

ORDINANCE NO. 061-19

AN ORDINANCE AMENDING CHAPTER 301 – DEFINITIONS AND ENACTING CHAPTER 343– OPERATION OF LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, OR MINI-TRUCKS, RELATIVE TO THE TRAFFIC CODE AND DECLARING AN EMERGENCY

WHEREAS, in recognition of the increased trend of personal use of golf carts and other similar low or under-speed vehicles on City streets, Council seeks to clarify the legality of golf carts and other low or under-speed vehicles on City streets; and,

WHEREAS, in 2017, R.C. 4511.215 took effect providing that a local authority may authorize the operation of certain low or under-speed vehicles, including golf carts, on streets within its jurisdiction; and,

WHEREAS, the City of Napoleon seeks to allow the operation of low or under- speed vehicles, including golf carts, within its jurisdiction. **Now Therefore**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, STATE OF OHIO:

Section 1. That, the following definitions be added to Chapter 301 - DEFINITIONS:

"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

"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.

"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.

"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.

Section 2. That, Chapter 343 – Operation of Low-Speed Vehicles, Under-Speed Vehicles, Utility Vehicles, or Mini-Trucks, is hereby enacted as follows:

343.01 – OPERATION RESTRICTED FOR LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS

- (A) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway within the City except upon a street or highway having an established speed limit of thirty-five (35) miles per hour or below. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of thirty-five (35) mph or below.
- (B) Notwithstanding Napoleon Ordinance §343.01(A), no person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck within the City upon Scott Street north of Lagrange Street.
- (C) The owner of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Section 4513.02 of the Revised Code.
- (D) Every low-speed vehicle, under-speed vehicle, utility vehicle, and mini-truck operated upon any street or highway within the City must have a seat safety belt installed at each designated seating position.
- (E) Low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503 of the Revised Code, and be titled in accordance with Chapter 4505 of the Revised Code.
- (F) Occupants of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck shall be seated at all times on the seat of the vehicle and buckled by the seat belt when the vehicle is on and in motion. Standing on any portion of the vehicle while it is in motion is prohibited.
- (G) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck operated on any street, highway, right of way, public area, or private property used for vehicular travel within the City.
- (H) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any sidewalks within the City.
- (I) Except as otherwise provided, all sections of the Napoleon Traffic Code and State of Ohio Traffic Laws, or substantially similar offenses, shall apply to low-speed

vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated upon any street, highway, right of way, public area, or private property used for vehicular travel within the City.

343.99 – PENALTY

Whoever violates any provision contained in Chapter 343 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations.

Section 3. That, the City Clerk is directed to notify the director of public safety of this local authorization as required by R.C. 4511.215.

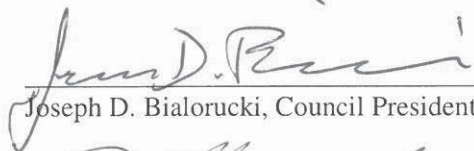
Section 4. That, this Ordinance is enacted pursuant to the home rule powers of the City of Napoleon as set forth at Article XVIII, Section 3, of the Ohio Constitution.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

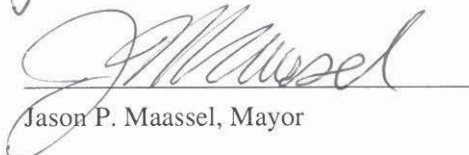
Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control the use of golf carts and other low speed vehicles upon the City's roads, and therefore this Ordinance shall be effective upon passage.

Passed: October 21, 2019


Joseph D. Bialorucki, Council President

Approved: October 21, 2019


Jason P. Maassel, Mayor

VOTE ON PASSAGE 5 Yea 2 Nay 0 Abstain

Attest:

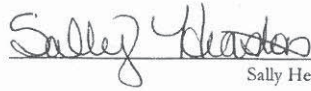
Roxanne Dietrich
Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 061-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 26th day of October, 2019; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich
Roxanne Dietrich, interim Clerk of Council

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 26th day of October, 2019.



Sally Heaston

Subscribed and sworn to before me this
31st day of October, 2019



Beverly Griteman
Notary Public,
State of Ohio
My Commission Expires
February 13, 2021

Printer's Fee: \$279.45
Notary Fee: \$2.50

Summary of Ordinance No.(s) 060-19, 061-19, 069-19,
070-19, 074-19 and Resolution No.(s) 063-19, 071-19

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 8.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 060-19

AN ORDINANCE ADOPTING A REVISED COMPREHENSIVE PLAN WITH THOROUGHFARE PLAN PROVISIONS IN AND FOR THE CITY OF NAPOLEON, OHIO
In this legislation, the City adopted a revised Comprehensive Plan with Thoroughfare Plan Provisions in and for the City.

Ordinance No. 061-19

AN ORDINANCE AMENDING CHAPTER 301 - DEFINITIONS, AND ENACTING CHAPTER 343 - OPERATION OF LOW SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, OR MINI-TRUCKS, RELATIVE TO THE TRAFFIC CODE; AND DECLARING AN EMERGENCY
In this legislation, the City amended Chapter 301 and enacted Chapter 343 relative to the City Traffic Code.

Ordinance No. 069-19

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE APPROPRIATION TRANSFERS (TRANSFER OF APPROPRIATION 3) FROM ONE APPROPRIATION LINE ITEM TO ANOTHER APPROPRIATION LINE ITEM PURSUANT TO O.R.C. SECTION 5705.40 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019 AS LISTED IN EXHIBIT "A;" AND DECLARING AN EMERGENCY
In this legislation, the City authorized the transfer of appropriations from one appropriation line item to another pursuant to ORC Section 5705.40 for the fiscal year ending December 31, 2019.

Ordinance No. 070-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 6) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY
In this legislation, the City supplemented the annual appropriation measure for the year 2019.

Ordinance No. 074-19

AN ORDINANCE SUPPLEMENTING THE ANNUAL APPROPRIATION MEASURE (SUPPLEMENT NO. 7) FOR THE YEAR 2019; AND DECLARING AN EMERGENCY
In this legislation, the City supplemented the annual appropriation measure for the year 2019.

Resolution 063-19

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF PURCHASING A 2019 TEREX VEHICLE FOR THE CITY OF NAPOLEON ELECTRIC DEPARTMENT; AND TO SOLE SOURCE SAID PURCHASE TO TEREX UTILITIES, INC.; AND DECLARING AN EMERGENCY
In this legislation, the City approved the sole source purchase of a 2019 Terex vehicle for the City Electric department from Terex Utilities, Inc.

Resolution 071-19

A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO TRANSFER CERTAIN FUND BALANCES FROM RESPECTIVE FUNDS TO OTHER FUNDS PER SECTION 5705.14 ORC ON AN AS NEEDED BASIS IN FISCAL YEAR 2019, LISTED IN EXHIBIT "A", TRANSFER 3; AND DECLARING AN EMERGENCY
In this legislation, the City authorized the Finance Director to transfer certain fund balances from respective funds to other funds per ORC Section 5705.14 on an as needed basis in fiscal year 2019.

All the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director