

ORDINANCE NO.: 20-1180

AN ORDINANCE
REPEALING AND AMENDING SECTIONS
377.01, 377.02, 377.03, 377.04, 377.05, AND 377.06
OF THE VILLAGE OF RUSSELLS POINT CODIFIED ORDINANCES,
AND DECLARING AN EMERGENCY

WHEREAS, the Village passed Ordinance 17-1148 on 3-20-17 to allow the restricted use of golf carts within the Village;

WHEREAS, in addition to Under-Speed Vehicles, an example of which is a golf cart, Utility Vehicles, Low-Speed Vehicles and Mini-Trucks may be inspected, permitted and operated on certain roads where permitted by law enforcement and council; and

WHEREAS, These vehicles, collectively known as Unconventional Vehicles, must be inspected in compliance with Ohio Department of Public Safety; and

WHEREAS, The Ohio Department of Public Safety has issued a new Certificate, effective December 19, 2019, that must be used when inspecting Unconventional Vehicles, commonly referred to as DPS 1373; and

WHEREAS, early registration period for golf carts, as currently permitted, begins March 1, 2020; and

WHEREAS, to permit the use of these state authorized Unconventional Vehicles, as opposed to just golf carts, and to adopt the inspection requirements consistent with DPS 1373, the amendment of Chapter 377.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSSELLS POINT, LOGAN COUNTY, OHIO THAT:

SECTION 1: Sections 377.01, 377.02, 377.03, 377.04, 377.05, and 377.06 of the Village of Russells Point Codified Ordinances are hereby repealed and amended as shown in the attached Exhibit A.


SECTION 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Russells Point which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

SECTION 3: All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereto.

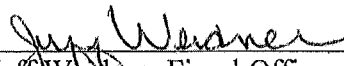
SECTION 4: Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this Village as dictated by the Ohio General Assembly in order to allow citizens to register under the March 1, 2020 opening date.

SECTION 5: This Ordinance shall take effect and be in force upon its passage.

Passed in Council this 18th day of February 2020.



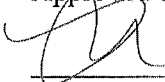
Robin Reames, Mayor

ATTEST: 

Jeff Werner, Fiscal Officer

APPROVED:

Approved as to form this 19th day of February 2020.



Lynette Dinkler, Esq.
Village Solicitor

CHAPTER 377
Golf Carts
Unconventional Vehicles

- 377.01 Definitions.
- 377.02 Equipment.
- 377.03 Licensing requirements of operator.
- 377.04 Permit to operate within Village corporation limits.
- 377.05 Operation.
- 377.06 Compliance.
- 377.99 Penalty.

377.01 DEFINITIONS.

(a) ~~“Golf cart” means a motor vehicle, as that term is defined in Ohio R.C. 4501.01(B), that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than thirty five miles per hour and that is designed to carry not more than four (4) persons including the driver. A golf cart is not an ATV, a motorized all-terrain utility vehicle (commonly referred to as a gator), a tractor or go-cart.~~ **“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. See Ohio Revised Code 4501.01(VV)**

(b) “Low-speed vehicle” means a three- or four-wheeled motor vehicle 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 three thousand pounds. See Ohio Revised Code 4501.01(WW)

(c) “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. See Ohio Revised Code 4501.01(XX)

(d) “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. See Ohio Revised Code 4501.01(BBB)

(e) “Unconventional vehicle” as used in this chapter collectively references utility vehicle, low-speed vehicle, under-speed vehicle, and mini-truck.

(e). “Motor vehicle” means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. “Motor vehicle” as used in this chapter does not include under-speed vehicles, utility vehicles, or mini-trucks, collectively referenced as unconventional vehicles.

(bf) “Operator” includes any person who operates or is in actual physical control of a motor vehicle or under speed unconventional vehicle upon the public roadways or highways.

(eg) “Owner” means a person that possesses the ownership title, or some other proof of ownership, to an golf cart-unconventional vehicle.

(dh) Any term not defined in this section shall have the same meaning as defined in the Ohio Revised Code. (Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20.)

377.02 EQUIPMENT.

Equipment required for ~~an golf cart-unconventional vehicle~~ to be operated within the Village Corporation Limits shall comply with the inspection requirements set forth by ~~the Logan County Sheriff’s Office to obtain a certificate of inspection in addition to requirements pursuant to the Ohio Administrative Code and the Ohio Revised Code governing the equipment,~~ **inspection, certification** and operation of motor vehicles and under

speed unconventional vehicles. (Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20)

377.03 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who is less than 16 years of age shall operate an ~~golf cart~~ unconventional vehicle.

(b) Any person operating an ~~golf cart~~ unconventional vehicle must hold a valid current motor vehicle driver's license.

(Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20)

377.04 PERMIT TO OPERATE WITHIN VILLAGE CORPORATION LIMITS.

(a) An owner of an ~~golf cart~~ unconventional vehicle must apply to the Village of Russells Point to obtain a permit to operate an ~~golf cart~~ unconventional vehicle within the Village Corporation Limits. The owner shall submit the following to the Village before a permit will be issued to operate an ~~golf cart~~ unconventional vehicle in the Village:

(1) Proof of current insurance liability coverage;

(2) A copy of a current valid registration for the ~~golf cart~~ unconventional vehicle, proving compliance with Ohio Revised Code 4511.215;

(3) A permit fee of \$25.00.

(b) A permit issued under this chapter shall be issued to the owner of the ~~golf cart~~ unconventional vehicle.

(c) Each permit shall be issued on an annual basis and begin on the first day of May of the current year the permit is issued and expire on the last day of April of the following year. An owner of an ~~golf cart~~ unconventional vehicle may also apply for a permit during an early registration period beginning March 1 of each year.

(d) No person shall alter a permit or possess a permit that has been altered.

(e) No person shall procure or attempt to procure a permit license by fraud, deceit, misrepresentation, or any false statement.

(f) The permit issued under this chapter will be issued in the form of two permit decals and shall be displayed on the inspected ~~golf cart~~ unconventional vehicle on the lower driver side of the front windshield and on the passenger side rear panel of the ~~golf cart~~ unconventional vehicle. The decals shall contain a permit number and must be kept clean and visible at all times.

(Ord. 17-1148. Passed 3-20-17. Amended by Ord. 20-1180. Passed 2-18-20.)

377.05 OPERATION.

(a) No person shall operate an ~~golf cart~~ unconventional vehicle upon any public roadway in the Village where the posted speed limit is greater than 35 miles per hour;

(b) No person shall operate an ~~golf cart~~ unconventional vehicle upon any portion of U.S. Route 33 within the Village Corporation Limits. Provided, however, that the operator of an ~~golf cart~~ unconventional vehicle shall cross U.S. Route 33 only at the intersection where the traffic light is located at State Route 708;

(c) No person shall operate an ~~golf cart~~ unconventional vehicle on a sidewalk;

(d) No person shall operate an ~~golf cart~~ unconventional vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reducing speed is necessary for safe operation or to comply with law;

(e) No person shall operate an ~~golf cart~~ unconventional vehicle within the Village of Russells Point corporation limits without obtaining a permit issued by the Village of Russells Point issued in accordance with this Chapter and Ohio Revised Code 4511.216.

(f) The owner of an ~~golf cart~~ unconventional vehicle shall be responsible for any actions of an operator of the owner's ~~golf cart~~ unconventional vehicle. An owner of an ~~golf cart~~ unconventional vehicle shall ensure compliance, by an operator of the owner's ~~golf cart~~ unconventional vehicle, with this chapter and the Ohio Revised Code.

(g) ~~Notwithstanding the definition of golf cart in the chapter, a motorized all-terrain utility vehicle may be operated within the Village by any employee of the Village that is using the motorized all-terrain utility vehicle~~

~~for official Village business.~~ **A Village employee shall be permitted to operate a utility vehicle exclusively within the boundaries of the Village for official Village business, including but not limited to the operation or maintenance of Village facilities.**

(Ord. 17-1148. Passed 3-20-17. **Amended by Ord. 20-1180. Passed 2-18-20.**)

377.06 COMPLIANCE.

Compliance with this chapter shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles and ~~under speed~~ **unconventional** vehicles.

(Ord. 17-1148. Passed 3-20-17. **Amended by Ord. 20-1180. Passed 2-18-20.**)

377.99 PENALTY.

(a) Whoever violates this chapter is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this chapter is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicles or traffic offenses, whoever violates this chapter is guilty of a misdemeanor of the third degree.

(b) Violations of this chapter or any traffic violations under the Ohio Revised Code may result in an operator's permit issued under this chapter being revoked and may result in the vehicle being impounded in accordance with the Ohio Revised Code.

(Ord. 17-1148. Passed 3-20-17.)