

**COMMONWEALTH OF KENTUCKY
GARRARD COUNTY
ORDINANCE NO. _____**

An Ordinance to permit operation of golf carts on public roadways in Garrard County--To establish qualifications for operation --To exempt same from title, registration, and emissions compliance requirements--Notice of preemption by Transportation Cabinet--Penalty

Whereas, By enactment of the Kentucky Legislature, KRS 189.286, the operation of golf carts on certain roadways in Kentucky in Counties may be authorized by local government where such operation is deemed by the legislative body to be appropriate; and, Whereas, KRS 189.286, permits the operation of golf carts on public roads upon promulgation of an Ordinance of local government; and, Whereas, KRS 189.286(2) places certain limitations on said operation of golf carts and requires the legislative body of the local government to specify those roadways for which KRS 189.286 applies,

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF GARRARD COUNTY, KENTUCKY, THAT: this Ordinance to permit and regulate the operation of golf carts on certain roadways in Garrard County shall be enacted.

(1) As used in this section:

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

(2) Fiscal Court identifies the roadways subject to the provisions of this Ordinance as those portions of any public road in Garrard County where the posted speed limit is 35 (thirty-five) miles per-hour or less; however, the County Judge Executive, or the person identified as having the delegation of authority of the Judge Executive, is hereby granted the authority to determine if a particular road or section of road should be withdrawn from the scope of this Ordinance in the interest of public safety, and, upon such a determination and its publication and passage by Fiscal Court, pursuant to the requirements of KRS 424, such determination to remove any section of public roadway in Garrard County from the scope of this Ordinance shall become an administrative regulation that is enforceable as a provision of law under this Ordinance.

(3) Pursuant to this Ordinance it is lawful to operate a golf cart on a designated public roadway; provided:

(a) The Garrard County Sheriff's Department has established a system for the inspection and permitting of golf carts pursuant to this Ordinance and a permit for operation of the golf cart has been issued by the Sheriff's Department;

- (b) The golf cart displays a permit that identifies that the golf cart is within compliance of this Ordinance and is thereby allowed to be operated upon those roadways identified herein.
- (c) The golf cart has been inspected by a certified inspector designated by the 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 five dollars (\$5.00) and the permit fee under this Ordinance shall be five dollars (\$5.00). Persons wishing to have their golf carts inspected for issuance of any permits under this section shall bring same to the sheriff's inspection area during times and days as established by the Garrard County Sheriff. If at any time the Sheriff's Department authorizes the inspection and permitting of golf carts under this Ordinance may take place at locations other than the Sheriff's Department, an additional fee of five dollars (\$5.00) may be imposed for remote inspection.
- (d) The establishment of permit and inspection procedures is subject to the approval of the Sheriff. Nothing in this Ordinance shall be construed to require the Sheriff to establish an inspection and permit system for golf carts.
- (4) A person may operate a golf cart on a public roadway pursuant to subsection (2) of this section if:
- (a) The posted speed limit of the designated public roadway is thirty-five (35) miles per hour or less;
- (b) The operator of the golf cart does not cross a roadway at an intersection where the roadway being crossed has a posted speed limit of more than thirty-five (35) miles per hour;
- (c) The operator has a valid operator's license in his or her possession;
- (d) The golf cart is being operated between sunrise and sunset; and
- (e) The golf cart displays a slow-moving vehicle emblem in compliance with KRS 189.820.
- (5) A golf cart operating on a public roadway under subsection (2) of this section 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.
- (6) Any person operating a golf cart on a public roadway under the provisions of this section shall be subject to the traffic regulations of KRS Chapter 189.
- (7) A golf cart operating on a public roadway designated by a local government under subsection two (2) of this section is not considered to be 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 224.20-720.
- (8) The Transportation Cabinet may prohibit the operation of a golf cart on a public roadway designated under subsection two (2) of this section that crosses a state-maintained highway under its jurisdiction if it determines that such prohibition is necessary in the interest of public safety.
- (9) When presently used to play golf, or when being used to maintain a golf course, golf carts that are not being 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 that are imposed by this Ordinance.
- (10) Nothing in this Ordinance shall be construed to relieve any person of any legal duties or obligation created by any other statute or ordinance. Promulgation of this Ordinance does not preclude legal enforcement by any peace officer or traffic control officer of any provision in the Kentucky Revised Statutes, including the prohibition against operating an unlicensed or unregistered motor vehicle on the public roads of the Commonwealth unless that motor vehicle falls within the exceptions created by this Ordinance or any other existing law, ordinance or regulation in the Commonwealth of Kentucky.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this _____ day of _____, 2011.

John Wilson, Garrard County Judge/Executive

ATTEST:

Stacy May
Garrard County Fiscal Court Clerk