

ORDINANCE NO. 1440 - 2024

AN ORDINANCE AMENDING SECTION 858.001 “DEFINITIONS,” SECTION 858.03 “LICENSING OF BUSINESS ENGAGED IN GOLF CART RENTAL,” SECTION 858.05 “APPLICATION AND ISSUANCE OF GOLF CART BUSINESS LICENSE,” AND SECTION 858.06 “LIMITATION OF GOLF CART RENTALS,” OF CHAPTER 858, RENTAL VEHICLES OF PART EIGHT, TITLE TWO OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PUT-IN-BAY AND DECLARING AN EMERGENCY.

WHEREAS, the increased use of rental golf carts in the Village of Put-in-Bay have become a nuisance, caused severe traffic congestion and led to the disruption of the general peace and welfare of the Village; and

WHEREAS, the geographical size, location, population, and current capacity for tourists requires a limited number of golf carts in order to serve adequately the need for golf cart transportation service in the Village; and

WHEREAS, this Council finds and determines the need to license companies not within the Village to engage in business with the Village and to provide for the transferability of golf cart licenses; and

WHEREAS, this Council desires to amend Section 858.001 “Definitions,” Section 858.03 “Licensing of Business Engaged in Golf Cart Rental,” Section 858.05 “Application and Issuance of Golf Cart Business License,” and Section 858.06 “Limitation of Golf Cart Rentals” of Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay, to better regulate the business of renting golf cart vehicles for the protection of the safety and general peace and welfare of the Village, to better allow for licensing of companies not within the village who conduct business in the Village, and too provide for the transferability of golf cart licenses.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Put-in-Bay, County of Ottawa, State of Ohio, that:

SECTION 1: Section 858.001 “Definitions” of Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended as follows:

858.001 DEFINITIONS

(a) As used in this chapter:

- (1) "Golf cart" shall mean an open, four-wheeled, doorless motor vehicle with no more than eight (8) seats, with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than 3,000 pounds. For purposes of Chapter 858,

“golf cart” shall also include under-speed and low-speed vehicles as defined in Section 490.01 of the Codified Ordinances.

- (2) “Person, firm, or corporation” includes any person, firm or corporation engaging in business activity described in this Chapter **on South Bass Island.**

SECTION 2: Section 858.03 “Licensing of Businesses Engaged in Golf Cart Rental Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended as follows:

858.03 LICENSING OF BUSINESSES ENGAGED IN RENTALS

- (a) No person, firm, or corporation shall offer for rent or for hire any golf-cart **that may be used on public Village roadways** unless the owner of the vehicle has obtained a business license pursuant to Section 802.09 of the Village’s Codified Ordinances and, pursuant to Section 858.01, paid a vehicle license fee in accordance with section 858.01 from the Village for each vehicle prior to operation. Said business license shall be known as a Golf Cart Business License.
- (b) No person, firm, or corporation shall offer for rent or hire any vehicle, including without limitation golf carts, for which a vehicle license does not exist under Section 858.01.
- (c) A person, firm, or corporation who holds a Golf Cart Business License may not operate in the same physical location that is used by any person, firm or corporation who holds a separate Golf Cart Business License and uses the same physical location to operate said licensed business.
- (d) Notwithstanding section (b) above, no person, firm, or corporation shall offer for rent or hire any utility terrain vehicle (UTV), all-terrain vehicle (ATV) or side by side for operation on public roadways.
- (e) Golf Cart Business Licenses shall also be subject to Chapter 802, Sections 802.011, 802.02, 802.021, 802.03, 802.031, 802.04, 802.06, 802.07, 802.11, and 802.12.

SECTION 3: Section 858.05 “Application and Issuance of Golf Cart Business License” of Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended as follows:

858.05 APPLICATION AND ISSUANCE OF GOLF CART BUSINESS LICENSE

- (a) To obtain a Golf Cart Business License, each person, firm, or corporation shall submit an application to the Fiscal Officer in accordance with the rules and regulations adopted pursuant to Section 858.04.

(b) Each Golf Cart Business License shall be valid beginning on the date of issuance through December 31 of that same year. A Golf Cart Business License holder may renew their license by submitting a timely renewal application. Said application will be timely if submitted no later than thirty days prior to the expiration of the current Golf Cart Business License.

(c) Notwithstanding section (c) above, , the Village shall issue a Golf Cart Business License for 2024 upon the application of any person, firm, or corporation who on March 12, 2024 held a valid golf cart vehicle registration for 2023 pursuant to Section 858.01.

SECTION 4: Section 858.06 “Limitation on Golf Cart Rentals” of Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended as follows:

858.06 LIMITATION ON GOLF CART RENTALS

In order to maintain the general peace and welfare of the Village and to prevent severe traffic congestion, the number of golf carts available to rent shall be limited as follows:

(a) The Village shall issue no more than eight hundred sixty-five (865) golf cart vehicle registrations per calendar year to Golf Cart Business License holders located in the Village pursuant to Section 858.01. The Village shall issue no more than eight hundred sixty-five (865) golf cart vehicle registrations per calendar year to Golf Cart Business License holders located in Put-in-Bay Township pursuant to Section 858.01.

(b) A person, firm or corporation who, pursuant to Section 858.01, held a vehicle license for any golf cart in 2023, and holds a valid Golf Cart Business License for 2024, shall be issued no more golf cart vehicle licenses per year pursuant to Section 858.01 than the number of golf cart licenses the person, firm or corporation held during 2023.

(c) A person, firm, or corporation to whom paragraph (b) of this Section does not apply, shall be issued such number of golf cart vehicle licenses in 2024 as is approved by Council, not to exceed the number of golf carts the person, firm, or corporation owned and had registered pursuant to Chapter 4503 of the Ohio Revised Code in 2023 and provided those golf cart vehicle licenses do not exceed the total number of golf cart licenses permitted per calendar year in section (a) above. An applicant for a Golf Cart Business License subject to this Section shall bear the burden of proving the number of golf carts registered pursuant to Chapter 4503 of the Ohio Revised Code as required by section (c) by providing copies of said registrations when submitting their application for a Golf Cart Business License pursuant to Section 858.05.

(d) Notwithstanding the nontransferable vehicle license limitation in section 858.01(a), no person, firm, or corporation shall transfer a golf cart vehicle registration license except:

(1) Subject to the ~~Upon~~ approval of Council, a person, firm, or corporation may apply to transfer a golf cart vehicle registration license to another person, firm or corporation who holds a Golf Cart Business License.

SECTION 5: This Ordinance implements and/or supersedes only those sections of Chapter 858, Rental Vehicles, of Part Eight, Title Two of the Codified Ordinances of the Village of Put-in-Bay specifically identified herein; all other existing provisions of Chapter 858, Rental Vehicles, of Part Eight, Title Two of the Codified Ordinances of the Village of Put-in-Bay not specifically modified herein remain in full force and effect as they existed prior to this enactment of this Ordinance.

SECTION 6: All formal actions of the Council of the Village of Put-in-Bay concerning and relating to the adoption of this Ordinance were taken in open meetings in compliance with all requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7: This Ordinance is deemed an emergency measure necessary for the health, safety, and welfare of the residents of the Village and for the further reason that this Ordinance must be immediately effective so that the Village may ensure appropriate, consistent licensing and regulation of the rentals addressed herein for the upcoming tourist season. Wherefore, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2024

Attest: _____
Fiscal Officer

Approved: _____, 2024

Judy Berry, Mayor