

AN ORDINANCE ENACTING CHAPTER 377 OF THE CODIFIED ORDINANCES OF THE CITY OF PORT CLINTON ENTITLED UNDER SPEED VEHICLES, PROHIBITING THE USE OF UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS UPON ANY STREET OR HIGHWAY IN THE CITY OF PORT CLINTON AND DECLARING AN EMERGENCY

WHEREAS, No person shall operate an under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway in the City of Port Clinton as set forth in Ohio R.C. Section 4511.214.

WHEREAS, It is not a violation of this section to use a Utility Vehicle or all purpose vehicle to clear snow from sidewalks, driveways, and parking lots in the City, and for travel to and from those areas for the purpose of snow removal, or for the City's use of such vehicles on City sidewalks or other public ways while performing City functions.

WHEREAS, this Council finds and determines that the City should prohibit the operation of under-speed vehicles, utility vehicles, or mini-trucks on any street or highway in the City of Port Clinton.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Port Clinton, County of Ottawa and State of Ohio:

Section 1. That Chapter 377 of the Codified Ordinances of the City of Port Clinton be enacted to state as follows:

377.01 DEFINITIONS.

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

(a) "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. Ohio R.C. 4501.01(XX)

(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. Ohio R.C. 4501.01(VV)

(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. Ohio R.C. 4501.01 (BBB)

377.02 PROHIBITED OPERATION

(a) No person shall operate an under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway in the City of Port Clinton.

(b) It is not a violation of subsection (a) to use a utility vehicle or all-purpose vehicle to clear snow from sidewalks, driveways, and parking lots in the City and for travel to and from those areas for the purpose of snow removal, or for the City's use of such vehicles on City sidewalks or other public ways while performing City functions.

377.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense of a violation of this chapter 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

Section 2. Each section and each part of each section of this ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstances, is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this ordinance would have been adopted independently of such section, sections or parts of a section so held to be invalid.

Section 3. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 4. 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 so that the regulations created herein may be effective by the spring season of the year 2020 for the enhancement of safety to the traveling public and for the convenience of the residents and businesses of the community; **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and

approval by the Mayor.

Passed: _____, 2020

Attest: _____
Clerk of Council

President of Council

Approved _____, 2020

Mayor