

ORDINANCE NO. _____, SERIES 2018

AN ORDINANCE AMENDING SECTION CHAPTER 74 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO GOLF CARTS ON ROADWAYS.

SPONSORED BY: SPONSORSHIP WITHDRAWN

WHEREAS, KRS 189.286 allows local government to “authorize and regulate the operation of a golf cart on any public roadway under its jurisdiction if the local government adopts an ordinance specifying each roadway that is open for golf cart use;” and

WHEREAS, Metro Council seeks to authorize and adopt regulations for the lawful use of golf carts on designated public roadways.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE “COUNCIL”) AS FOLLOWS:

SECTION I: The title of Chapter 74 is hereby amended as follows:

CHAPTER 74: BICYCLES, MOTORCYCLES, ~~AND~~ ALL-TERRAIN VEHICLES, AND GOLF CARTS.

SECTION II: A new section of the Louisville/Jefferson County Metro Government Code of Ordinances (“LMCO”) regarding the use of golf carts on designated public roadways is hereby enacted as follows:

§ 74.XX OPERATION OF GOLF CART ON PUBLIC ROADWAYS

(A) Definitions.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DAYTIME DRIVING means driving in the period of time between thirty (30) minutes after sunrise and thirty (30) minutes before sunset.

GOLF CART means any self-propelled vehicle that:

1. Is designed for the transportation of players or maintaining equipment on a golf course, while engaged in the playing of golf, supervising the play of golf, or maintaining the condition of the grounds on a golf course;

2. Has a minimum of four (4) wheels;

3. Is designed to operate at a speed of not more than thirty-five (35) miles per hour;

4. Is designed to carry not more than six (6) persons, including the driver;

5. Has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds;

6. Has a maximum rated payload capacity of one thousand two hundred (1,200) pounds;

7. Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500;

(B) Operation of Golf Carts.

A person may operate a golf cart on a designated public roadway pursuant to this section if:

1. The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;

2. The operator of the golf cart does not cross a roadway with a speed limit of more than thirty-five (35) miles per hour;

3. The operator has a valid driver's license in his or her possession;

4. The golf cart is being operated during daytime driving; and

5. The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820;

6. Every person riding upon or operating a golf cart must have a designated seat. A two (2) person golf cart must have no more than two (2) persons on board while in operation. A four (4) person golf cart must have no more than four (4) persons on board while in operation. A six (6) person golf cart must have no more than six (6) persons on board while in operation.

(C) Designation of public roadways for golf carts.

A golf cart may be operated on the following designated public roadways (attached as Appendix A), and in compliance with all provisions of this section.

(D) Golf cart permitting.

1. Louisville Metro Department of Codes and Regulations shall establish a system for the annual permitting of golf carts pursuant to this section.

2. A golf cart being operated on a designated public roadway must:

a. Be issued a permit by Louisville Metro Department of Codes and Regulations, with a permitting fee of \$25 per cart, per year; and

b. Display a sticker or permit that identifies that the golf cart is within compliance of this ordinance and is thereby allowed to be operated on designated public roadways identified in subsection (C) above.

(E) Golf cart inspection.

1. The Jefferson County Sheriff's Department shall establish a system for the annual inspection of golf carts pursuant to this section.

2. A golf cart being operated on a designated public roadway must be inspected by a certified inspector designated by the Jefferson County Sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee shall be \$5.00 per cart, per year. Persons wishing to have their golf carts inspected for issuance of any permits under this section shall bring their golf cart to the Jefferson County Sheriff Department's inspection area during times and days as established by the Jefferson County Sheriff. If at any time the Jefferson County Sheriff authorizes the inspection and permitting of golf carts at locations other than the Jefferson County Sheriff Department's inspection area, an additional fee of \$10.00 per cart may be imposed.

(F) Insurance.

1. A golf cart operating on a designated public roadway pursuant to the provisions of this section shall be insured in compliance with KRS 304.39–304.080 by the owner or operator using the golf cart, and the proof of insurance shall be inside the golf cart at all times of operation on a designated public roadway.

2. Proof of valid insurance shall be provided at the time of inspection by the Jefferson County Sheriff's Office.

(G) Traffic regulations.

Any person operating a golf cart on a designated public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.

(H) Golf cart exemptions.

1. A golf cart operating on a designated public roadway pursuant to this section is not considered to be a motor a vehicle and is exempt from:

- a. Title requirements of KRS 186.020;
- b. Vehicle registration requirements of KRS 186.050; and
- c. Emissions compliance certificates pursuant to KRS 224.20–224.720.

2. Golf carts being used while playing golf or maintaining a golf course and golf carts not operated on a public roadway, except to cross a roadway while following a golf cart path on a golf course, are not subject to any requirements or restrictions on use of golf carts imposed by this section.

(l) Kentucky Transportation Cabinet.

This ordinance shall not authorize the use of a golf cart on any public roadway in the City that is maintained by the Commonwealth of Kentucky Transportation Cabinet.

SECTION II: Adding new section LMCO § 74.99(G) as follows:

§ 74.99 PENALTY.

(G) Whoever violates any of the provisions of §§ 74.XX shall be subject to no less than \$25 nor more than \$100 fine. This penalty shall apply for each cart operating in violation of this section. This penalty shall be exclusive of any fines and/or penalties resulting from violations of KRS. Violation of this section may also result in revocation or non-renewal of the golf cart permit, seizure of the golf cart, and seizure of any trailer or motor vehicle transporting the golf cart at the time of the offense. The owner and/or operator is responsible for any and all towing and storage charges incurred by Louisville Metro Government or any contracted vendor.

SECTION VI: This Ordinance shall take effect 60 days after its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

Ordinance Allowing Golf Carts on Roadways (CW Denton)(8-14-18).docx