

**ORDINANCE 2021-26**

**AN ORDINANCE AUTHORIZING SPECIAL-USE VEHICLES INCLUDING: LOW SPEED VEHICLES ALSO KNOWN AS GOLF CARTS, UNDERSPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS WITHIN THE VILLAGE OF ARCANUM, OHIO, SETTING FORTH THE LICENSE AND TITLE REQUIREMENTS.**

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**WHEREAS**, the State of Ohio has instituted a program for the titling and registrations of Golf Carts and other Under Speed Vehicles, Utility Vehicles, and Mini-Trucks pursuant to section 4503.10 of the Ohio Revised Code; and

**WHEREAS**, the Council of the Village of Arcanum, Darke County, Ohio deems it beneficial to its citizens that the operation of Special-Use Vehicles within the corporate limits be permitted;

**NOW THEREFORE BE IT ORDAINED** by the Council of the Village of Arcanum, Darke County, Ohio, a majority of all members elected thereto concurring that:

**SECTION A: DEFINITIONS**

**SECTION B: INSPECTIONS**

**SECTION C: OPERATIONS**

**SECTION D: PENALTIES**

**SECTION A: DEFINITIONS**

As used in this ordinance, the following words shall be defined as set forth herein:

- (a) "Vehicles" 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) "Utility Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (V.V.)
- (e) "Low-Speed Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (W.W.)
- (f) "Under-Speed Vehicle" has the same meaning as set forth in Ohio R.C. 4501.01 (XX)
- (g) "Mini-Truck" has the same meaning as set forth in Ohio R.C. 4501.01 (BBB)

**SECTION B: INSPECTIONS**

1. No person shall operate an Under-Speed Vehicle, Utility Vehicle or Mini-Truck on the streets within the Village of Arcanum unless the Under-Speed Vehicle, Utility Vehicle, or Mini-Truck has been inspected and approved by the Chief of Police or his/her designee for compliance with the State of Ohio's statutory safety requirements under OAC 4501:2-1-02 and Ohio R.C. 4513.02, is registered in accordance with Ohio R.C. 4503, and is titled in accordance with Chapter Ohio R.C. 4505.
2. If the Chief of Police or designee determines that the Under-Speed Vehicle, Utility Vehicle or Mini-Truck complies with the minimum State of Ohio statutory requirements under Ohio R.C. 4513.02, the Police Department shall authorize the Darke County Clerk of Courts to issue an Ohio Certificate of Title to the Under-Speed Vehicle, Utility Vehicle or Mini-Truck.
3. The Police Department shall inspect Under-Speed Vehicles, Utility Vehicles, and Mini-Trucks at designated place(s) and time(s) and in accordance with the procedures established by the Chief of Police.
4. Under-Speed Vehicles, Utility Vehicles, and Mini-Truck(s) must be inspected, titled, and registered before they can be operated on a public street or property.
5. The following are examples of equipment requirements established by Ohio law:
  - a. At least two (2) working rear taillights (ORC 4513.05)
  - b. At least one (1) light to illuminate the license plate and make the license plate legible from a distance of fifty (50) feet (ORC 4513.05)
  - c. At least two (2) working brake lights (ORC 4513.071)
  - d. At least two (2) working headlights (ORC 4513.04)
  - e. One (1) horn (ORC 4513.21)
  - f. At least one (1) rearview mirror (ORC 4513.23)
  - g. A windshield (glass or safety glass) (ORC 4513.24)
  - h. Directional signals (ORC 4513.261)
  - i. Must be equipped with safety belts (ORC 4513.262), other than a Golf Cart or Low-Speed Vehicle.

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- j. Utility Vehicles and Mini-Trucks capable of speeds above 35 MPH must adhere to 1345.022 of the Ohio Revised Code installation of unsafe used tires as defined in the section. Additionally, all installed tires must be designated by the manufacturer for safe road use.
  - k. Additionally, all such vehicles shall comply with all other equipment requirements established by Ohio law, including, but not limited to, child safety seat requirements.
6. Upon completing a successful inspection by the Chief of Police or his/her designee, the police department shall issue a certified copy of the Ohio DPS 1373 form created by the Ohio Department of Public Safety for the titling of said vehicle.

#### SECTION C: OPERATION

1. While operating an Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck on the streets within the Village, any owner or operator shall comply with any and all laws pertaining to motor vehicles, including, without limitation, safety requirements and insurance requirements.
2. While an Under-Speed Vehicle, Utility Vehicle, or Mini-Truck is being operated on the streets of the Village, it shall at all times be in compliance with the requirements of the Under-Speed Vehicle, Utility Vehicle, and Mini-Truck Inspection Sheet.
3. No person shall operate a Low-Speed Vehicle upon any street or highway with an established speed limit of greater than thirty-five miles per hour.
4. Village and school employees are authorized to operate Utility Vehicles within the Village's boundaries within the scope and duties of their employment.
5. Nothing shall prohibit a person operating a Low-Speed Vehicle, Under-Speed Vehicle, or Utility Vehicle, or a Mini-Truck from proceeding across an intersection of a street or highway having a speed limit greater than thirty-five miles per hour as set forth by Ohio R.C. 4511.214(B)
6. The Village reserves the right to permit or prohibit an Under-Speed Vehicle, Utility Vehicle, or Mini-Truck from operating on any street within the Village as set forth in Ohio R.C. 4511.215.
7. All persons shall wear lap belts while operating or riding in a moving Utility Vehicle or Mini-Truck on a public roadway. Lap belts shall be properly installed and available with respect to each seating position located on a Utility Vehicle and Mini-Truck. There shall be no more than two (2) seating positions in any row of seating on an Under-Speed Vehicle, Utility Vehicle, or Mini-Truck.
8. Shoulder belts shall be properly installed and available with respect to each passenger seating position located on a Utility Vehicle and Mini-Truck when a child restraint is in use as set forth under Ohio R.C. 4511.81. Rear-facing child restraint seats are NOT permitted on an Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck.
9. The driver of any Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck shall be responsible for ensuring that all passengers are in compliance with any child restraint laws in effect for motor vehicles.
10. Any person(s) operating an Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck must have a valid operator's license (ORC 4510.12) and have proof of insurance covering the Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck (ORC 4509.101) while on the public streets of the Village.

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11. Any Under-Speed Vehicle approved for operation on the streets of the Village shall have no fewer than three (3) wheels as set forth in Ohio R.C. 4501.01 (XX); any Low-Speed Vehicle operating on the streets of the Village shall have no fewer than three (3) wheels as set forth in Ohio R.C. 4501.01 (W.W.); any Mini-Truck operating on the streets of the Village shall have no fewer than four (4) wheels as set forth in Ohio R.C. 4501.01 (BBB).
12. No Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck shall be operated on any sidewalk, except to cross the sidewalk for purposes of ingress and egress off of public or private property.
13. No Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, or Mini-Truck shall be stored or kept for more than two (2) hours on the grass-covered portion of a residential property.
14. Any Under-Speed Vehicle, Utility Vehicle, or Mini-Truck that has been modified for equipment or increased/decreased speed and no longer meets the criteria after inspection and approval will be immediately denied further operation and become subject to a citation and impoundment.
15. Operators of Under-Speed Vehicles, Low-Speed Vehicles, Utility Vehicles, and Mini-Trucks must follow all motor vehicle laws. Under-Speed Vehicle, Low-Speed Vehicle, Utility Vehicle, and Mini-Truck(s) and operators not complying with the Ohio Revised Code (ORC) and the Code of Federal Regulations (CFR) subject themselves to citation and/or impoundment at their expense.
16. The Village has implemented this ordinance in conjunction with the ORC and OAC, specifically as they relate to Ohio R.C. 4511.214 and Ohio R.C. 4511.215.
17. Notwithstanding anything in this Ordinance, the Village of Arcanum shall make it a non-violation to use a Utility Vehicle or All-Purpose Vehicle to clear snow from sidewalks, driveways, and parking lots in the Village and for travel to and from those areas for the purpose of snow removal.

**SECTION D: PENALTY**

Whoever violates any provision of this Ordinance is guilty of a minor misdemeanor on a first offense; on a second offense within one (1) year after the first offense, the person is guilty of a misdemeanor of the fourth degree; for a third or subsequent offense within one (1) year after the first offense the person is guilty of a misdemeanor of the third degree.

Passed this 28<sup>th</sup> day of September, 2021.

  
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Bonnie L. Millard, Mayor

  
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Jerry L. Boolman, Council President Pro Tem

ATTEST:

  
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Toni M. Stanley, Fiscal Officer