

## **Record of Ordinances**

**Ordinance No.:** 2009-08

**Passed:** March 09, 2009

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### **AN ORDINANCE AMENDING SECTION 434.05 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF WEST LAFAYETTE, OHIO REGARDING STOPPING VEHICLES; SLOW SPEED AND POSTED MINIMUM SPEEDS.**

WHEREAS; the Council of the Village of West Lafayette, Ohio is empowered to statute to regulate the operation of motor vehicles within the Municipal boundaries of the Village; and

WHEREAS, Council desires to amend its regulations regarding the operation of vehicles as slow or posted minimum speeds and to provide certain regulations for the operation of golf carts or other underspeed motor vehicles on village streets; and

WHEREAS, permitting the operation of golf carts or other underspeed motor vehicles within the village will not be detrimental to the health, safety, or welfare of the residents of the Village of West Lafayette, Ohio and the same ought to be done;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of West Lafayette, State of Ohio as follows:

SECTION I.: That Section 434.05 of the Codified Ordinances of the Village of West Lafayette, Ohio regarding stopping vehicles; slow speed and posted minimum speeds is hereby amended so as to read as follows:

#### **434.05 STOPPING VEHICLES; SLOW SPEED; POSTED MINIMUM SPEEDS**

- (a) No person shall stop or operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.
- (b) Whenever the Director of Transportation or local authorities determine on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Director or such local authority may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with the law. No minimum speed limit established hereunder shall be less than 30 miles per hour, greater than 50 miles per hour, nor effective until the provisions of Ohio R.C. 4511.21 or a substantially similar municipal ordinance, relating to appropriate signs, have been fulfilled and local authorities have obtained the approval of the Director.  
(ORC 4511.22)
- (c) No person shall operate an underspeed motor vehicle, including, but not limited to, a golf cart, on any public roadway where the posted speed limit for such roadway is greater than 25 mph, except when crossing such roadway is necessary to comply with this section. No person shall operate an underspeed motor vehicle on any public sidewalk or other leisure path. For purposes of this section, an underspeed motor

vehicle is any four wheeled motor vehicle, other than a truck, that is either originally designed and constructed with a top attainable speed of 20 miles per hour or less, or is not originally designed and constructed for operation on a street or highway. This ordinance does not amend Section 416.12 West Lafayette Code of Ordinances as it applies to Electric Personal Assistant Mobility Devices.

- (d) In a case involving a violation of this section, the trier of fact, in determining whether the motor vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.
- (e) The underspeed motor vehicle information packet attached here is adopted for usage by the Village of West Lafayette and incorporated herein fully by reference. The underspeed motor vehicle inspection certificate and accompanying notices to the Registrar and Title Department are adopted for usage by the Village of West Lafayette and incorporated herein by reference. No person shall operate an underspeed motor vehicle in the Village of West Lafayette, Ohio unless all requirements of this section are complied with.
- (f) Except as otherwise provided in this subsection, whoever violates this section 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 or 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.
- (g) No person shall operate an underspeed motor vehicle, including, but not limited to, a golf cart, on Main Street in the Village of West Lafayette except when crossing such roadway is necessary to comply with this section.
- (h) No person shall operate an underspeed motor vehicle, including, but not limited to, a golf cart, at the intersections of Oak Street & Main Street and Kirk Street & Main Street in the Village of West Lafayette.
- (i) No person shall operate an underspeed motor vehicle; including, but not limited to, a golf cart with more passengers than original manufacturer seating permits.

**SECTION II.** Inspections fees for each and every underspeed vehicle inspection will be \$50.00 (Fifty dollars). If your underspeed motor vehicle fails an inspection, the inspection fee will be charged on all subsequent inspections."

**SECTION III.** The provisions in any other ordinance which are in conflict herewith shall be repealed from and after the passage of this ordinance.

**SECTION IV.** That any ordinance shall take effect and be in force from and after the earliest period permitted by law.

Passed this 9<sup>th</sup> day of March, 2009

Jack L. Patterson  
Jack L. Patterson, Mayor

Attest:  
Lisa M Derr  
Lisa Derr, Fiscal Officer

Approved as to form:  
William M Owens  
William M. Owens, Village Solicitor

# **West Lafayette Police Department**

**Terry Mardis, Chief of Police**

## **UNDERSPEED MOTOR VEHICLE INFORMATION PACKET**

An underspeed motor vehicle is described as a four-wheeled vehicle, other than a truck, that is either originally designed and constructed with a top attainable speed of 20 MPH or less, or is not originally designed and constructed for operation on a street or highway. Most golf carts fall under this description and therefore are considered an underspeed motor vehicle.

There are several requirements that must be met in order to legally operate an underspeed motor vehicle on the roadways of the Village of West Lafayette. Included in this information packet is a copy of the West Lafayette Police Department's Inspection Certificate for underspeed motor vehicles so you can make sure your underspeed motor vehicle meets the requirements before scheduling your inspection.

Here are the steps you will need to complete in order to certify your underspeed vehicle for operation on public roadways:

1. First you will need to go to the West Lafayette Police Department located at 116 N. Kirk Street, West Lafayette, Ohio, and pay your inspection fees of \$50.00 (Fifty Dollars) per inspection. If your underspeed motor vehicle fails an inspection, the inspection fee will be charged on all subsequent inspections.
2. Next, someone from the West Lafayette Police Department will contact you to schedule a time to inspect your underspeed motor vehicle. This is the first step in legalizing your underspeed motor vehicle for operation on a roadway. (Written documentation showing State Minimum Liability Insurance coverage on the underspeed vehicle must be shown at the time of the inspection.) Once all inspection requirements have been met, you will be given an Inspection Certificate to take the Title Office in Coshocton, Ohio. Inspection will be in accordance with Section 4501.2-01 Ohio Administrative Code.
3. Next, you will take your Inspection Certificate, Proof of Insurance and Proof of Ownership to the Title Office. Once they have verified that everything is in order, they will issue you a Certificate of Title.
4. Finally you will need to take the above items to a Deputy Registrar where they will verify you have completed the above steps and then you will be issued the license plates for your underspeed motor vehicle.

**Operation of your underspeed motor vehicle must be in accordance with ALL motor vehicle laws located within the Ohio Revised Code and the Village of West Lafayette Codified Ordinance, including having a valid operator's license.**

The following are excerpts from the Ohio Revised Code and Village of West Lafayette Codified Ordinance of some of the requirements that must be met in order for your underspeed motor vehicle to be operated on the roadways of West Lafayette.

- **Village of West Lafayette, Ohio Codified Ordinance 434.05:** No person shall operate an underspeed motor vehicle, including but not limited to a golf cart, on any public roadway where the posted speed limit for such roadway is greater than 25 mph, except when crossing such roadway is necessary to comply with this section. No person shall operate an underspeed motor vehicle on a public sidewalk or other leisure path. For purposes of this section, an underspeed vehicle is any four wheeled vehicle, other than a truck, that is either originally designed and constructed with a top attainable speed of 20 miles per hour or less, or is not originally designed and constructed for operation on a street or highway.
- **ORC 4503.21:** No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under sections 4503.19 and 4503.191 of the Revised Code, furnished by the director of public safety.
- **ORC 4507.02:** No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the registrar of motor vehicles under this chapter or a valid commercial driver's license issued under Chapter 4506 of the Revised Code.
- **ORC 4509.101:** No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that driver's operation of that vehicle.
- **ORC 4513.05:** Every motor vehicle shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred feet to the rear. Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it legible from a distance of fifty feet to the rear.
- **ORC 4513.06:** Every motor vehicle shall carry at the rear, either as a part of the tail lamps or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle.
- **ORC 4513.071:** Every motor vehicle shall be equipped with two or more stop lights which shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear.
- **ORC 4513.16:** Any motor vehicle may be operated under the conditions specified in section 4513.03 of the Revised Code when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead, in lieu of lights required in section 4513.14 of the Revised Code, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

- **ORC 4513.21:** Every motor vehicle when operated upon a highway shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than two hundred feet.
- **ORC 4513.23:** Every motor vehicle shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle.
- **ORC 4513.24:** No person shall drive any motor vehicle on a street or highway in this state that is not equipped with a windshield.
- **ORC 4513.261:** No person shall operate any motor vehicle unless the vehicle is equipped with electrical or mechanical directional signals.

# SERVE AND PROTECT

PHONE 740-545-6324

<b>WEST LAFAYETTE POLICE DEPARTMENT</b>			
Terry Mardis, Chief of Police			
<b>UNDERSPEED MOTOR VEHICLE INSPECTION CERTIFICATE</b>			
Permit #			
Name		Phone Number	Date
Address		City	State Zip Code
Year	Make	Model	Color VIN #
Number of Seated Passengers (Two seats equals one passenger, etc)			
YES	NO	Requires a valid driver's license for ANY operation of MOTOR VEHICLE on public or private property	Ohio Revised Code 4507.02 (A)(1)
YES	NO	Must show proof of insurance listing State Minimum Requirements for Liability Insurance for said underspeed motor vehicle	Ohio Revised Code 4509.101 (A)(1)
YES	NO	Must be equipped with a minimum of one tail light, visible from a distance of 500 feet.	Ohio Revised Code 4513.05
YES	NO	Must be equipped with two red reflectors. (May be incorporated into other rear lights.)	Ohio Revised Code 4513.06
YES	NO	Must have a light to illuminate the rear license plate & make the plate legible from a distance of 50 feet.	Ohio Revised Code 4513.05
YES	NO	Must be equipped with two brake lights, visible from a distance of 500 feet. (May be incorporated into other rear lights.)	Ohio Revised Code 4513.071
YES	NO	Must have two working headlights capable of illuminating person or objects at a distance of at least 75 feet.	Ohio Revised Code 4513.16
YES	NO	Must have a working horn, audible from not less than 200 feet.	Ohio Revised Code 4513.21
YES	NO	Must have a rearview mirror.	Ohio Revised Code 4513.23
YES	NO	Must have a windshield. (glass or safety glass)	Ohio Revised Code 4513.24
YES	NO	Must have working directional (turn) signals.	Ohio Revised Code 4513.261
YES	NO	Must have brackets for mounting two license plates. (front & rear)	Ohio Revised Code 4503.21

Officer's Signature	Applicants Signature
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<b>FOR DEPARTMENTAL USE ONLY</b>		
Permit Number	Permit Issued	Permit Expires
License Plate Number	Reference Number	Issued By

**VILLAGE OF WEST LAFAYETTE**  
**Police Department**

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Terry Mardis, Chief of Police  
116 N. Kirk Street  
West Lafayette, Ohio 43845  
740-545-6324

(insert date)

Coshocton County Deputy Registrar:

Pursuant to the Village of West Lafayette, Ohio Codified Ordinance 434.05 underspeed motor vehicles otherwise known as, but not limited to golf carts, will be allowed operation on public streets in the Village of West Lafayette. The West Lafayette Police Department is charged with the responsibility to inspect these vehicles and issue a certificate showing that the vehicle has passed inspection and is eligible for registration with the Bureau of Motor Vehicles. In order to obtain this registration the vehicle is required to be titled.

I have enclosed our information packet given to motorists who wish to have an underspeed motor vehicle inspected, titled, and registered. Please feel free to contact me regarding this ordinance or procedure. I appreciate your assistance.

Respectfully,

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Terry Mardis,  
Chief of Police



**VILLAGE OF WEST LAFAYETTE**  
**Police Department**

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Terry Mardis, Chief of Police  
116 N. Kirk Street  
West Lafayette, Ohio 43845  
740-545-6324

(insert date)

Coshocton County Clerk of Courts Title Department:

Pursuant to the Village of West Lafayette, Ohio Codified Ordinance 434.05 underspeed motor vehicles otherwise known as, but not limited to golf carts, will be allowed operation on public streets in the Village of West Lafayette. The West Lafayette Police Department is charged with the responsibility to inspect these vehicles and issue a certificate showing that the vehicle has passed inspection and is eligible for registration with the Bureau of Motor Vehicles. In order to obtain this registration the vehicle is required to be titled.

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