

ORDINANCE NO. 1035

AN ORDINANCE AUTHORIZING THE USE OF UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS ON VILLAGE STREETS WHERE THE SPEED LIMIT IS TWENTY-FIVE MILES PER HOUR OR LESS, PROVIDING AN INSPECTION PROGRAM THEREFOR, REPEALING INCONSISTENT LEGISLATION, AND DECLARING AN EFFECTIVE DATE.

WHEREAS, for the past several years, the Village has observed an increase in the use of golf carts and “side-by-sides” (e.g., Rangers, Razors, Gators, etc.) on Village streets; and

WHEREAS, Substitute Senate Bill 114, which was passed by the 129th General Assembly and signed into law by Governor Kasich in 2013, imposes certain requirements on municipalities that authorize the use of such vehicles on municipal streets; and

WHEREAS, Substitute Senate Bill 114 was codified in Title 45 of the Ohio Revised Code, and the relevant provisions thereof became effective on January 1, 2017; and

WHEREAS, the Village must revise its local laws and institute an inspection program for golf carts and side-by-sides, as required by Substitute Senate Bill 114, to allow such vehicles on Village streets; and

WHEREAS, the Village desires also to allow mini-trucks (as defined below) on Village streets, as authorized by Substitute Senate Bill 114.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of St. Henry, Ohio, County of Mercer, State of Ohio, at least three-fourths of all members elected thereto concurring that:

SECTION ONE

Subject to the requirements set forth herein, the use of “under-speed vehicles,” “utility vehicles,” and “mini-trucks” (collectively referred to herein as “Multi-Use Vehicles”) shall be permitted on Village streets where the speed limit is twenty-five miles per hour or less.

“Under-speed vehicle” means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.

“Utility vehicle” means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. Examples of utility vehicles include Rangers, Razors, and Gators.

“Mini-Truck” means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

SECTION TWO

- A. Prior to the operation of a Multi-Use Vehicle on Village streets, the Multi-Use Vehicle must pass an inspection conducted by the St. Henry Police Department (“SHPD”). A copy of the inspection form is attached hereto as Exhibit “A.”
1. The inspection fee for a newly-purchased Multi-Use Vehicle is \$50.00.
 2. The inspection fee for a Multi-Use Vehicle that has been inspected by another local law enforcement agency in the State of Ohio is \$20.00.
- B. At the time of the inspection, the owner/operator of the Multi-Use Vehicle must present the following to SHPD: (1) a valid driver’s license; (2) proof of insurance relating to the use of the Multi-Use Vehicle; and (3) payment for the inspection fee (if applicable).
1. If your Multi-Use Vehicle is an *under-speed vehicle*, the owner/operator also must provide to SHPD the *gross vehicle weight*.
 2. If your Multi-Use Vehicle is a *mini-truck*, the owner/operator also must provide to SHPD the *unladen weight*.
- C. If a Multi-Use Vehicle passes inspection, the owner/operator will be issued an inspection sticker. The sticker must be placed on the lower left side of the vehicle’s windshield (driver’s side). The sticker must remain visible at all times while operating the vehicle on Village streets. If an inspection sticker is lost, damaged, or destroyed, a replacement sticker must be obtained from SHPD at a cost of \$5.00.

- D. The SHPD shall have the right to not issue a permit to any applicant for any or no reason. Further, the SHPD shall have the right to revoke any permit, for any or no reason, that had been previously issued.

SECTION THREE

Prior to the operation of a Multi-Use Vehicle on Village streets, the vehicle must be registered in accordance with Ohio Revised Code Chapter 4503, and titled in accordance with Ohio Revised Code Chapter 4505. Out-of-state Multi-Use Vehicles are not permitted on Village streets.

SECTION FOUR

All Multi-Use Vehicles must be operated in accordance with all applicable federal, state, and local traffic laws. No one shall use any Multi-Use Vehicles on any public sidewalks nor in any public parks. Anyone who operates your vehicle on Village streets must have a valid driver's license. All child restraints must be used in accordance with all applicable federal, state, and local traffic laws. All seatbelts are required to be used in accordance with all applicable federal, state, and local traffic laws as they apply to automobiles and/or motor vehicles as defined under the Ohio Revised Code.

SECTION FIVE

- A. All Multi-Use Vehicles, at a minimum, must have the following *properly functioning* equipment:
1. Brake lights (2), tail lights (2), head lights (2), turn signals (2 front; 2 rear), and a white rear license plate light;
 2. A horn;
 3. A rearview mirror;
 4. A windshield;
 5. Brakes and a brake system;
 6. A steering mechanism; and
 7. Appropriate tires that are free of major bumps, bulges, breaks, or any other unsafe condition.
 8. Must have one (1) seat belt per occupant of the vehicle.

SECTION SIX

- A. Any business(es) whose owner(s) and/or employee(s) use Multi-Use Vehicles during the ordinary course of business shall be exempted from Section Five above, as long as the Multi-Use Vehicle is solely used for business purposes. Further, the business's owner(s)/employee(s) can only operate the Multi-Use Vehicle in accordance with his/her/their official duties. Any Multi-Use Vehicle used under this Section shall not be used after dusk.

- B. Prior to the operation of a Multi-Use Vehicle pursuant to this Section, the Multi-Use Vehicle owner of said vehicle must pass an inspection conducted by the SHPD.
 - 1. The inspection fee under this Section is \$50.00.

 - 2. The inspection fee for a Multi-Use Vehicle under this Section that has been inspected by another local law enforcement agency in the State of Ohio is \$20.00.

- C. At the time of the inspection, the owner/operator of the Multi-Use Vehicle under this Section must present the following to SHPD: (1) a valid driver's license; (2) proof of insurance relating to the use of the Multi-Use Vehicle; (3) payment for the inspection fee (if applicable); and (4) proof that the owner/operator has a business registered with the Secretary of State in accordance with Ohio law.

- D. If a Multi-Use Vehicle under this Section passes inspection, the owner/operator will be issued an inspection sticker. The sticker must be placed on the lower left side of the vehicle's windshield and/or left side of the vehicle's front bumper (driver's side). The sticker must remain visible at all times while operating the vehicle on Village streets. If an inspection sticker is lost, damaged, or destroyed, a replacement sticker must be obtained from SHPD at a cost of \$5.00.

- E. The SHPD shall have the right to not issue a permit to any business applicant under this Section for any or no reason. Further, the SHPD shall have the right to revoke any permit, for any or no reason, that had been previously issued.

SECTION SEVEN

A violation of this ordinance shall be a minor misdemeanor punishable by a fine of not less than one-hundred dollars (\$100.00). Each day of non-compliance shall constitute a separate violation. Municipal vehicles shall be exempted from this Ordinance. Municipal employees shall be exempted from this Ordinance as long as the municipal employee(s) is/are operating a municipal vehicle in accordance with his/her/their official duties.

SECTION EIGHT

Limitation: The provisions of this ordinance may be waived during a limited period of time during special events for which the operators of said Multi-Use Vehicles have received prior approval for the use of said Multi-Use Vehicles from the SHPD.

SECTION NINE

All Village legislation inconsistent herewith, is hereby repealed.

SECTION TEN

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this ___ day of _____, 2017.

Steven J. Koesters, Mayor

Attest:

Approved:

Ruth F. Miller, Fiscal Officer

Richard M. Delzeith, Solicitor