

**VILLAGE OF WEST LAFAYETTE, OHIO
ORDINANCE NO. 2019-61**

**ORDINANCE REGULATING THE OPERATION OF UNDER-SPEED
VEHICLES (GOLF CARTS), UTILITY VEHICLES, AND MINI-TRUCKS ON THE
STREETS AND HIGHWAYS UNDER THE JURISDICTION OF
THE VILLAGE OF WEST LAFAYETTE**

WHEREAS, Title VII of the Traffic Code of the Village of West Lafayette (Ohio Basic Code), including but not limited to Section 73.16 of the Traffic Code, contains certain rules and regulations concerning under-speed vehicles, utility vehicles, and mini trucks;

WHEREAS, Ohio Revised Code Section 4511.215(A) provides that, “[b]y ordinance or resolution, a local authority may authorize the operation of under-speed, utility vehicles, or mini trucks on a public street or highway under its jurisdiction,” with certain limitations;

WHEREAS, Section 73.16(E) of the Traffic Code of the Village of West Lafayette likewise states that “[b]y ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction,” with certain limitations; and

WHEREAS, Council for the Village of West Lafayette has previously passed legislation regulating under-speed vehicles, and desires to further authorize the operation of under-speed vehicles, utility vehicles, and mini-trucks on all public streets or highways under its jurisdiction in accordance with Section 73.16(E) of the Traffic Code and Ohio Revised Code Section 4511.215, as set forth herein.

NOW THEREFORE, be it ordained by the Council of the Village of West Lafayette, a majority of all Council members concurring that:

Section 1. Purpose and Application of Ohio Basic Code

The purpose of this Ordinance is to further regulate the operation of under-speed vehicles, utility vehicles, and mini trucks on the streets and highways under the Village’s jurisdiction. Title VII of the Traffic Code of the Village of West Lafayette (Ohio Basic Code), including but not limited to Section 73.16, and any and all subsequent or future editions of the Ohio Basic Code adopted by the Village, shall continue to apply to such vehicles, and shall not be construed as being repealed or modified by this Ordinance, except as expressly stated herein. However, if Ordinance No. 2009-08 was not repealed by adoption of the 2019 Edition of the Ohio Basic Code (Ordinance No, 2019-12), this Ordinance repeals Ordinance No. 2009-08.

Section 2. Definitions

For the purpose of this Ordinance, the following definitions shall apply:

- (a) "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.
- (b) "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.
- (c) "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.

Section 3. Permitted Operation

In addition to the permitted operation of under-speed vehicles, utility vehicles, and mini-trucks listed in Section 73.16 of the Traffic Code of the Village of West Lafayette (Ohio Basic Code), except as set forth herein, under-speed vehicles, utility vehicles, and mini-trucks, which have successfully passed the required vehicle inspection set forth in this Ordinance, and which are registered in accordance with Ohio Revised Code Chapter 4503, and titled in accordance with Revised Code Chapter 4505, may be operated on all streets and highways under the jurisdiction of the Village having an established speed limit not greater than 35 miles per hour, between the hours of 7:00 a.m. and 11:00 p.m.

Section 4. Prohibited Operation

(A) In addition to the prohibitions on the operation of under-speed vehicles, utility vehicles, and mini trucks listed in Section 73.16 of the Traffic Code of the Village of West Lafayette, no person shall do any of the following:

- (i) Operate an under-speed vehicle, utility vehicle, or mini truck on the streets and highways under the Village's jurisdiction having an established speed limit greater than 35 miles per hour.
- (ii) Operate an under-speed vehicle, utility vehicle, or mini truck on the streets and highways under the Village's jurisdiction between the hours of 11:00 p.m. and 7:00 a.m.
- (iii) Operate an under-speed vehicle, utility vehicle, or mini-truck on the streets and highways under the Village's jurisdiction unless such vehicle has been inspected by the Village of West Lafayette Police Department, or other local law enforcement

agency, and such inspection complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02.

- (iv) Operate an under-speed vehicle, utility vehicle, or mini truck on the streets and highways under the Village's jurisdiction unless such vehicle is registered in accordance with Ohio Revised Code Chapter 4503 and titled in accordance with Revised Code Chapter 4505.
- (v) Operate an under-speed vehicle, utility vehicle, or mini-truck on the streets and highways under the Village's jurisdiction at such a slow speed that the normal and reasonable movement of traffic is impeded or blocked, except when stopping or reduced speed is necessary for safe operation or to comply with law.
- (vi) Operate an under-speed vehicle, utility vehicle, or mini truck on any public sidewalk or other leisure path or other public property other than the streets and highways under the Village's jurisdiction.
- (vii) Operate an under-speed vehicle, utility vehicle, or mini truck with more passengers than original manufacturer seating permits.

(B) Whoever violates division (A) of 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 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.

Section 5. Inspections

As set forth herein, any vehicle owner who wishes to operate an under-speed vehicle, utility vehicle, or a mini-truck on the public streets or highways of the Village shall first submit the vehicle to an inspection conducted by the Village of West Lafayette Police Department, or other appropriate local law enforcement authority, that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02.

The Village may require a vehicle owner to pay an inspection fee of \$50.00. If a vehicle fails an inspection, the inspection fee will be charged on all subsequent inspections.

The Village administration, including but not limited to the Village Police Department, shall create and adopt an information packet for the public concerning inspection and operation of under-speed vehicles, utility vehicles, or mini trucks in the Village of West Lafayette.

Section 6. Notification of Director of Public Safety

The Village Mayor, Chief of Police, and/or Fiscal Officer are hereby authorized to notify the director of public safety of this Ordinance authorizing the operation of under-speed vehicles,

utility vehicles, and mini trucks.

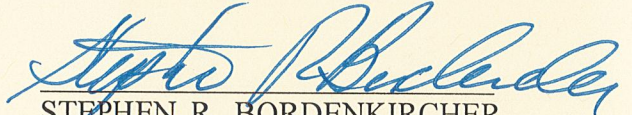
Section 7: Financial Responsibility/Liability Insurance

Any person operating an all-purpose vehicle on the Village of West Lafayette alleys, streets, highways and/or other public property shall comply with Ohio Revised Code Chapter 4509, including but not limited to the provisions of Ohio Revised Code Section 4509.101 which prohibits a person from operating a motor vehicle unless proof of financial responsibility is maintained.


Section 8: Open Meetings

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including but not limited to Section 121.22 of the Ohio Revised Code.

Passed at a regular meeting of the West Lafayette Village Council duly convened with a quorum present this 16th day of December, 2019.


STEPHEN R. BORDENKIRCHER,
MAYOR

ATTEST:


AMY BOURNE
FISCAL OFFICER