

Updated  
3RD 7-10-23

ORDINANCE NO. 16 -2023

AN ORDINANCE CREATING AND ENACTING CHAPTER 447. OF THE CODIFIED ORDINANCES OF EAST PALESTINE, OHIO RELATED TO THE USE OF UNDER-SPEED VEHICLE, GOLF CART OR UTILITY VEHICLE ON THE PUBLIC STREETS OF THE VILLAGE.

**WHEREAS**, the State of Ohio has adopted laws concerning the use of under speed vehicles on public streets and roadways; and

**WHEREAS**, Village residents have expressed interest in the use of under speed vehicles within the Village.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Municipality of East Palestine, State of Ohio:

**SECTION 1.** That Council hereby creates and enacts Chapter 447, of the Codified Ordinances of East Palestine, Ohio, as set forth in Exhibit A attached hereto.

**SECTION 2.** All Ordinances or parts of Ordinances, in conflict herewith are hereby repealed.

**SECTION 3.** The Clerk of Council shall notify the Village Manager, as Director of Public Safety, and Chief of Police, of the authorization for the operation of under-speed vehicles golf carts, utility vehicles or mini-trucks.

PASSED IN COUNCIL THIS 10 day of July, 2023.


ATTEST:

  
TRENT CONAWAY, MAYOR

  
CLERK OF COUNCIL

  
DATE

APPROVED AS TO FORM:

  
DAVID P. POWERS, LAW DIRECTOR

## CHAPTER 447

### Under-speed vehicles, golf carts and utility vehicles

#### 447.01 Definitions.

#### 447.02 Vehicle inspection.

#### 447.03 Usage and restrictions.

#### 447.99 Penalty.

#### 447.01 DEFINITIONS.

As used in this chapter:

- (a) "Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(A).
- (b) "Motor Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(B).
- (c) "Operator" has the same meaning as set forth in Ohio R.C. 4501.01(X).
- (d) "Golf Cart" is an under-speed vehicle or a golf cart with enhancements so as to limit speeds in excess of twenty miles per hour.
- (e) "Under-Speed Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01(XX).
- (f) "Utility Vehicle" has the same meaning as set forth in Ohio R. C. 4501.01(VV)
- (g) "Mini-truck" has the same meaning as set forth on Ohio R. C. 4501.01 (BBB)

#### 447.02 VEHICLE INSPECTION.

(a) No person shall operate an Under-speed vehicle, golf cart, utility vehicle or mini-truck on the streets within the Village of East Palestine, unless it has been inspected and approved by the Chief of Police, or his designee, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to motor vehicles.

(b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio, determines that the vehicle complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police shall issue the owner or operator a certificate of compliance, entitling the owner or operator to operate the Under-speed vehicle, golf cart, utility vehicle or mini-truck on the streets within the Village of East Palestine. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the vehicle before a certificate of compliance is issued. The owner or operator shall be required to pay a fee in the amount of twenty dollars (\$20.00) to the Village of East Palestine through the Village Police Department before the golf cart may be operated on the streets of the Village of East Palestine. Any certificate issued pursuant to this section by the

Chief of Police expires on December 31<sup>st</sup> of the year of issuance. The owner or operator of the vehicle shall keep a copy of the certificate issued pursuant to this section inside the golf cart or vehicle, to which it pertains. The Chief of Police shall issue a sticker or other similar device to the owner of each Under-speed vehicle, golf cart, utility vehicle or mini-truck once it is inspected. The sticker shall signify compliance with this section and the expiration of the current inspection period. The owner of each under-speed vehicle, golf cart, utility vehicle or mini-truck shall display the sticker in a conspicuous place on the rear of the approved vehicle.

(c) (A) In order to operate an under-speed vehicle or utility vehicle, or a mini truck on public streets or highways, the vehicle must include the following equipment:

(1) Adequate brakes and braking system;

(2) Equipped with properly working brake lights, head lights, tail lights, and warning devices, also known as turn signals;

(3) A properly working steering mechanism;

(4) A windshield to prohibit injury from any debris from the roadway;

(5) A rear view mirror to reflect the operator a view of the public street or highway to the rear;  
and

(6) Appropriate tires that are free of major bumps, bulges, breaks, or any condition that would be cause for unsafe conditions.

(B) Any vehicle that does not comply with the requirements of Chapter Rule 4501-30-02 of the Administrative Code and sections 4511.214 and 4511.215 of the Revised Code, shall not be permitted to operate on the public streets or highways.

(C) Any vehicle that has complied with the requirements of Chapter Rule 4501-30-02 of the Administrative Code and sections 4511.214 and 4511.215 of the Revised Code, are required to submit evidence of an approved inspection from local law enforcement prior to registering the vehicle for road use.

(d) deleted

(e) The owner of an Under-speed vehicle, golf cart, utility vehicle or mini-truck shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating an Under-speed vehicle, golf cart, utility vehicle or mini-truck on any street within the Village of East Palestine. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

(f) The Chief of Police of the Village of East Palestine may issue a temporary permit to an owner or operator of an Under-speed vehicle, golf cart, utility vehicle or mini-truck registered in another jurisdiction, for a period not to exceed 72 hours. The fee for the temporary permit shall

be \$10.00. No more than two temporary permits may be issued for a particular Under-speed vehicle, golf cart, utility vehicle or mini-truck per year.

#### 447.03 USAGE AND RESTRICTIONS.

(a) No Under-speed vehicle, golf cart, utility vehicle or mini-truck shall be operated at a speed in excess of Twenty (20) miles per hour.

(b) No Under-speed vehicle, golf cart, utility vehicle or mini-truck shall be permitted to travel on any Village street where the speed limit is greater than twenty-five (25) mph, except that under-speed vehicles, golf carts or utility vehicle will be permitted to cross intersections with higher speeds, and shall be permitted on a street that has a speed limit of thirty-five (35) mph or less, for the shortest distance necessary to reach a street with a speed limit of twenty-five (25) mph or less.

(c) The operator of an Under-speed vehicle, golf cart, utility vehicle or mini-truck must be at least sixteen (16) years of age and have a valid driver's license.

(d) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in an Under-speed vehicle, golf cart, utility vehicle or mini-truck operated on any Village street, right of way or public area in the Village of East Palestine. (Children who are up to four (4) years old and less than forty (40) pounds, which are required to be in a child safety seat or any child who is eight (8) years old or less and under four feet nine inches (4' 9") in height, who are required to be in a booster seat).

(e) It shall be unlawful to operate an under-speed vehicle, golf cart, utility vehicle or mini-truck:

- (i) November 1 through April 30 of each year;
- (ii) Between dusk and dawn;
- (iii) During any inclement weather conditions.

(f) Under-speed vehicles, golf carts, utility vehicles or mini-trucks must be operated in accordance with all State of Ohio traffic laws, in addition to all applicable sections of the Village of East Palestine Municipal Ordinances.

#### 447.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

## Golf Cart / USV inspections

### Application procedure:

1. In order to license a USV or Golf Cart, it must be inspected by EPPD.
2. In order to have the inspection, each USV must have proof of valid liability insurance.
3. The inspections will be by appointment only and conducted each day from 12PM through 7PM.
4. Inspections should take place at EPPD however, officers may make arrangements to do them at a residence located within the village limits.
5. At the conclusion of the inspection, passing USVs will receive the signed USV inspection form(s)
  - a. ODPS form 1373
  - b. EPPD 1373 Addendum with property tag application number filled in
  - c. Officer shall place a sequentially numbered property tag on the rear of the vehicle in a conspicuous location on the left side of the vehicle.
    - i. Copies of these forms must be maintained by EPPD for purposes of filing.
6. The registrant must take their completed forms to the clerk of courts / title department for issuance of the USV title.
7. Registrant must then take the applicable title and forms to the deputy registrar (BMV) and obtain the USV license plate.
8. All USVs must be in compliance with ORC Chapter 4511

### Inspection Checklist:

1. Registrant must have a valid driver's license
2. Must show proof of insurance for the USV
3. Two tail lights visible from 500 feet
4. Two brake lights visible from 500 feet
5. Two rear red reflectors (may be incorporated into the lights)
6. A fixed rear license plate
7. White light to illuminate the rear license plate visible from 50 feet
8. Two working headlights capable of illuminating objects at a distance of at least 75 feet
9. Working horn audible from not less than 200 feet
10. Rearview mirror
11. Windshield (glass or safety glass)
12. Working directional (turn) signals
13. One seat belt for each occupant of the USV