

AN ORDINANCE SPECIFYING THE REQUIREMENTS FOR THE OPERATION OF AN UNDER-SPEED/ UTILITY VEHICLE IN THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO

WHEREAS, the Village of Commercial Point has noticed an increase in the use of golf carts within the Village; and

WHEREAS, this Council is committed to promoting safety within the Village and among its residents; and

WHEREAS, the legislative authority of the Village of Commercial Point hereby declares that it is in the best interest of this Village to enact requirements for the operation of under-speed/utility vehicles on the streets of the Village of Commercial Point, Ohio.

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Commercial Point, Pickaway County, Ohio, as follows:

SECTION I: That Part Four, Title Six of the Village of Commercial Point Codified Ordinances now shall be written as follows:

450.01 DEFINITIONS

(a) "Golf cart" means a motor vehicle, as that term is defined in the Ohio Revised Code §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 a go-cart.

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

(c) "Owner" means a person that possesses the ownership title, or some other proof of ownership, to a golf cart.

(d) Any term not defined in this section shall have the same meaning as defined in the Ohio Revised Code.

450.02 EQUIPMENT

Equipment required for a golf cart to be operated within the Village corporation limits shall comply with the inspection requirements set forth by the Village of Commercial Point Police Department to obtain a certificate of inspection in addition to requirements pursuant to the Ohio Administrative

Code and the Ohio Revised Code governing the equipment and operation of motor vehicles and under speed vehicles.

450.03 LICENSING REQUIREMENTS OF OPERATOR

- (a) No person who is less than 16 years of age shall operate a golf cart.
- (b) Any person operating a golf cart must hold a valid current motor vehicle driver's license.

450.04 OPERATION

- (a) No person shall operate a golf cart upon any public roadway in the Village where the posted speed limit is greater than 35 miles per hour;
- (b) No person shall operate a golf cart on a sidewalk or designated walkpath:
- (c) No person shall operate a golf cart at a speed that impedes or blocks the normal and reasonable movement of traffic, except when stopping or reducing speed is necessary for safe operation or to comply with the law;
- (d) No person shall operate a golf cart within the Village of Commercial Point corporation limits without obtaining a Certificate of Inspection issued by the Village of Commercial Point Police Department
- (e) This section does not prohibit a person operating a golf cart from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour.
- (e) The owner of the golf cart shall be responsible for any actions of an operator of the owner's golf cart. An owner of a golf cart shall ensure compliance, by an operator of the owner's golf cart, with this ordinance and the Ohio Revised Code.
- (f) Notwithstanding the definition of golf cart in this 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.

450.05 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 vehicles.

450.06 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 vehicle or traffic offenses, whoever violates this chapter is guilty of a misdemeanor of the third degree.

(b) Violation 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.

SECTION 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council, any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Ohio Revised Code.

SECTION 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety in the Village of Commercial Point to ensure the safe operation of under-speed/utility vehicles in the Village. This Ordinance shall go into immediate effect provided that it receives a two-thirds vote of all members of Village Council.

Vote on Suspension of Readings:

Motion by: _____ 2nd _____

Roll Call:

___ Ben Townsend
___ Aaron Grassel

___ Scott O'Neil
___ Laura Wolfe

___ Bruce Moore
___ Jason Thompson

Vote on Passage of the Ordinance:

Motion by: Jason Thompson 2nd Laura Wolfe

Roll Call:

Yes Ben Townsend
No Aaron Grassel

No Scott O'Neil
Yes Laura Wolfe

No Bruce Moore
No Jason Thompson

PASSED AND ADOPTED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT ON THIS _____ DAY OF _____ 2019.



Gary Joiner, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:

Failed

Jesse Shamp, Village Solicitor
Frost Brown Todd, LLC