

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.

(GD) 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.

(DE) 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 67. 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 78. 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 89. 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.