

TEMPORARY ORDINANCE NO. 34-16

PERMANENT ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART THREE – TRAFFIC CODE, TITLE FIVE – VEHICLES, AND ESTABLISH A NEW CHAPTER 345 OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER TITLED “UTILITY VEHICLE, LOW-SPEED VEHICLE, UNDER-SPEED VEHICLE, AND MINI-TRUCK,” AND TO DECLARE AN EMERGENCY

WHEREAS, Sub. S.B. 114 passed by the 129th Ohio General Assembly had an effective date of March 22, 2013 with many provisions not taking effect until January 1, 2017; and

WHEREAS, Sub. S.B. 114 establishes the conditions for operation of specialized vehicles, including low-speed vehicles, utility vehicles, under-speed vehicles, and mini-trucks pursuant to ORC §§4511.214 and 4511.215. Among other things, the bill provides for the automatic authorization on January 1, 2017 for the operation of low-speed vehicles on public roadways with a speed limit of 35 mph or less unless a municipality takes action prior to that date; and

WHEREAS, City Council finds that prohibiting the operation of specialized vehicles, including low-speed vehicles, utility vehicles, under-speed vehicles, and mini-trucks, within the City of Lancaster is necessary and proper to protect the health, safety, welfare, comfort and peace of the citizens of the municipality, including vehicular travel safety on the public roadways in the municipality;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part Three – Traffic Code, Title Five – Vehicles be repealed and replaced with the establishment of a new Chapter 345 titled “Utility Vehicle, Low-Speed Vehicle, Under-Speed Vehicle, And Mini-Truck” with the text set forth in Exhibit “A” attached hereto and incorporated by reference herein.

SECTION 2. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to comply with the requirements of Sub. S.B. 114 of the 129th Ohio General Assembly which establishes a January 1, 2017 deadline for municipal action in this regard and for the safety of vehicular travel on the public roadways in the City.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Law Committee

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on _____, 2016 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

Clerk of Council

CHAPTER 345
Low-speed Vehicle, Utility Vehicle, Under-speed Vehicle and Mini-truck

345.01 Definitions.

345.02 Operation Prohibited.

345.03 Penalty.

345.01 DEFINITIONS.

As used in this chapter:

- (a) "Low-speed vehicle" means a three or four-wheeled motor vehicle with an attainable speed in one mile on a paved level surface of more than twenty miles per hour but not more than twenty-five miles per hour and with a gross vehicle weight rating less than three thousand pounds.
- (b) "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.
- (c) "Under-speed vehicle" means a three or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross vehicle weight rating less than three thousand pounds.
- (d) "Mini-truck" means a vehicle that has four wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters or less, has a total dry weight of nine hundred to two thousand two hundred pounds, contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

345.02 OPERATION PROHIBITED.

No person shall operate or be a passenger in a Low-speed vehicle, Utility vehicle, Under-speed vehicle, or Mini-truck on any public street or highway or public right-of-way within the City of Lancaster.

345.03 PENALTY.

Except as otherwise provided in this division, whoever violates 345.02 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 section 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 section is guilty of a misdemeanor of the third degree.