

ORDINANCE NO. 2019 - 17

AN ORDINANCE RELATING TO THE USE OF GOLF CARTS ON CERTAIN DESIGNATED COUNTY STREETS AND ROADWAYS.

WHEREAS, KRS 189.286, enacted by the Kentucky General Assembly, authorizes the governing body of a local government to permit and regulate the operation of golf carts on any public roadway within its jurisdiction subject to the requirements enumerated in the statute; and

WHEREAS, the operation of approved golf carts on county roadways has been requested by a number of Boone County citizens; and

WHEREAS, the Boone County Fiscal Court deems it appropriate to adopt the provisions of KRS 189.286 to permit and regulate the operation of golf carts on designated county roadways within its jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY.

Section One

That a new section of the Boone County, Kentucky Code of Ordinances is hereby created as follows:

GOLF CARTS

Section 1. Definitions.

As used in this chapter, the term "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; and
- (7) Is equipped with the following:

- a. Headlamps;
- b. Tail lamps;
- c. Stop Lamps;
- d. Front and rear turn signals;
- e. One (1) red reflex reflector on each side as far to rear as practicable, and one (1) red reflex reflector on the rear;
- f. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;
- g. A parking brake;
- h. For each designated seating position, a seatbelt assembly that conforms to the federal motor vehicle safety standard provided in 49 C.F.R. sec. 571.209; and
- i. A horn that meets the requirements of KRS 189.080.

Section 2. Requirements.

In order to be operated on a designated county roadway, a golf cart shall:

- (1) Be issued a permit for the golf cart by the county;
- (2) Display a sticker or permit that identifies that the golf cart is allowed to be operated on specific roadways within the county;
- (3) Be inspected by a certified inspector designated by the Boone County Sheriff's office and certified through the Department of Vehicle Regulation to ensure that the golf cart complies with the requirements of this section. The inspection fee under this paragraph shall be five dollars (\$5.00) if the inspection occurs at the sheriff's inspection site or ten dollars (\$10.00) 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 site;
- (4) Display a slow-moving vehicle emblem in compliance with KRS 189.820;
- (5) 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;
- (6) Be operated only between sunrise and sunset;
- (7) Be operated by a person with a valid operator's license in his or her possession;
- (8) Be restricted such that the operation of a golf cart does not cross any roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour and does not cross any state route that has been prohibited by the Kentucky Transportation Cabinet;
- (9) Be operated only on a designated county roadway approved by the Fiscal Court and listed in the Boone County Code of Ordinances.

Section 3. Designated County Roadways.

- A. Golf carts may only be operated on designated county roadways whose speed limits are twenty-five (25) miles per hour or less and are approved by the Boone County Fiscal Court. Approved county roadways will be listed in the schedule of designated roadways in the Boone County Code of Ordinances.
- B. Any citizen may request the addition of the county roadway on which they reside as a “designated county roadway” by completing an *Application for Designation of County Roadway for Golf Cart Operation* (herein referred to as “Application”) and submitting the “Application” to the Boone County Traffic Safety Committee for review. The roadway requested must meet all requirements set forth in this chapter. Every “Application” must include a petition signed by no fewer than ten (10) separate/unique owners of property (or 50% for roadways with fewer than 20 homes) on the street/roadway to be impacted. The Fiscal Court shall consider the “Application” and the recommendation of the Traffic Safety Committee and may grant approval or disapproval of the “Application”.
- C. Any citizen, group of citizens or neighborhood homeowners association may request the addition of multiple county roadways within a neighborhood as “designated county roadways” by completing an *Application for Designation of County Roadway for Golf Cart Operation* (herein referred to as “Application”) which shall provide the names of the roadways requested and submitting the “Application” to the Boone County Traffic Safety Committee for review. The roadways requested must meet all requirements set forth in this chapter. Every “Application” must include a petition signed by no fewer than twenty-five (25) separate/unique owners of property (or 50% of the total number of occupied homes, rounded down if necessary to the nearest whole number, for neighborhoods with fewer than 50 homes) from the streets/roadways to be impacted. The Fiscal Court shall consider the “Application” and the recommendations of the Traffic Safety Committee and may grant approval or disapproval of the “Application” in whole or in part.

Section 4. Traffic and Parking Regulations.

- A. Any person operating a golf cart on a public roadway under the provisions of this chapter shall be subject to all traffic regulations of KRS Chapter 189 and any other applicable provisions of this Code of Ordinances pertaining to the operation of vehicles upon county streets and roadways.
- B. Golf Carts are not permitted to be parked on or across a county roadway, sidewalk or multi-use pathway. Any person violating this section shall be subject to the penalty sections as listed in section 6 and 7 of this Ordinance.

Section 5. Exemptions.

- A. Golf carts operating on a public roadway are not considered to be a motor vehicle and are 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 these sections 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 6. Penalty.

Any person violating the provisions of this article shall, upon conviction of a first offense shall be guilty of a violation and be fined not less than one hundred dollars (\$100.00) and not more than two hundred fifty dollars (\$250.00). Any person convicted of a subsequent violation of this article within two (2) years of a prior conviction under this article, shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00).

Section 7. Towing and Storage

An officer is authorized to have a towing service remove any golf cart or other self-propelled means of transportation from a county roadway to a storage facility when not operating with a valid permit as required in this article, not possessing an element required by State Statute or County Ordinance, when parked upon a County roadway, sidewalk or multi-use path or otherwise not in conformity with State Statute or County Ordinance.

This section shall not apply to a motorized disability access vehicle or a battery operated unit which serves the sole purpose as a child's toy and not for transportation.

The golf cart or self-propelled means of transportation shall be released from the storage facility to the owner or other person proving sufficient proof of right to take ownership upon approval by the Sheriff's Department and payment of all towing and storage charges.

Section 8. Schedule of Designated Roadways.

It shall be lawful for any person who meets all requirements of (sections 1-6), Boone County Code of Ordinances, to operate a golf cart upon designated county streets and roadways approved pursuant to this Ordinance.

Section 9. Federal or State Statutes and Regulations

The provisions of this Ordinance are subordinate to any federal or state law or regulation that pertains to the subject matter contained within this chapter.

Section Two

The provisions of this Ordinance are severable; and the invalidity of any provision of this Ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect, so long as they remain valid in the absence of those provisions determined to be invalid.

Section Three

Effective Date. This Ordinance shall be in full force and effect on _____, following enactment and publication as prescribed by law.

First Reading - the 25th day of June, 2019

Second Reading – the 23rd day of July, 2019

Adopted this 23rd day of July, 2019 Yes 4 No 0

**GARY W. MOORE, Judge/Executive
Boone County Fiscal Court**

Attest:

**Sharon Burcham,
Fiscal Court Clerk**