

**ORDINANCE NO. 1430- 2024**

**AN ORDINANCE AMENDING CHAPTER 858, RENTAL VEHICLES OF PART EIGHT, TITLE TWO OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PUT-IN-BAY BY ADDING NEW SECTION 858.001 "DEFINITIONS," SECTION 858.03 "LICENSING OF BUSINESS ENGAGED IN GOLF CART RENTAL," SECTION 858.04 "POWERS OF THE MAYOR AND COUNCIL," SECTION 858.05 "APPLICATION AND ISSUANCE OF GOLF CART BUSINESS LICENSE," AND SECTION 858.06 "LIMITATION OF GOLF CART RENTALS," AND AMENDING SECTION 858.99 "PENALTY" 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 that due to excessive number of golf carts currently being rented, that a need exists to regulate golf cart rental businesses in the Village; and

**WHEREAS**, this Council desires to implement new Section 858.001 "Definitions", Section 858.03 "Licensing of Business Engaged in Golf Cart Rental," Section 858.04 "Powers of the Mayor and Council," 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 regulate the business of renting golf cart vehicles for the protection of the safety and general peace and welfare of the Village of Put-in-Bay and to amend Section 858.99 "Penalty" of Part Four Title Eight of the Codified Ordinances to include specific penalties for violations of Section 858.03.

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

**SECTION 1:** Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended to include new Section 858.001 "Definitions" 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 in the Village of Put-in-Bay.

SECTION 2: Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended to include new Section 858.03 "Licensing of Businesses Engaged in Golf Cart Rental" 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 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: Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended to include new Section 858.04 "Powers of the Mayor and Council" as follows:

#### **858.04 POWERS OF COUNCIL**

**(a) Beginning in January 2025, the Council shall, at least once every three years, conduct a public hearing to determine the total number of Golf Cart Business Licenses that should be available, the total number of golf carts available for rent or for hire within the Village, and the total number of golf carts that each Golf Cart Business License holder may hold a vehicle license fee for and have available for rent or for hire. The Council's determination made pursuant to this section shall be based upon the following factors:**

- (1) Public demand for golf-cart lease or rental;**
- (2) Whether the public has been adequately served by the existing current number of golf carts available for rent;**
- (3) South Bass Island area population and statistics, including tourist population;**
- (4) The effect on traffic congestion and the safety of existing vehicular and pedestrian traffic; and**
- (5) Such other factors as the Council finds to be relevant.**

**(b) The Council shall make its determination of the total number of Golf Cart Business Licenses, the total number of golf carts available for rent or for hire within the Village, and the total number of golf carts that each Golf Cart Business License holder may hold a vehicle license fee for and have available for rent or for hire no later than March 15 of each year, and shall review such determinations at least every third year thereafter, or more frequently as Council may determine is prudent.**

**SECTION 4:** Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended to include new Section 858.05 "Application and Issuance of Golf Cart Business License" 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) The Village shall issue no more than eighteen (18) Golf Cart Business Licenses.**
- (d) Notwithstanding section (c) above, upon the initial effective date of this section and for sixty days thereafter, the Village shall issue a Golf Cart Business License upon the application of any person, firm, or corporation who upon the effective date of this section has a valid golf cart vehicle registration pursuant to Section 858.01**

SECTION 5: Chapter 858, Rental Vehicles of Part Eight, Title Two of the Codified Ordinance of the Village of Put-in-Bay is amended to include new Section 858.06 “Limitation on Golf Cart Rentals” 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 forty-five (845) golf cart vehicle registrations per calendar year 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 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.**

SECTION 6: Section 858.99 “Penalty” 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:

**858.99 PENALTY**

- (a) Whoever violates Section 858.01(a) is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both. A separate offense shall be deemed committed for each rental vehicle for which the vehicle license fee provided for in Section 858.01(a) remains unpaid.**
- (b) Whoever violates Section 858.01(b) is guilty of a minor misdemeanor and shall be fined not more than fifty dollars (\$50.00). A separate offense shall be deemed committed for**

each rental vehicle for which the information required in Section 858.01(a) is not provided.

(c) Whoever violates Section 858.02 is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00).

**(d) Whoever violates Section 858.03(a) is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than 30 days, or both.**

**(e) Whoever violates Section 858.03(a) is guilty of a minor misdemeanor and shall be fined not more than one hundred fifty dollars (\$150.00).**

SECTION 7. 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 8. 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 9. 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: March 12, 2024

Attest: Chlumensack  
Fiscal Officer

Approved: March 12, 2024

Judy Berry  
Judy Berry, Mayor