

ORDINANCE NO.: 22-11
ADOPTED ON: October 24 2022

AN ORDINANCE CREATING, ESTABLISHING, AND ADOPTING REGULATIONS GOVERNING THE OPERATION OF GOLF CARTS, UTILITY VEHICLES, AND ALL-PURPOSE VEHICLES

WHEREAS, with Ordinance 19-09, adopted on August 26, 2019, Council for the Village of Thornville created and adopted regulations governing under-speed motor vehicles, in particular, golf carts; and

WHEREAS, since Ordinance 19-09 was adopted, several residents expressed an interest in being able to operate utility vehicles and all-purpose vehicles on the public streets within the Village of Thornville; and

WHEREAS, the Village of Thornville Public Facilities & Safety Committee recommends the Village expand its under-speed vehicles regulations to include utility vehicles and all-purpose vehicles so that these motor vehicles can be operated lawfully and safely on public street; and

WHEREAS, Council for the Village of Thornville now wants to take the Public Facilities and Safety Committee's recommendation and create, establish, and adopt such regulations. Rather than adopt piecemeal legislation, Council will adopt this ordinance and thereby repeal Ordinance 19-09.

NOW, **THEREFORE, BE IT ORDAINED** by the Council of the Village of Thornville, County of Perry, State of Ohio:

SECTION 1: Council for the Village of Thornville hereby creates, establishes, and adopts the following rules and regulation governing the operation of golf carts, utility vehicles, and all-purpose vehicles on the streets in the Village of Thornville:

Operation of a Golf Cart/Utility Vehicle/All-purpose Vehicle within the Village

(a) Definitions

- (1) "Golf Cart" is an under-speed vehicle as that term is defined in R.C. 4501.01(XX).
- (2) "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.
- (3) "All-purpose Vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land or on more than one type of terrain, and steered by wheels and commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes.
- (4) "Inspection" means that inspection that is required by Ohio Administrative Code 4501:2-1-21.
- (5) "Operator" means a person who drives or is in actual physical control of a vehicle upon the public street, alley, or roadway.
- (6) "Proof of financial responsibility" has the same meaning as set forth in R.C. 4509.01 (K).
- (7) "Registration" has the same meaning as set forth in R.C. 4503.10 (A).

(b) Inspection and Operation

- (1) No person shall operate a golf cart, utility vehicle, or all-purpose vehicle on any street, alley, or roadway in the Village of Thornville unless the golf cart, utility vehicle, or all-purpose has been inspected and approved by the Thornville Chief of Police or his designee for compliance with the State of Ohio's statutory requirements that are applicable to motor vehicles and the owner complies with section (b)(3) and/or (4) below.

- (2) All inspections must be scheduled, in advance, with the Thornville Chief of Police or his designee. There shall be an inspection fee of \$50 per inspection which must be paid in advance of or at the time of the inspection.
- (3) If the Thornville Chief of Police, or his designee, determines the golf cart, utility vehicle, or all-purpose vehicle complies with the State of Ohio statutory requirements that are applicable to motor vehicles, the Thornville Chief of Police, or his designee, shall issue the owner a certificate of compliance entitling the owner to register, apply for a title and purchase license plates for the vehicle. The owner also must show the Thornville Chief of Police, or his designee a valid Ohio operator's license (driver's license) and proof of financial responsibility for the golf cart, utility vehicle, or all-purpose vehicle before the certificate of compliance is issued.
- (4) If the owner of a golf cart, utility vehicle, or all-purpose vehicle had the vehicle inspected, registered and titled, prior to the effective date of this ordinance or moves to the Village of Thornville after the effective date of this ordinance, but previously had the golf cart, utility vehicle, or all-purpose vehicle inspected by an authorized inspection program, the owner/operator must provide evidence of the inspection to the Thornville Police Chief before the golf cart, utility vehicle, or all-purpose vehicle can be operated in the Village of Thornville.

(c) Penalties

(1) Whoever violates this ordinance 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 ordinance 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 ordinance is guilty of a misdemeanor of the third degree.

(2) Law Enforcement may impound, or have impounded, any golf cart, utility vehicle or all-purpose vehicle that is not in compliance with this ordinance, or any golf cart, utility vehicle or all-purpose vehicle operated by a person who does not have a valid driver license or insurance coverage on the golf cart, utility vehicle, or all-purpose vehicle. A golf cart, utility vehicle or all-purpose vehicle that is impounded pursuant to this ordinance may be forfeited to the Village of Thornville.

(d) Restricted Operation of a Golf Cart, Utility Vehicle and All-purpose Vehicle

- (1) No person shall operate a golf cart, utility vehicle or all-purpose vehicle on any street, alley, or roadway within the Village of Thornville unless the operator has a valid Ohio operator's license (driver's license), a valid registration for the vehicle and proof of financial responsibility. It is prima facie evidence that an operator does not have a valid license, registration, or insurance if the operator fails to show proof of such upon being lawfully stopped.
- (2) No person shall operate a golf cart or utility vehicle on any street or highway within the Village of Thornville where the posted speed limit exceeds thirty-five (35) miles per hour. Operators may cross state highways and streets where the speed limit exceeds thirty-five (35) miles per hour, provided they comply with all other applicable state and local laws.
- (3) Occupants of golf carts, utility vehicles and all-purpose vehicles shall be seated at all times on the seat when the vehicle is in motion. Occupants of a golf cart or utility vehicle must wear a seat belt when the golf cart or utility vehicle is in motion. Standing on any portion of the golf cart or riding in the bed of a utility vehicle when it is in motion is prohibited.
- (4) Operators of golf carts, utility vehicles and all-purpose vehicles shall comply with all local and state laws pertaining to, and governing, operating motor vehicles upon public roadways and highways.

(e) Requirements. All golf carts and utility vehicles operated under this Section shall have and be equipped with:

- (1) Seat Belts. The seat belts shall be securely fastened to the cart to prevent the belt or its mounting from breaking away from the cart during a crash. There shall be enough seat belts as there are seats or passengers on the cart.
- (2) Two working head lights capable of revealing persons or substantial objects seventy-five feet (75') ahead,

- (3) At least one tail light mounted to the rear, which when lighted, shall emit a red light visible from a distance of five hundred (500') to the rear.
- (4) Two red reflectors mounted on the rear which may or may not be incorporated with the tail/brake light assemblies, of such a size and character and so maintained as to be visible at night from all distances of three hundred feet (300').
- (5) Two stop lights which shall be mounted on the rear of the golf cart or utility vehicle, actuated upon application of the service brake, and may be incorporated with other red lights. Such stop lights, when actuated, shall emit a red light visible from a distance of five hundred feet (500') to the rear of the cart.
- (6) A working rear registration plate light, constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of fifty feet (50').
- (7) Working electrical or mechanical left and right turn signals mounted to and facing the front and rear of the golf cart or utility vehicle, and the same candlepower requirements for all lights as are set for the in Chapter 4513 of the Revised Code.
- (8) One working horn capable of emitting audible sounds, under normal conditions, from a distance of not less than two hundred feet (200').
- (9) A full front windshield capable of deflecting bugs and other airborne debris.
- (10) A working brake capable of bringing the golf cart or utility vehicle to a safe stop from top speed, and a Parking brake which may or may not be part of the same braking system.
- (11) A mirror so located as to reflect to the operator a view of the roadway to the rear of the golf cart, utility vehicle or all-purpose vehicle.

SECTION 2: Ordinance 19-09, adopted on August 26, 2019, is hereby repealed in its entirety.

SECTION 3: It is hereby 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 any and all deliberations of this Council and any of its committees that resulted in such formal actions were in meeting in open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.

Passed in Council this 24th day of October 2022.

Dan Harmon
 Dan Harmon, Mayor
 Council President

ATTEST

Traci Sturjii
 Gina Kaetzel, Clerk of Council
Traci Sturjii

APPROVED:

Approved as to form this 23rd day of October 2022.

Brian M. Zets
 Brian M. Zets, Esq.
 Village Solicitor