

ORDINANCE 23-17

AN ORDINANCE TO ENACT RULES AND REGULATIONS CONCERNING THE OPERATION OF GOLF CARTS INSIDE THE VILLAGE OF MALTA AND PENALITIES 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 Village 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 Village and providing penalties for the violation of the ordinance.

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

Section I: DEFINITIONS

- I. "Vehicle" has the same meaning as set forth in ORC 4501.01.
- II. "Motor Vehicle" has the same meaning as set forth in ORC 4501.01.
- III. "Operator" has the same meaning as set forth in ORC 4501.01.
- IV. "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.

Section II: INSPECTION OF GOLF CARTS

- I. No person shall operate a golf cart on the streets within the Village of Malta unless the golf cart has been inspected by the Village Administrator 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 Village Administrator, a list of such requirements shall be maintained at the Village office and shall include no less than the following:
 - A. A minimum of one tail light, visible from a distance of 500 feet, in compliance with ORC 4513.05.
 - B. Two red reflectors on the rear of the vehicle and which may be incorporated into other rear lights in compliance with ORC 4513.06.
 - C. Directional signals in compliance with ORC 4513.261.
 - D. Each cart shall have brackets for mounting a license plate, must be able to be illuminated in compliance with ORC 4513.05 & 4503.21.
 - E. Each cart shall have a horn audible from not less than 200 feet, in compliance with ORC 4513.21.
 - F. Each cart shall have a rearview mirror in compliance with ORC 4513.23.
 - G. 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.
 - H. Each cart must be equipped with two working brake lights, visible from a distance of 500 feet, in compliance with ORC 4513.071.
 - I. Each cart shall have a windshield with wipers in compliance with ORC 4513.24.

- J. 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.
- K. Each cart shall have a maximum speed of no more than 25 miles per hour.
- L. 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 Village Administrator or designee determines that the golf cart complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Village Administrator 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 Village of Malta. The owner or operator shall also show the Village Administrator or designee proof of liability insurance for the golf cart before a certificate of compliance is issued.
- M. 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 Village of Malta
- N. For the purposes of this section, nonresident visitors who are in compliance with OBMV statutory requirements and the provisions of Ordinance 23-17 shall be permitted to operate within the Village of Malta without an inspection by the Village Administrator or designee. If a nonresident visitor is deemed not in compliance with the said requirements and provisions, they shall not be permitted to operate within the Village of Malta.

Section III: TITLE AND LICENSING REQUIREMENTS

- I. The Village Administrator shall send a letter to the Ohio Bureau of Motor Vehicles, Deputy Registrar and Title Support Section, Columbus, Ohio, certifying that the Village Administrator of the Village of Malta has a program of inspecting golf carts.
- II. The Village Administrator shall, upon a passing inspection of a golf cart, provide the owner with a certificate of inspection on Malta Village letterhead which shall include the inspection requirements.
- III. Vehicle owner shall submit the certificate of inspection to the Morgan 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.
- IV. Nothing contained herein shall supersede 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 rule.

Section IV: OPERATION OF GOLF CARTS

- I. While operating a golf cart on the streets within the Village of Malta, 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.
- II. No person shall operate a golf cart upon any street in the Village of Malta 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:
 - A. For the purposes of crossing a 35 mph-and-over roadway while traveling to and from a sub-35 mph roadway;
 - B. 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.

1. 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.
2. The driver shall be responsible for ensuring that all passengers are in compliance with any child safety restraint laws in effect for motor vehicles.

Section V: PENALTY

I. 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.

Section VI: LEGAL REQUIREMENTS

I. That is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance was passed in an open meeting of the Council, and that all deliberations of this Council and of any of 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.

First Reading: September 21, 2023

Second Reading: October 5, 2023

Third Reading: November 2, 2023

Passed this 2nd of November, 2023.

Terry McGrath
Terry McGrath, Mayor

Kelly Wells
Kelly Wells, Fiscal Officer