

**ORDINANCE NO. 2023-O-01**

**AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY KENTUCKY REGULATING THE USE OF GOLF CARTS ON CERTAIN ROADS WITHIN THE CITY**

**WHEREAS**, The City of Independence has seen a rise in Golf Cart users travelling on the road; and

**WHEREAS**, the City of Independence wishes to regulate the use of Golf Carts and provide limited circumstances for their allowance; and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF INDEPENDENCE, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY:**

*(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))*

**SECTION I**

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

**CITY STREET.** Shall include all public streets and throughfares located within the city limits of the City of Independence but shall not include any state routes or state thoroughfares.

**GOLF CART.** 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 wheels;
- (3) Is designed to operate at a speed of not more than 35 miles per hour;
- (4) Is designed to carry not more than six persons, including the driver.
- (5) Has a maximum gross vehicle weight of 2,500 pounds.
- (6) Has a maximum payload capacity of 1,200 pounds; and
- (7) Meets the federal motor vehicle safety standards for low-speed vehicles.

**PERMIT.** A permit authorized to be issued under this section, issued by the Permitting Authority upon receipt of an application developed by the City Administrative Officer and receipt of payment of the permitting fee, for a period not to exceed one year.

**PERMITTING AUTHORITY.** Kenton County Sheriff or his Delegate.

PERMITTING FEE/INSPECTION FEE. All Golf Carts shall be inspected by a certified inspector designated by the Kenton County Sheriff and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with KRS 189.286. The inspection fee shall not exceed five dollars (\$5) with an additional fee not to exceed ten dollars (\$10) per trip charged if it becomes necessary for the certified Inspector to travel to the site of the golf cart rather than having the golf cart brought to the sheriff's inspection area.

## **SECTION II**

The City of Independence hereby establishes the following requirements and regulations concerning the operation of golf carts on city streets.

(A) No person shall operate a golf cart on any city street, except in strict compliance with the requirements of this subchapter.

(B) No person shall operate a golf cart on any city street without having obtained a permit and paid the permitting fee as required by this subchapter.

(C) Any person operating a golf cart on any city street must display a sticker or permit issued by the city of, which identifies that the golf cart is allowed to be operated on specific roadways within the city.

(D) All golf carts that are to be operated on city streets must be inspected by the Kenton County Sheriffs' Department to ensure that the golf cart complies with the requirements of KRS 189.286. The inspection results shall be submitted by the applicant for a permit at the time of application for the Permit under this subchapter.

(E) Golf carts may only be operated on city streets that have a posted speed limit of 20 miles per hour or less. No operator of a golf cart may cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than 35 miles per hour.

(F) All persons operating a golf cart on city streets under this subchapter must have a valid operator's license in his or her possession.

(G) Golf carts may only be operated on city streets between 8:00 AM and 9:00 PM Eastern Standard Time.

(H) All golf carts to be operated on city streets must display a slow-moving vehicle emblem in compliance with KRS 189.820.

(I) All golf carts to be operated on city streets shall be insured in compliance with KRS 304.39-080 by the owner or operator, and the proof of insurance shall be inside the golf cart at all times of operation on a public roadway.

(J) Any person operating a golf cart on city streets shall be subject to the traffic regulations of KRS Chapter 189 and any other applicable provisions of this code of ordinances pertaining to the operation of vehicles upon city streets.

(K) All golf carts operating on city streets shall be equipped with rear view mirrors, properly functioning lights (including brake lights, head lights, and turn signals) and properly functioning brakes.

### **SECTION III**

(A) A golf cart operating on a public roadway under this subchapter is not considered a motor vehicle and is exempt from:

- (1) Title requirements of KRS 186.020.
- (2) Vehicle registration requirements of KRS 186.050; and
- (3) Emissions compliance certificates pursuant to KRS 224.20-720.

(B) The provisions of this subchapter shall not apply to a golf cart that is not used on a public roadway except to cross a roadway while following a golf cart path on a golf course.

### **SECTION IV**

PENALTY.

(A) Whoever violates any provision of this traffic code where no other penalty is provided shall be fined not less than \$25, nor more than \$500.

(B) A late payment penalty of \$25 shall be charged for any ticket violation not paid within five days.

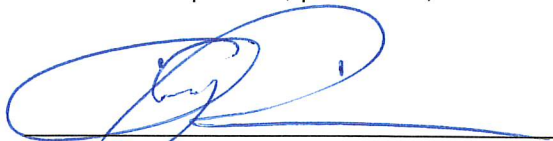
(C) Any person violating the provisions of §§ 70.65 through 70.67, except 70.66(B) shall, upon conviction of a first offense, be fined not less than \$100 nor more than \$250. Any person convicted of a subsequent violation of §§ 70.65 through 70.67 within two years of a prior conviction under §§ 70.65 through 70.67 other than a violation of § 70.66(B), or a first violation of § 70.66(B) shall, upon conviction, be fined not less than \$250 nor more than \$500. Any person convicted of a subsequent violation of § 70.66(B) within two years of a prior conviction under §§ 70.65 through 70.67 shall be fined not less than \$300 nor more than \$500 and/or imprisoned not more than 30 days.

### **SECTION V**

That any section, or part of any section, or any provision of this Ordinance which is declared invalid by a Court of appropriate jurisdiction, for any reason, such declaration shall not invalidate, or adversely affect, the remainder of this Ordinance.

**SECTION VI**

This Ordinance shall take effect and be in full force when passed, published, and recorded according to law.



Christopher J. Reinersman, Mayor

ATTEST:



Gina Rawe, City Clerk

First Reading: December 5, 2022

Second Reading: January 9, 2023

Ayes: 6

Nays: 0

Publication Date: \_\_\_\_\_