



COMMONWEALTH OF KENTUCKY  
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October 23, 2014

Robert M. Colone, General Counsel  
General Drivers, Warehousemen & Helpers  
Local Union No. 89  
3813 Taylor Boulevard  
Louisville, Kentucky 40215-2695

Re: Golf cart ordinances

While this is not a formal Opinion of the Attorney General, we hope that the views expressed herein will be of some assistance. You have inquired whether a city may, by ordinance, expand the use of golf carts on public roadways, as specified in KRS 189.286, to include delivery services. We advise that a city may not, by ordinance, expand the use of golf carts on public roadways, as specified in KRS 189.286, to include delivery services.

Louisville Metro Government is currently considering a proposed ordinance relating to the use of golf carts on public roadways. The proposed ordinance adopts the definition of "golf cart" in KRS 189.286(1)(a), while adding requirements for a horn, an equipment number, and a slow-moving vehicle emblem. However, it also provides that "delivery personnel may operate a golf cart on a public roadway." It defines "delivery personnel" as "employees of a commercial business engaging in the delivery of goods, merchandise, or tangible personal property to consumers." At issue is whether Louisville Metro may enact such an ordinance consistent with KRS 189.286.

KRS 189.286(1)(a) provides:

"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 not to carry 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; and
7. Meets the federal motor vehicle safety standards for low-speed vehicles set forth in 49 C.F.R. sec. 571.500.

KRS 189.286(2) provides that "the governing body of a local government may 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." KRS 189.286(8) provides that "a local government may adopt more stringent local ordinances governing golf cart safety equipment and operation than specified in this section."

KRS 189.286(8) only allows that local governments "may adopt more stringent local ordinances governing golf cart safety equipment and operation." The proposed ordinance does not adopt more stringent requirements for safety and operation. Rather, it expands the use of golf carts on public roadways to include commercial delivery services. "A municipality possesses only those powers expressly granted by the Legislature, plus such powers as may be necessarily implied and properly incident to the granted powers." *O'Bryan v. City of Louisville*, 382 S.W.2d 386, 388 (Ky. 1964). "Any doubt concerning particular municipal power is resolved against its existence." *City of Horse Cave v. Pierce*, 437 S.W.2d 185, 186 (Ky. 1969). "It is a familiar and general rule of statutory construction that the mention of one thing implies the exclusion of another." *Fox v. Grayson*, 317 S.W.3d 1, 8 (Ky. 2010). "Powers not conferred are just as plainly prohibited as though expressly forbidden, and when powers are conferred to be exercised in a specified manner, there is an implied restriction upon the exercise of that power in excess of the grant, or in a manner different

from that permitted." *Allen v. Hollingsworth*, 56 S.W.2d 530, 532 (Ky. 1933). See also 62 C.J.S. *Mun. Corp.* § 188 ("An ordinance cannot effectively amend or change a legislative enactment"). The legislature expressly granted local governments the power to adopt more stringent ordinances governing safety, but that grant implies the exclusion of all other powers not expressly granted. Accordingly, local governments are limited to regulating golf carts in the manner specified by KRS 189.286, and may not enlarge the definitions or procedures provided in it.

Sincerely,

JACK CONWAY  
ATTORNEY GENERAL

Matt James  
Assistant Attorney General