RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 49-2023

TO AMEND ORDINANCE NO. 41-2019 AND §387.01 – OPERATION RESTRICTED FOR UNDER-SPEED VEHICLES, OF THE UPPER ARLINGTON CODE OF ORDINANCES

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

WHEREAS, City Council previously adopted Ordinance No. 41-2019, which cited R.C. §4511.215 as the source of authority for the City to allow under-speed vehicles, but waived certain provisions of the code concerning golf carts during the days surrounding the Fourth of July holiday in uncodified sections of the legislation; and

WHEREAS, there is an increased risk to the public when under-speed and utility vehicles lack proper safety equipment and are driven on roadways; and

WHEREAS, it is recommended that the City's waiver of the revised code requirements during the days surrounding the Fourth of July holiday be repealed for the safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. Section 4 and Section 6 of Ordinance No. 41-2019 are hereby repealed and any other ordinance or parts of ordinances in conflict are hereby repealed.

SECTION 2. Chapter 387 – Under-Speed Vehicles, of the Upper Arlington Code of Ordinances shall be amended as follows:

§387.01 - OPERATION RESTRICTED FOR UNDER-SPEED VEHICLES

Under-speed vehicles may be operated on a public street or highway only if the requirements of this section and R.C. §4511.215 are met.

(A) No person shall operate an under-speed vehicle upon any street or highway except upon a street or highway having an established speed limit not greater than twenty-five (25) miles per hour. This section does not prohibit ~~the following:(1) A Person~~ operating an under-speed vehicle ~~from~~ proceeding across an intersection of a street or highway having a speed limit greater than twenty-five (25) miles per hour;

(B) The owner of an under-speed vehicle 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 R.C. §4513.02.

(C) Under-speed vehicles must have a seat safety belt installed at each designated seating position and shall be part of the safety inspection.

(D) Under-speed vehicles operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with R.C. Ch. 4503, and be titled in accordance with R.C Ch. 4505.

(E) Except as otherwise provided, all sections of the traffic code or substantially similar offenses shall apply to under-speed vehicles operated upon any street, highway, or private property used for vehicular travel.

SECTION 3. Pursuant to R.C. §4511.215, the City Clerk is hereby directed to notify the director of public safety of the local authorization of the passage of this ordinance.

SECTION 4. This ordinance shall take effect 30 days after passage.

PASSED: October 9, 2023

President of Council

ATTEST:

City Clerk

I, Krystal Gonchar, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.

City Clerk

CERTIFICATE OF POSTING

I, Krystal Gonchar, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy at the most public place in said corporation, for a period of ten (10) days commencing passage.

City Clerk

Vote Slip

Voting Aye: Adams, Awakessien Jeter, Burriss, Kulewicz and King

Voting Nay: Lynch

Abstain:

Absent: Close

Other Review: September 18, 2023: September 25, 2023

Authors:	Darren Shulman, City Attorney Krystal Gonchar, City Clerk
Council Meeting Date:	September 18, 2023
Subject/Legislative Item:	Ordinance No. 49-2023 - An ordinance amending Ordinance No. 41-2019 *(To Amend §301.05 - Definitions (S-Z) and to Enact Chapter 387 - Under-Speed Vehicles, Relative to the Traffic Code and to Declare an Emergency)* and §387.01 - Operation Restricted For Under-Speed Vehicles, of the Upper Arlington Code of Ordinances
Purpose:	To amend Ordinance No. 41-2019 and §387.01 - Operation Restricted For Under-Speed Vehicles, of the Upper Arlington Code of Ordinances.
Executive Summary:	The proposed amendments to Ordinance No. 41-2023 and §387.01 - Operation Restricted For Under-Speed Vehicles, of the Upper Arlington Code of Ordinances would remove the waiver of inspections for under-speed vehicles and utility vehicles, surrounding the Fourth of July holiday, for the purposes of public safety and wellbeing.

Purpose and Impact

Given the lack of safety equipment on some under-speed and utility vehicles, there is an increased safety risk to the public when those vehicles are driven on roadways. In order to reduce the risk of accidents involving those types of vehicles on City roadways, amendments to previously adopted Ordinance No. 41-2019 and the Upper Arlington Code of Ordinances are recommended.

Ohio Revised Code §4511.215 says the City can, by ordinance, authorize the operation of under-speed or utility vehicles. The Revised Code also says a city that does this *shall* require the owner who wishes to operate the vehicle to submit to an inspection by local law enforcement that complies with the inspection requirements established by the department of public safety under §4513.02 of the Revised Code *and* permit only those vehicles that pass inspection and are registered to operate on public streets. R.C. §4513.02 notes that inspection "shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and such other items of equipment as designated by the superintendent of the state highway patrol by rule or

regulation adopted pursuant to §119.01 to §119.13 of the Revised Code." Ohio Administrative Code Chapter 4501:2-1 sets out the various standards for these items. Finally, R.C. §4511.215 says a local authority "may establish additional requirements."

By amending Ordinance No. 41-2019 to remove sections 4 and 6, and including the additions to §387.01 - Operation Restricted For Under-Speed Vehicles, as shown, an uncodified section of an ordinance will no longer modify codified enforcement language.

History

On June 10, 2019, City Council adopted Ordinance No. 41-2019 - *To amend §301.05 - Definitions (S-Z), enact Chapter 387 - Under-Speed Vehicles, Relative to the Traffic Code, and to Declare an Emergency,* which cites R.C. §4511.215 as the source of authority for a city to allow under-speed vehicles, but waives provisions of the code concerning golf carts for the days around the 4th of July. Specifically, an uncodified section of the legislation waives the requirements for inspection and registration of golf carts, stating: "The codified requirements concerning inspection and registration of golf carts are hereby waived for the time period beginning two days before through two days after the Fourth of July celebration in the City, provided that the golf carts are only operated on streets or private property used for vehicular travel with a speed limit of 25 mph."

Alternatives

City Council may choose not to amend the previously adopted ordinance or corresponding code section, and continue to rely on an uncodified section of an ordinance for enforcement.

Attachments

1. Ordinance No. 41-2019
2. Proposed Changes to Ch. 387 Under Speed Vehicles
3. Ordinance No. 49-2023

RECORD OF ORDINANCES
CITY OF UPPER ARLINGTON
STATE OF OHIO

ORDINANCE NO. 41-2019

TO AMEND SECTION 301.05 – DEFINITIONS (S-Z) AND TO ENACT CHAPTER 387 – UNDER-SPEED VEHICLES, RELATIVE TO THE TRAFFIC CODE AND TO DECLARE AN EMERGENCY

WHEREAS, in recognition of the increased trend of personal use of golf carts on City streets and recognition of residents' historic use of golf carts around the Fourth of July, Council seeks to clarify the legality of golf carts on City streets;

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

WHEREAS, the City of Upper Arlington seeks to allow the operation of under-speed vehicles within its jurisdiction;

WHEREAS, Council desires to waive certain provisions of the code concerning golf carts for their traditional operation on the days around the Fourth of July holiday.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Upper Arlington, Ohio:

SECTION 1. That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Chapter is being amended.

SECTION 2. That the following definition be added to Section 301.05 - DEFINITIONS (S-Z):

Under-speed vehicle: means a three- or –four-wheeled vehicle, including golf carts, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross weight rating less than three thousand pounds.

SECTION 3. That Chapter 387 – Under-Speed Vehicles, is hereby enacted as follows:

387.01 – OPERATION RESTRICTED FOR UNDER-SPEED VEHICLES

(A) No person shall operate an under-speed vehicle upon any street or highway except upon a street or highway having an established speed limit not greater than ~~35~~ twenty-five (25) miles per hour. This section does not prohibit the following:

(1)A person operating an under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than twenty-five miles per hour;

(B) The owner of an under-speed vehicle 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.

(C) Under-speed vehicles must have a seat safety belt installed at each designated seating position and shall be part of the safety inspection.

(~~C~~D) Under-speed vehicles 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.

(~~D~~E) Except as otherwise provided, all sections of the traffic code or substantially similar offenses shall apply to under-speed vehicles operated upon any street,highway, or private property use for vehicular travel.

387.99 – PENALTY

Whoever violates this Chapter is guilty of a minor misdemeanor on a first offense. If the violator has previously been convicted of a violation of this Chapter, the violator is guilty of a misdemeanor of the fourth degree. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations.

SECTION 4: The codified requirements concerning inspection and registration of golf carts are hereby waived for the time period beginning ~~a~~ two days before through ~~a~~ two days after the Fourth of July celebration in the City, provided that the golf carts are only operated on streets or private property used for vehicular travel with a speed limit of 25 mph. This section does not prohibit the following:

A person operating an under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than twenty-five miles per hour;

This waiver does not apply to moving violations, safety offenses, license violations, or any other applicable codified traffic violation or substantially similar violations.

SECTION 5. That the City Clerk is directed to notify the director of public safety of this local authorization of under-speed as required by R.C. 4511.215.

SECTION 6. That the City Clerk is directed to provide notice to the community and civic groups of Section 4 of this Ordinance on an annual basis, no later than one week prior to the Fourth of July.

SECTION ~~6~~7. That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the above reference ordinance and that are not substantially inconsistent with this Ordinance.

SECTION ~~7~~8. That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

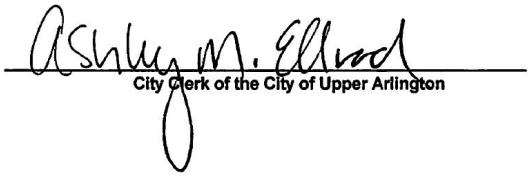
SECTION ~~8~~9. That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising so that the above-described measures exist prior to the Fourth of July activities to effectively manage and control the use of golf carts, and therefore this Ordinance shall be effective on July 1, 2019.

PASSED: June 10, 2019

President of Council

ATTEST: City Clerk

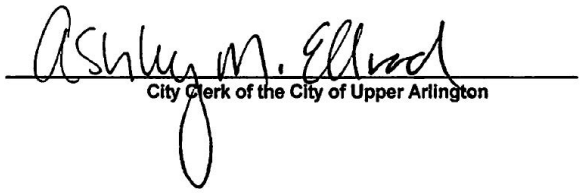
I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.



City Clerk of the City of Upper Arlington

CERTIFICATE OF POSTING

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 41-2019 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing June 11, 2019.



City Clerk of the City of Upper Arlington

Vote Slip

Sponsor:	**Mr. Close**
Voting Aye:	**Unanimous**
Voting Nay:	
Abstain:	
Absent:	
Date of Passage:	**June 10, 2019**
Other:	**Effective July 1, 2019**

CHAPTER 387. UNDER-SPEED VEHICLES

§ 387.01 OPERATION RESTRICTED FOR UNDER-SPEED VEHICLES.

Under-speed vehicles may be operated on a public street or highway only if the requirements of this section and O.R.C. 4511.215 are met.

(A) No person shall operate an under-speed vehicle upon any street or highway except upon a street or highway having an established speed limit not greater than twenty-five (25) miles per hour. This section does not prohibit ~~the following:(1) A Person~~ operating an under-speed vehicle ~~from~~ proceeding across an intersection of a street or highway having a speed limit greater than twenty-five (25) miles per hour;

(B) The owner of an under-speed vehicle 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 ORC § 4513.02.

(C) Under-speed vehicles must have a seat safety belt installed at each designated seating position and shall be part of the safety inspection.

(D) Under-speed vehicles operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with ORC Ch. 4503, and be titled in accordance with ORC Ch. 4505.

(E) Except as otherwise provided, all sections of the traffic code or substantially similar offenses shall apply to under-speed vehicles operated upon any street, highway, or private property use for vehicular travel.

(Ord. No. 41-2019 , § 3, 6-10-2019)