

ORDINANCE 957

AN ORDINANCE GOVERNING THE USE AND OPERATION OF "UNDER-SPEED VEHICLES" AS DEFINED BY O.R.C. SECTION 4501.01(XX) WITHIN THE VILLAGE LIMITS OF THE VILLAGE OF TUSCARAWAS, OHIO

WHEREAS, the use of under-speed vehicles on the streets of the Village of Tuscarawas, Ohio has become more prevalent and members of the community have expressed a desire to operate under-speed vehicles on the streets of the Village of Tuscarawas, Ohio; and

WHEREAS, the use of under-speed vehicles on the streets of the Village of Tuscarawas, Ohio creates an issue of safety and public concern; and

WHEREAS, the Council of the Village of Tuscarawas, Ohio desires to establish rules and regulations concerning the operation, insurance, inspecting, and registration of under-speed vehicles, and provide for a penalty for violating said rules and regulations.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF TUSCARAWAS, OHIO AS FOLLOWS:

- SECTION 1. For the purposes of this Ordinance, an under-speed vehicle is defined under R.C. 4501.01(XX) as 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 45 miles per hour and with a gross vehicle weight rating less than 3000 pounds.
- SECTION 2. Any person driving an under-speed vehicle on or across public streets, roadways, and/or public property shall possess a valid vehicle operator's license (driver's license).
- SECTION 3. If the under-speed vehicle is operated on or across the public streets, roadways and/or public property, the owner of the under-speed vehicle must carry liability insurance coverage comparable to that required under Ohio law for motor vehicles.
- SECTION 4. When driving an under-speed vehicle on or across public streets, roadways, and/or public property, the operator of the under-speed vehicle must carry proof of such insurance.
- SECTION 5. If the under-speed vehicle is to be driven on or across public streets, roadways, and/or public property, the under-speed vehicle must have the following equipment:
1. Operational rear tail lights
 2. Operational brake lights;
 3. Two operational headlights;

4. A functional rearview mirror;
5. Operational direction signals;
6. Operational electronic horn;
7. For golf carts, two license plates, one placed upon the front of the golf cart, and one placed on the back of the golf cart, which must be displayed so that the license plate can be read as intended; For other under-speed vehicle, one license plate;
8. The rear license plate must be illuminated so as to make the license plate visible and legible from a distance of at least 50 feet;
9. Windshield made of glass or safety glass;
10. Side mirrors; and
11. Operational seat belts.

SECTION 6. Any under-speed vehicle being driven on or across public streets, roadways, and/or public property pursuant to this Ordinance shall observe all applicable traffic rules.

SECTION 7. Prior to operating an under-speed vehicle on or across public streets, roadways, and/or public property, the owner of the under-speed vehicle must present the under-speed vehicle to the Tuscarawas Police Department for inspection. The Chief of Police or an Officer designated by the Chief shall inspect the under-speed vehicle to ensure its compliance with this Ordinance. After inspection, titling and licensing, the owner shall obtain a validation certificate/sticker from the Tuscarawas Police Department. The validation certificate/sticker shall be mounted on the under-speed vehicle. The Tuscarawas Police Department shall keep and a record of all under-speed vehicles inspected.

SECTION 8. After completing the inspection of the under-speed vehicle, the Tuscarawas Police Department shall provide the owner of the under-speed vehicle with a CERTIFICATE OF INSPECTION if all required equipment is verified to be in place and operational. This certificate, along with other title evidence, may be presented to the Clerk of Courts Title Office in order to obtain a Certificate of Title for the under-speed vehicle.

SECTION 9. The Tuscarawas Police Department shall charge an inspection fee of \$20.00 for each inspection of an under-speed vehicle.

SECTION 10. The inspection conducted by the Tuscarawas Police Department is not intended to be a safety inspection, but rather an inspection to solely determine if the under-speed vehicle is equipped with all of the equipment required in Section 5 above. As such, neither the Village of Tuscarawas, Ohio nor the Tuscarawas Police Department assume any responsibility for the functioning capacity and/or road-worthiness condition of each under-speed vehicle so inspected. As such, neither the Village of Tuscarawas,

Ohio nor the Tuscarawas Police Department, through the inspection process, make any representation or warranty as to functioning capacity and/or road-worthiness condition of each under-speed vehicle so inspected.

- SECTION 11. An under-speed vehicle, once properly licensed, may be operated on or across the streets or roadways located within the territorial limits of the Village of Tuscarawas, Ohio.
- SECTION 12. No person shall operate an under-speed vehicle on a public sidewalk or other walking path.
- SECTION 13. A person operating an under-speed vehicle with the territorial limits of the Village of Tuscarawas, Ohio shall ensure that the headlights of the under-speed vehicle are illuminated at all times of operation of the under-speed vehicle.
- SECTION 14. Any person convicted of a violation of this Ordinance is guilty of a minor misdemeanor upon a first offense, and shall be fined not more than \$150.00. Each offense thereafter shall be deemed a misdemeanor of the fourth degree, and shall be subject to a fine of not more than \$250.00.
- SECTION 15. This Ordinance shall be in effect at the earliest time permitted by Ohio law.

1st Reading: June 22, 2017
2nd Reading: July 13, 2017
3rd Reading: July 27, 2017
PASSED: July 27, 2017

Dana Moore, Mayor

ATTEST:

Jennifer Price, Fiscal Officer

James J. Ong, Solicitor