(a) No person shall operate a golf cart on designated streets of the Village of Elida unless the operator has a valid Ohio operator's license (driver's license), a valid registration for the vehicle and proof of financial responsibility.

(b) No person shall operate a golf cart on any state highway within the Village limits. Moreover, no person shall operate a golf cart on any Village street in the Village of Elida where the posted speed limit exceeds twenty five (25) miles per hour. Operators may cross state highways and streets where the speed limit exceeds twenty five (25) miles per hour, provided they comply with all other applicable state and local laws.

(c) Occupants of golf carts governed by this chapter shall be seated at all times, on the seat of the golf cart when the golf cart is in motion. Standing on any portion of the golf cart when it is in motion is prohibited. No matter how many seats a golf cart may have, the maximum seating capacity will be four (one driver and one rider in and two riders in the rear seat).

(d) A person shall not operate the golf cart on sidewalks.

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

(f) Lap belts shall be properly installed and available with respect to each seating position located on a golf cart. All persons shall wear lap belts while operating or riding in a moving golf cart on a public roadway.

(g) This chapter is not applicable to Village vehicles including gators, and utility vehicles.

### **D. Limitation**

The provisions of this ordinance may be waived during limited period of special events for which the operators of said golf carts have received prior approval for the use of golf carts from the Village Police Chief.

**E. Penalty**

Whoever 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; on each subsequent offense after the second offense within one year after the first offense the person is guilty of misdemeanor of the third degree.

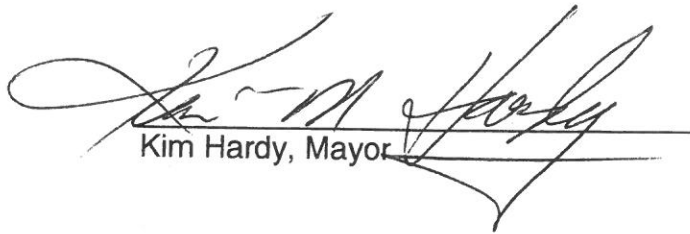
**Section 3.** That the Council of the Village of Elida, Ohio hereby finds that all discussion and debate regarding the matter was conducted in open session of council pursuant to the provisions of the Ohio Revised Code.

**Section 4.** That the Village Fiscal Officer shall and hereby is authorized and directed to cause publication of this ordinance to be made in a manner as provided for according to law.

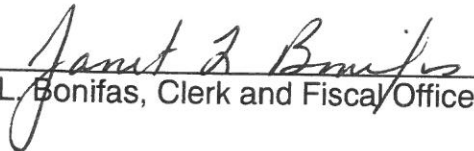
**Section 5.** That the Village Fiscal Officer shall , and hereby is, authorized and directed to certify a copy of the Ordinance, immediately after its passage.

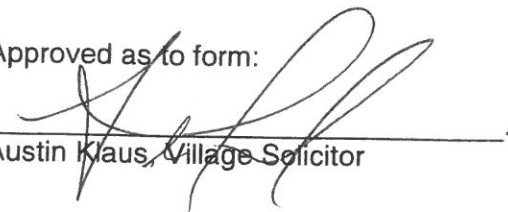
**Section 6.** That for the reasons set forth in the preamble hereto which is made a part hereof, this Ordinance is hereby determined to be an emergency measure and shall take effect and be in force forthwith, provided that it receives the affirmative vote of two-thirds of the members elected to the Council.

Adopted July 8, 2014

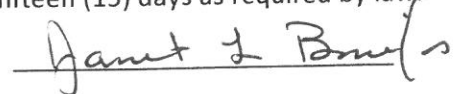
  
Kim Hardy, Mayor

Attest:

  
Janet L. Bonifas, Clerk and Fiscal Officer

Approved as to form:  
  
Austin Klaus, Village Solicitor

I, Janet L. Bonifas, Fiscal Officer of the Village of Elida, OH do hereby certify the foregoing is a true and correct copy of Ord 1042-2014 passed by council and approved by the Mayor on 7-8-14 and that the same has been duly posted beginning 7-9-2014 for a period of fifteen (15) days as required by law.

  
Janet L. Bonifas