

Ordinance No. 2022-05

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

WHEREAS, for the past several years, the Village has not permitted the use of golf carts and “side-by-sides (e.g., Rangers, Gator, 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 hereby institutes its local laws and inspection program for golf carts and side-by-side use, as required by Substitute Senate Bill 114, to allow such vehicles on Village streets; and

WHEREAS, the Village, desires 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 Port Washington, County of Tuscarawas, State of Ohio, at least three-fourths of all members elected thereto concurring that:

SECTION 1.

Subject to the requirements set forth herein, the use of “under-speed vehicles,” “utility vehicles,” and “minitrucks” (collectively referred to herein as “Multi-Use Vehicles”) shall be permitted on Village streets where the speed limit is thirty-five miles per hour or less, EXCEPT ON MAIN STREET (U.S. 36) WHICH CAN ONLY BE USED AS A CROSS STREET.

“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 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 pound, 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 2.

- A. Prior to the operation of Multi-Use Vehicle on Village streets, the Multi-Use Vehicle must pass an inspection conducted by the Village of Port Washington Police Department (PWPD). A copy of the inspection form will be provided by the PWPD 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 the PWPD: (1) a valid driver’s license; (2) proof of insurance; and (3) payment for the inspection fee (if applicable).
 - 1. If your vehicle is an under-speed vehicle, the owner/operator must provide to the PWPD the gross vehicle weight.
 - 2. If your Multi-Use Vehicle is a mini-truck, the owner/operator also must provide to the PWPD 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 right side of your vehicle’s windshield (driver 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 the PWPD at a cost of \$5.00.

SECTION 3.

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 4.

All Multi-Use Vehicles must be operated in accordance with all applicable state and local traffic laws.

SECTION 5.

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.

SECTION 6.

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.

SECTION 7.

All ordinances, resolutions or motions inconsistent herewith including Ordinance 2022-04 are repealed.

SECTION 8.

This ordinance is deemed necessary for the health, safety and welfare of the residents of the Village of Port Washington, Ohio, because the village must comply with Substitute Senate Bill 114. Therefore, it shall take effect and be in force immediately from and after its passage and approval.

Passed the _____ day of _____, 2022

Thomas J. Gardner, Mayor

Joe Bourne, Council President

Darissa Lute, Fiscal Officer

Approved on _____, 2022

