

**RECORD OF ORDINANCES**  
**CITY OF UPPER ARLINGTON**  
**STATE OF OHIO**

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**ORDINANCE NO. 41-2019**

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**TO AMEND SECTION 301.05 – DEFINITIONS (S-Z) AND TO ENACT CHAPTER 387 – UNDER-SPEED VEHICLES, RELATIVE TO THE TRAFFIC CODE AND TO DECLARE AN EMERGENCY**

**WHEREAS,** in recognition of the increased trend of personal use of golf carts on City streets and recognition of residents’ historic use of golf carts around the Fourth of July, Council seeks to clarify the legality of golf carts on City streets;

**WHEREAS,** in 2017, R.C. 4511.215 took effect providing that a local authority may authorize the operation of under-speed vehicles, including golf carts, on streets within its jurisdiction;

**WHEREAS,** the City of Upper Arlington seeks to allow the operation of under-speed vehicles within its jurisdiction;

**WHEREAS,** Council desires to waive certain provisions of the code concerning golf carts for their traditional operation on the days around the Fourth of July holiday.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Upper Arlington, Ohio:

**SECTION 1.** That Council hereby waives the requirement of Section 731.19 of the Ohio Revised Code that this Ordinance contain the entire section of the Chapter is being amended.

**SECTION 2.** That the following definition be added to Section 301.05 - DEFINITIONS (S-Z):

*Under-speed vehicle: means a three- or –four-wheeled vehicle, including golf carts, with an attainable speed on a paved level surface of not more than twenty miles per hour and with a gross weight rating less than three thousand pounds.*

**SECTION 3.** That Chapter 387 – Under-Speed Vehicles, is hereby enacted as follows:

**387.01 – OPERATION RESTRICTED FOR UNDER-SPEED VEHICLES**

(A) No person shall operate an under-speed vehicle upon any street or highway except upon a street or highway having an established speed limit not greater than 35 twenty-five (25) miles per hour. This section does not prohibit the following:

(1) A person operating an under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than twenty-five miles per hour;

(B) The owner of an under-speed vehicle who wishes to operate on a public street or highway must first submit the vehicle to an inspection that complies with the requirements established by the Ohio Department of Public Safety under Section 4513.02 of the Revised Code.

(C) Under-speed vehicles must have a seat safety belt installed at each designated seating position and shall be part of the safety inspection.

(GD) Under-speed vehicles operated on public streets or highways must successfully pass the required vehicle inspection, be registered in accordance with Chapter 4503 of the Revised Code, and be titled in accordance with Chapter 4505 of the Revised Code.

(DE) Except as otherwise provided, all sections of the traffic code or substantially similar offenses shall apply to under-speed vehicles operated upon any street, highway, or private property use for vehicular travel.

**387.99 – PENALTY**

Whoever violates this Chapter is guilty of a minor misdemeanor on a first offense. If the violator has previously been convicted of a violation of this Chapter, the violator is guilty of a misdemeanor of the fourth degree. Nothing in this section shall limit the City from filing other violations of law including but not limited to license violations.

**SECTION 4:** The codified requirements concerning inspection and registration of golf carts are hereby waived for the time period beginning a two days before through a two days after the Fourth of July celebration in the City, provided that the golf carts are only operated on streets or private property used for vehicular travel with a speed limit of 25 mph. This section does not prohibit the following:

A person operating an under-speed vehicle from proceeding across an intersection of a street or highway having a speed limit greater than twenty-five miles per hour;

This waiver does not apply to moving violations, safety offenses, license violations, or any other applicable codified traffic violation or substantially similar violations.

**SECTION 5.** That the City Clerk is directed to notify the director of public safety of this local authorization of under-speed as required by R.C. 4511.215.

**SECTION 6.** That the City Clerk is directed to provide notice to the community and civic groups of Section 4 of this Ordinance on an annual basis, no later than one week prior to the Fourth of July.

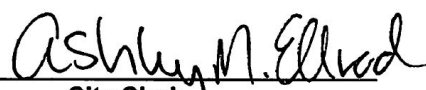
**SECTION 67.** That the City Manager, Finance Director, and the City Attorney are hereby authorized to take all actions necessary to enter into, implement, and administer the above reference ordinance and that are not substantially inconsistent with this Ordinance.

**SECTION 78.** That this Ordinance is enacted pursuant to the home rule powers of the City of Upper Arlington as set forth at Article XVIII, Section 3, of the Ohio Constitution.

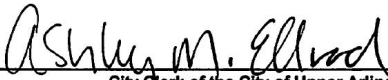
**SECTION 89.** That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising so that the above-described measures exist prior to the Fourth of July activities to effectively manage and control the use of golf carts, and therefore this Ordinance shall be effective on July 1, 2019.

**PASSED: June 10, 2019**

  
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President of Council

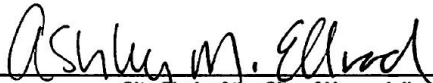
ATTEST:   
City Clerk

I, Ashley Ellrod, City Clerk of Upper Arlington, Ohio, do hereby certify that the above is a true and correct copy.

  
\_\_\_\_\_  
City Clerk of the City of Upper Arlington

**CERTIFICATE OF POSTING**

I, Ashley Ellrod, City Clerk of the City of Upper Arlington, Ohio, do hereby certify that publication of the foregoing was made by posting a true copy of Ordinance No. 41-2019 at the most public place in said corporation as determined by the Council, the Municipal Building, 3600 Tremont Road, for a period of ten (10) days commencing June 11, 2019.

  
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City Clerk of the City of Upper Arlington

	Vote Slip
Sponsor:	Mr. Close
Voting Aye:	Unanimous
Voting Nay:	
Abstain:	
Absent:	
Date of Passage:	June 10, 2019
Other:	Effective July 1, 2019



To: The Honorable Kip Greenhill, and  
Members of Upper Arlington City Council

From: Jeanine Hummer, City Attorney  
Darlene Pettit, Assistant City Attorney

Prepared for Meeting Dated: June 10, 2019

**Subject: Golf Carts**

Action Requested: Amendments to the Traffic Code

Master Plan Objective: Safety

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## Executive Summary

Recently enacted state law provides that operating an “under-speed vehicle” (including golf carts) on any street is prohibited unless the local authority (such as Upper Arlington) specifically authorizes it. However, due to recent passage of this law, the increased trend in the personal use of golf carts on City streets and residents’ historic use of golf carts around the 4<sup>th</sup> of July, there is much confusion around the legality of golf carts on City streets. The goal of Council’s discussion today is to clarify this confusion for the community and for the Police on two separate issues: (1) whether the City should authorize residents’ use of code-compliant golf carts year-round; and (2) whether the City should exempt non-compliant golf carts around the 4<sup>th</sup> of July.

## Current Law

In 2017, the state law changed regarding golf carts and under speed vehicles. R.C. 4511.215 now provides that a municipality may authorize the operation of an under-speed or utility vehicles (including golf carts) or mini-trucks on the streets in its jurisdiction, provided the municipality does the following:

1. Limits the operation to streets with a speed limit of 35 mph or less.
2. Requires that the vehicle owner have the vehicle inspected for compliance with the Department of Public Safety’s requirements. Specifically, Ohio Admin. Rule 4501-30-05 (attached) requires that an under-speed vehicle include the following equipment:
  - a. adequate brakes and braking system;
  - b. working brake lights
  - c. warning/turn signals
  - d. headlights, and tail lights;



- e. properly working steering mechanism;
  - f. windshield to prohibit injury from any debris from the roadway;
  - g. rear view mirror to reflect the operator a view of the public street or highway to the rear; and,
  - h. appropriate tires that are free of major bumps, bulges or other conditions that would make them unsafe.
3. Permits operation of vehicles that: (i) have passed the required inspection, (ii) are properly registered and (iii) are properly titled.

In addition, a municipality may impose additional requirements for the operation of under speed vehicles on its streets. For example, the City could also require seatbelts, horns, or other safety items that required of motor vehicles on the road. Please note that because R.C. 4501.01(B) states that under-speed vehicles are excluded from the definition of “motor vehicles,” other safety items not listed above that are required for cars and motor vehicles would not be required unless Council specifically adds them. In response to the conference session comments, safety seat belts have been added to the Ordinance as a requirement for the safety inspection. They must be present at each designated seating position.

Please note that the current law for golf carts and under-speed vehicles is different from low-speed vehicles, which are already authorized to be operated on City streets by state law. “Low-speed vehicles” are defined as being able to go more than 20 mph, but not more than 25 mph. State law (R.C. 4511.214) permits operation of these low-speed vehicle on any streets having a speed limit of 35 mph or less.

## **Historical Perspective**

The following documents are attached to give Council a historical perspective about golf cart legislation in the City:

- 2014 historical document regarding golf carts
- 2010 minutes for the failed golf cart ordinance
- 2010 staff report for golf carts
- 2010 ordinance

In 2010, the City Attorney drafted a law that would have provided the legal usage of these under-speed vehicles, Council considered, but did not pass (4-3), legislation relating to golf cart usage. At that time, it was up to the municipality to create and enact guidelines for operating under speed vehicles.

## **Current Enforcement**

The enforcement of laws pertaining to golf carts has caused much confusion among our residents, historically around the 4<sup>th</sup> of July, and more recently with the increased presence of street-legal/code-compliant golf carts. As it pertains to the 4<sup>th</sup> of July, around the 4<sup>th</sup> of July the Police have prioritized enforcing traffic laws with the most-direct safety impacts—driving under the influence, child-restraint laws, etc.—with less emphasis on the title and registration laws that apply to all vehicles on our City streets. The goal of putting forth this subject is to provide some clarity on this issue for the City administration and residents.



## Potential Solutions

As set forth above, City Council has two separate issues before it: (1) whether the City should authorize residents' use of code-compliant golf carts year-round; and (2) whether the City should exempt non-compliant golf carts around the 4<sup>th</sup> of July. These issues should be addressed separately.

First, we have been given certain safety standards for permitting code-compliant golf carts on our City streets year round. Council can pass an ordinance contemplated by the Ohio Revised Code and the safety standards set forth therein with govern the operation of under-speed vehicles on our City streets. Additionally, while the safety standards in the Ohio Revised Code cover many of the concerns addressed by council in the past, the Ohio Revised Code permits the City impose additional requirements for the operation of under speed vehicles on its streets. If so desired, Council should identify other safety concerns that should be added to this legislation (historically under-age drivers and children passengers).

Please keep in mind that bicycles, motorcycles, and motorized bicycles may be operated on any streets, regardless of speed limit. Low-speed vehicles may be on any street with a speed limit of 35 mph or less.

Second, one way to address the non-compliant golf carts around the 4<sup>th</sup> of July would be to enact an uncodified provision to exempt to operation of these traditional golf carts on the days around the 4th of July (perhaps one day before and one day after) without pursuing the registration and licensing requirements. Based on the conference session discussion, and after conferring with the Civic Association and rental groups, the expansion period was modified to two days before and two days after. The exemption will not excuse the operators from traffic violations that include but are not limited to no operator's license, driving under suspension, reckless operation, failure to control, operating under the influence, hit/skip, vehicular homicide, fleeing, or any other offense where an accident occurs. We can also add provisions dealing with children passengers and operation on streets with a speed limit of 25mph. This would permit the current practice of discretionary enforcement of non-safety concerns and would give the Police more certainty for enforcing safety related concerns. A section was added to the Ordinance to direct that the City Clerk provide annual notice to the community and civic associations, no later than a week before July 4<sup>th</sup>, of the uncodified provisions.

