

ORDINANCE NO. 35-2019

**AN ORDINANCE AMENDING CHAPTER 478 TO THE
CODIFIED ORDINANCES OF THE VILLAGE OF
LOUDONVILLE.**

WHEREAS, the Council of the Village of Loudonville wishes to amend Chapter 478 of the Codified Ordinances to govern the operation of under-speed vehicles, utility vehicles and mini-trucks;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:

SECTION 1. That Chapter 478 of the Codified Ordinances, governing the operation of under-speed vehicles, utility vehicles and mini-trucks, is hereby amended in its entirety to be replaced with the text attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That this Ordinance shall take effect on the earliest date allowed and remain in full force and effect thereafter.

Dated: _____

Stephen Stricklen, Mayor

ATTEST:

Elaine Van Horn, Fiscal Officer

Thomas R. Gilman, Village Solicitor

CHAPTER 478
Golf Carts and Under-Speed Vehicles

- 478.01** Definitions.
478.02 Inspection of Golf Carts and Other Under-Speed Vehicles.
478.03 Operation of Golf Carts and Other Under-Speed Vehicles.
478.99 Penalty.

478.01 DEFINITIONS.

As used in this chapter, the following words shall be defined as set forth herein:

- (a) "Vehicles" has the same meaning as set forth in Ohio R.C. 4501.01 (A)
- (b) "Motor Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (B)
- (c) "Operator" has the same meaning as set forth in Ohio R.C. 4501.01 (X)
- (d) "Utility vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (VV)
- (e) "Low-speed vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (WW)
- (f) "Under-speed vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (XX)
- (g) "Mini-truck" has the same meaning as set forth in Ohio R.C. 4501.01 (BBB).

478.02 INSPECTION OF GOLF CARTS AND OTHER UNDER-SPEED VEHICLES.

(a) No person shall operate an Under-speed vehicle, Utility vehicle or Mini-Truck on the streets within the Village of Loudonville unless the Under-speed vehicle, Utility vehicle or Mini-Truck has been inspected and approved by the Chief of Police or his/her designee for the compliance with the State of Ohio's statutory safety requirements under OAC 4501:2-1-02 and Ohio R.C. 4513.02, is registered in accordance with Ohio R.C. 4503, and is titled in accordance with Chapter Ohio R.C. 4505.

(b) If the Chief of Police or his/her designee determines that the Under-speed vehicle, Utility vehicle or Mini-Truck complies with the minimum State of Ohio statutory requirements under Ohio R.C. 4513.02, the Police Department shall authorize the Ashland County Clerk of Courts or Holmes County Clerk of Courts to issue an Ohio Certificate of Title to the Under-speed vehicle, Utility vehicle or Mini-Truck.

(c) The Police Department will inspect Under-speed vehicles, Utility vehicles and Mini-Trucks at times, places, and by procedure established by the Chief of Police.

(d) Under-speed vehicle, Utility vehicle and Mini-Truck(s) must be inspected, titled, and registered before they can be operated on a public street or property.

(f) The following are examples of equipment requirements established by Ohio law:

- 1) At least one (1) working rear taillight (ORC 4513.05)
- 2) At least one (1) light to illuminate license plate and make license plate legible from distance of fifty (50) feet (ORC 4513.05)
- 3) At least one (1) working brake light (ORC 4513.071)
- 4) At least two (2) working headlights (ORC 4513.04)
- 5) One (1) horn (ORC 4513.21)
- 6) At least one (1) rearview mirror (ORC 4513.23)
- 7) A windshield (glass or safety glass) (ORC 4513.24)
- 8) Directional signals (ORC 4513.261)
- 9) Brackets for mounting two (2) license plates (front and rear) (ORC 4503.21)
- 10) Must be equipped with safety belts (ORC 4513.262)
- 11) Additionally, all such vehicles shall comply with all other equipment requirements established by Ohio law, including, but not limited to, child safety seat requirements.

(g) Permits issued by another entity authorized by Ohio law to grant such permits for an Under-speed vehicle, Utility vehicle or Mini-Truck will be given reciprocity in the Village.

(h) Upon completion of a successful inspection by the Chief of Police or his/her designee, or the Chief of Police or his/her designee being provided sufficient evidence of a successful inspection and permit from another Ohio entity, the Village will issue the permitted Under-Speed Vehicle, Utility vehicle, or Mini-Truck a permit sticker issued by the Chief of Police, to be displayed on the vehicle, as required in this Chapter.

478.03 OPERATION OF GOLF CARTS AND OTHER UNDER-SPEED VEHICLES

(a) While operating an Under-speed vehicle, Low-speed vehicle, Utility vehicle or Mini-truck on the streets within the Village, any owner or operator shall comply with any and all laws pertaining to motor vehicles including, without limitation, safety requirements and insurance requirements.

(b) While an Under-speed vehicle, Utility vehicle or Mini-truck is being operated on the streets of the Village, it shall at all times be in compliance with the requirements of the Under-speed vehicle, Utility vehicle, Mini-truck Inspection Sheet.

(c) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than thirty-five miles per hour.

(d) Village employees are authorized to operate utility vehicles within the boundaries of the Village within the scope and duties of their employment.

(e) Nothing shall prohibit a person operating a low-speed vehicle, under-speed vehicle, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway

having a speed limit greater than thirty-five miles per hour as set forth by Ohio R.C. 4511.214 (B).

(f) The Village reserves the right to permit or prohibit an Under-speed vehicle, Utility vehicle or Mini-truck from operating on any street within the Village as set forth in Ohio R.C. 4511.215.

(g) Lap belts shall be properly installed and available with respect to each seating position located on an Under-speed vehicle, Low-speed vehicle, Utility vehicle and Mini-truck. There shall be no more than two (2) seating positions in any row of seating on an Under-speed vehicle, Utility vehicle or Mini-truck. All persons shall wear lap belts while operating or riding in a moving Under-speed vehicle, Utility vehicle or Mini-truck on a public roadway.

(h) Shoulder belts shall be properly installed and available with respect to each passenger seating position located on an Under-speed vehicle, Utility vehicle, and Mini-truck when a child restraint is in use as set forth under Ohio R.C. 4511.81. Rear-facing child restraint seats are NOT permitted on an Under-speed vehicle, Low-speed vehicle, Utility vehicle or Mini-truck.

(i) The driver of any Under-speed vehicle, Low-speed vehicle, Utility vehicle, or Mini-truck shall be responsible for ensuring that all passengers are in compliance with any child restraint law in effect for motor vehicles.

(j) The person(s) operating an Under-speed vehicle, Low-speed vehicle, Utility vehicle, or Mini-truck must have a valid operator's license (ORC 4510.12) and show proof of insurance covering the Under-speed vehicle, Low-speed vehicle, Utility vehicle, or Mini-truck (ORC 4509.101) while on the public streets of the Village.

(k) Any Under-speed vehicle approved for operation on the streets of the Village shall have no fewer than three (3) wheels as set forth in Ohio R.C. 4501.01 (XX); any Low-speed vehicle operating on the streets of the Village shall have no fewer than three (3) wheels as set forth in Ohio R.C. 4501.01 (WW); any Mini-truck operating on the streets of the Village shall have no fewer than four (4) wheels as set forth in Ohio R.C. 4501.01 (BBB).

(l) No Under-speed vehicle, Low-speed vehicle, Utility vehicle, or Mini-truck shall be operated on any sidewalk, except to cross the sidewalk.

(m) No Under-speed vehicle, Low-speed vehicle, Utility vehicle, or Mini-truck shall be stored or kept for more than two (2) hours on the grass-covered portion of a residential property.

(n) Any Under-speed vehicle, Utility vehicle, or Mini-truck that has been modified for equipment or increased/decreased speed and no longer meets the criteria after inspection and approval will be immediately denied further operation and become subject to a citation.

(t) Under-speed vehicle, Low-speed vehicle, Utility vehicle and Mini-Truck(s) are considered seasonal vehicles. Due to the possibility of an accident, the use of such vehicles will be strictly prohibited from operation when the roadways are snow or ice covered.

(u) Operators of Under-speed vehicle, Low-speed vehicle, Utility vehicle, and Mini-trucks must follow all motor vehicle laws. Under-speed vehicle, Low-speed vehicle, Utility vehicle, and Mini-truck(s) and operators not complying with the Ohio Revised Code (ORC) and the Code of Federal Regulations (CFR) subject themselves to citation and/or impoundment at their expense.

(v) The Village has implemented this chapter in conjunction with the ORC and OAC, specifically as they relate to Ohio R.C. 4511.214 and Ohio R.C. 4511.215.

(w) Notwithstanding anything in this Chapter to the contrary, nothing in the Codified Ordinances of the Village of Loudonville shall make it a violation to use a Utility Vehicle or all-purpose vehicle to clear snow from sidewalks, driveways, and parking lots in the Village, and for travel to and from those areas for the purpose of snow removal.

(x) No person shall operate an Under-speed vehicle, Utility vehicle, or Mini-Truck in the Village without displaying a Village-issued permit sticker, as referenced in Section 478.02(h), in a visible and conspicuous location on the rear of the vehicle. Loudonville Police and other law enforcement officers authorized to stop vehicles in the State of Ohio may stop any such vehicle being operated in the Village without displaying the necessary permit sticker.

478.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one (1) year after the first offense, the person is guilty of a misdemeanor of the fourth degree; for a third or subsequent offense within one (1) year after the first offense the person is guilty of a misdemeanor of the third degree.