

Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 301 – DEFINITIONS – AND ENACTING CHAPTER 377 – OPERATION OF LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS AS AMENDED

WHEREAS, the Municipal Traffic Code neither defines nor regulates low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks; and,

WHEREAS, Section 4511.214, Ohio Revised Code prohibits the operation of under-speed vehicles, utility vehicles, and mini-trucks unless a local authority has granted permission for their operation; and,

WHEREAS, the City of Defiance, Ohio intends to grant permission for the vehicles defined below within its jurisdiction;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: That the following be added to Chapter 301 – DEFINITIONS:

301.491 Under-Speed Vehicle

"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.

301.1801 Low-Speed Vehicle

"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.

301.182 Mini-Truck

"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.

301.492 Utility Vehicle

"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.

Section 2: That Chapter 377 – OPERATION OF LOW-SPEED VEHICLES, UNDER-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS is hereby enacted as follows:

377.01 OPERATION RESTRICTED FOR LOW-SPEED VEHICLES, UTILITY VEHICLES, AND MINI-TRUCKS

- (a) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck upon any street or highway within the City except upon a street, bridge, or state highway having an established speed limit of twenty-five (25) miles per hour or below. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck will be permitted to cross intersections on streets or highways with higher speeds as long as the vehicle remains on a street with a posted speed limit of twenty-five (25) miles per hour or below.
- (b) Notwithstanding Section 377.01(a), no person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or mini-truck upon Clinton Street. A low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck may operate on Clinton Street for the sole purpose of crossing the Clinton Street "Purple Heart" Bridge. In such case, the vehicle shall only operate in the right lane of the bridge and shall make the first available right-hand turn immediately after crossing.
- (c) Notwithstanding Section 377.01(a), low-speed vehicles, under-speed vehicles, utility vehicles, or mini-trucks are permitted to travel on East River Drive solely for the length of the street that runs parallel to Pontiac Park and for entering and exiting therefrom.
- (d) The owner of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck who wishes to operate on a public street must first submit the vehicle to an inspection that complies with the requirements of established by the Ohio Department of Public Safety ("ODPS") under Section 4513.02, Ohio Revised Code.

- (e) Every low-speed vehicle, under-speed vehicle, utility vehicle, and mini-truck operated upon any street within the City must have a seat safety belt installed at each designated seating position.
- (f) Low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated on public streets must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503, Ohio Revised Code, and be titled in accordance with Chapter 4505, Ohio Revised Code.
- (g) Occupants of a low-speed vehicle, under-speed vehicle, utility vehicle, or a mini-truck shall be seated at all times on the seat of the vehicle with the seat belt buckled when the vehicle is in motion. Standing on any portion of the vehicle while it is in motion is prohibited.
- (h) Any child who falls under the child restraint criteria set forth by Section 4511.81, Ohio Revised Code, is prohibited from driving or riding as a passenger in a low-speed vehicle, under-speed vehicle, utility vehicle, or mini-truck operated on any street, highway, right-of-way, public area, or private property used for vehicular travel within the City.
- (i) No person shall operate a low-speed vehicle, under-speed vehicle, utility vehicle, or mini-truck upon any sidewalks within the City.
- (j) Except as otherwise provided, all sections of the City Traffic Code and the Ohio Revised Code, or substantially similar laws, shall apply to low-speed vehicles, under-speed vehicles, utility vehicles, and mini-trucks operated upon any street, highway, right-of-way, public area, or private property used for vehicular travel within the City.

377.99 PENALTY

Whoever violates any provision contained in Chapter 377 is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense. Nothing in this section shall limit the City from filing other violations of law including, but not limited to, license violations.

Section 3: The Council Clerk is directed to notify the Director of Public Safety of the authorization of these vehicles as required by Section 4511.215(A), Ohio Revised Code.

Section 4: This Ordinance is enacted pursuant to the home rule authority of the City of Defiance, Ohio, as set forth in Article XVIII, Section 3 of the Ohio Constitution.

Section 5: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 6: This Ordinance shall be effective on the earliest date permitted by law.

Passed: _____, 2020

President of Council

Attest: _____, Clerk

Approved: _____, 2020

Mayor

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT FOR A LEAF COLLECTOR AND DECLARING AN EMERGENCY

WHEREAS, leaf collection season is currently under way and the current leaf collector requires three or four employees to operate; and,

WHEREAS, the City desires to acquire a new leaf collection machine that only requires one employee to operate; and,

WHEREAS, the City complied with the competitive bidding requirements in Section 151.03 of the Codified Ordinances of Defiance, Ohio through the HGACBuy Purchasing Cooperative; and,

WHEREAS, the City identified a Spartan Leaf Collector that would improve its services in for the total amount of \$216,000.00; and,

WHEREAS, financing is available through TCF Equipment Finance at an interest rate of 3.56% for a period of five (5) years, after which the City would retain full ownership of the machine;

Now therefore, be it enacted by the Council of the Municipality of Defiance, Ohio, that:

Section 1: The City Administrator is directed to enter into a lease agreement, and any ancillary documents, with TCF Equipment Finance for one (1) Bell Spartan Model LV-4020 for a term of five (5) years at a total cost of \$216,000.00 and according to the terms of the Lease Agreement on file in the office of the City Law Director.

Section 2: The Finance Director is authorized to pay the price in Section 1 in accordance with the Lease Agreement from Line 204-446-52-980880 of the 2020 annual budget.

Section 3: It is found and determined that all legislative actions pertaining to the adoption of this Ordinance were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session or in Executive Session duly convened in accordance with law.

Section 4: This Ordinance is declared to be an emergency measure necessary to preserve the health, safety, or welfare of the community for the reason that time is of the essence to acquire this equipment before the end of leaf collection season and before the first snowfall. As such, this Ordinance shall be effective immediately upon passage by an affirmative vote of not less than five (5) Members of Council and approval of the Mayor.

Passed: _____, 2020

President of Council

Votes in Favor of Adoption: _____

Votes Opposed to Adoption: _____

Attest: _____, Clerk

Approved: _____, 2020

Mayor

