

ORDINANCE NO. O2020-17

AN EMERGENCY ORDINANCE AMENDING ORDINANCE NO. O2012-44, AS AMENDED BY ORDINANCE NO. O2012-62, AS AMENDED BY ORDINANCE NO. O2015-31, AS AMENDED BY ORDINANCE NO. O2015-32 CHAPTER 377 GOLF CARTS OF THE CODIFIED ORDINANCES OF THE CITY OF GALLIPOLIS, OHIO

WHEREAS, The City of Gallipolis, Ohio, wishes to clarify rules and guidelines for the inspection, usage and penalties of the use of golf carts and side by sides in the City of Gallipolis; and

WHEREAS, the City Manager has recommended in writing the passage of this Ordinance as an emergency measure as it is necessary for the immediate preservation of the public peace, health, safety and property and in order to provide for the usual operations of the municipal departments and comply with the Ohio Revised Code Title 45 which codified Substitute Senate Bill 114;

NOW THEREFORE BE IT ORDAINED by the City Commission of the City of Gallipolis, State of Ohio:

SECTION 1: That Chapter 377 which reads as follows:

“CHAPTER 377 GOLF CARTS.

CHAPTER 377.01 DEFINITIONS.

As used in this chapter:

- (a) “Vehicle” has the same meaning as set forth in Ohio R.C. §4501.01(A).
- (b) “Motor Vehicle” has the same meaning as set forth in Ohio R.C. §4501.01(B).
- (c) “Operator” has the same meaning as set forth in Ohio R.C. §4501.01(X).
- (d) “Golf Cart” is a motor vehicle as that term is defined under Ohio R.C. §4501.01(B).

CHAPTER 377.02 INSPECTION OF GOLF CARTS.

(a) No person shall operate a “golf cart” vehicle on the streets within the City of Gallipolis unless it has been inspected and approved by the Chief of Police, or his designee, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles. For purposes of this Section, “golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, and that is designed to carry not more than six persons including the driver.

(b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio, determines that the golf cart complies with the State of Ohio’s statutory requirements that are applicable to motor vehicles, the Chief of Police 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 Gallipolis. 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. The owner or operator of any golf cart shall be required to pay a fee in the amount of \$20 to the City of Gallipolis through the City Police Department before the golf cart may be operated on the streets of the City of Gallipolis. Any certificate issued pursuant to this section by the Chief of Police expires after 365 days and the Chief of Police will designate the issuing date and expiration date on each certificate. The Chief of Police shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any

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golf cart shall keep a copy of any certificate issued pursuant to this section inside the golf cart to which it pertains. The Chief of Police shall issue a sticker or other similar device to the owner of each golf cart once it is inspected. The sticker shall signify compliance with this section and the expiration of the current inspection period. The owner of each golf cart shall display the sticker in a conspicuous place on the rear of the golf cart.

(c) The owner of a golf cart, at any time prior to having a golf cart inspected, may make application to the Chief of Police of the City of Gallipolis for a variance of any of the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles. The Chief of Police shall approve the variance if, in his sole discretion, said variance does not affect the safety or efficacy of the equipment on the golf cart to be inspected.

(d) 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 Gallipolis. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

CHAPTER 377.03 USAGE AND RESTRICTIONS.

(a) Golf carts are permitted to be driven on all streets and alleyways and upon all private properties open to the general public in the course of business inside the City corporation limit.

(b) The operator of a golf cart must be at least 16 years of age and have a valid driver's license.

(c) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a golf cart operated on any City street, right of way or public area in the City of Gallipolis. (Children who are up to 4 years old and less than 40 pounds which are required to be in a child safety seat or any child who is 8 years old or less and under 4'9" in height who is required to be in a booster seat).

(d) Golf carts must be operated in accord with all State of Ohio traffic laws in addition to all applicable sections of the City of Gallipolis Municipal Ordinances.

CHAPTER 377.99 PENALTY.

(a) 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; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree."

BE, AND HEREBY IS, AMENDED to read as follows:

"CHAPTER 377 GOLF CARTS AND SIDE BY SIDES

CHAPTER 377.01 DEFINITIONS.

As used in this chapter:

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- (a) "Vehicle" has the same meaning as set forth in Ohio R.C. §4501.01(A).
- (b) "Motor Vehicle" has the same meaning as set forth in Ohio R.C. §4501.01(B).
- (c) "Operator" has the same meaning as set forth in Ohio R.C. §4501.01(X).
- (d) "Golf Cart" is an under-speed vehicle or a golf cart with enhancements so as to reach speeds in excess of 20 miles per hour.
- (e) "Under-Speed Vehicle" has the same meaning as set forth in Ohio R.C. §4501.01(XX).
- (f) "Side By Side" is a motor vehicle as that term is defined under Ohio R.C. §4501.01(B).

CHAPTER 377.02 VEHICLE INSPECTION

(a) No person shall operate a golf cart or side by side on the streets within the City of Gallipolis unless it has been inspected and approved by the Chief of Police, or his designee, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles.

(b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio, determines that the vehicle complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the golf cart or side by side on the streets within the City of Gallipolis. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the vehicle before a certificate of compliance is issued. The owner or operator shall be required to pay a fee in the amount of \$20 to the City of Gallipolis through the City Police Department before the golf cart or side by side may be operated on the streets of the City of Gallipolis. Any certificate issued pursuant to this section by the Chief of Police expires after 365 days and the Chief of Police will designate the issuing date and expiration date on each certificate. The Chief of Police shall keep a copy of each certificate issued pursuant to this section. The owner or operator of the vehicle shall keep a copy of any certificate issued pursuant to this section inside the golf cart or side by side to which it pertains. The Chief of Police shall issue a sticker or other similar device to the owner of each golf cart or side by side once it is inspected. The sticker shall signify compliance with this section and the expiration of the current inspection period. The owner of each golf cart or side by side shall display the sticker in a conspicuous place on the rear of the approved vehicle.

(c) A golf cart or side by side must have all of the following requirements in order to operate on the streets in the City of Gallipolis and pass the inspection:

- (1) Break Lights (2 lights);
- (2) Head Lights (2 lights);
- (3) Tail lights (2 lights);
- (4) Turn signals (2 front, 1 rear);
- (5) A horn;
- (6) A rearview mirror;
- (7) A windshield;
- (8) Brakes and a brake system;
- (9) A steering wheel;
- (10) Appropriate tires that are free from any unsafe conditions;
- (11) Seat belts sufficient for maximum occupancy of the vehicle;
- (12) License plate light;
- (13) A minimum of three wheels and maximum of four wheels;
- (14) A minimum height of 67 inches, width of 44 inches, and length of 91 inches;
- (15) A maximum height of 77 inches, width of 54 inches, and length of 108 inches;
- (16) Adequate muffler without cut out, bypass or other modifications; and

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(17) Manufactured with a roof or roll cage.

(d) The owner of a golf cart or side by side, at any time prior to having the golf cart or side by side inspected, may make application to the Chief of Police of the City of Gallipolis for a variance of any of the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles. The Chief of Police shall approve the variance if, in his sole discretion, said variance does not affect the safety or efficacy of the equipment on the golf cart or side by side to be inspected.

(e) The owner of a golf cart or side by side shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating a golf cart or side by side on any street within the City of Gallipolis. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

CHAPTER 377.03 USAGE AND RESTRICTIONS.

(a) No golf cart or side by side shall be permitted to travel on any City street where the speed limit is greater than 35 (Thirty-five) mph. Golf carts or side by sides will be permitted

to cross intersections with higher speeds, so long as they remain on a street that has a speed limit of 35 (thirty-five) mph or less.

(b) The operator of a golf cart or side by side must be at least 16 years of age and have a valid driver's license.

(c) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a golf cart or side by side operated on any City street, right of way or public area in the City of Gallipolis. (Children who are up to 4 years old and less than 40 pounds which are required to be in a child safety seat or any child who is 8 years old or less and under 4'9" in height who is required to be in a booster seat).

(d) Golf carts must be operated in accord with all State of Ohio traffic laws in addition to all applicable sections of the City of Gallipolis Municipal Ordinances.

CHAPTER 377.99 PENALTY.

(a) 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; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree."

SECTION 2: Existing Section 377 of the Codified Ordinances is hereby repealed.

SECTION 3: That this Ordinance shall take effect and be in full force immediately upon passage as an emergency measure.

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PASSED: May 19, 2020

ATTEST:

Annette M. Landers
Clerk of the City Commission
Annette M. Landers

Cody Caldwell
President of the City Commission
Cody Caldwell

The foregoing Ordinance is hereby approved as to form.

Brynn
Gallipolis City Solicitor
Brynn Saunders Noe