



Legislation Text

File #: O-500-18, **Version:** 1

Council Members Ludeman and Harper

Repealing Chapter 378 of the Toledo Municipal Code, Golf Carts and Low Speed Vehicles, and enacting new Chapter 378, Operation of Under-Speed Vehicles, Utility Vehicles and Mini-Trucks on City Streets; and declaring an emergency.

SUMMARY & BACKGROUND:

Toledo City Council passed Ordinance 100-17 on March 7, 2017, establishing a “Pilot Program” for the operation of “golf carts and low speed vehicles on public streets within designated areas of the City of Toledo.” The Pilot Program is set to expire on December 31, 2018. Council held a public hearing to review the Pilot Program with particular attention to safety and boundaries. It has been determined that allowing Under-Speed Vehicles to operate on certain public streets within the City of Toledo is beneficial to the economic vitality of the area as well as the quality of life of the residents.

It has been determined that the boundaries will be modified to connect the Old West End and the Downtown area and include the Toledo Museum of Art, as well as to expand the boundaries of the Point Place area. There will also be minor amendments made to the definitions as well as safety provisions for consistency with state law.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Toledo Municipal Code Chapter 378, which reads as follow:

378. Golf Carts and Low Speed Vehicles

378.01 Definitions

As used in this chapter:

(a) "All-purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in section [4501.01](#) of the Revised Code or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Chapter 4503. or 4561. of the Revised Code, and any

vehicle excepted from definition as a motor vehicle by division (B) of section [4501.01](#) of the Revised Code.

(b) "Low-speed vehicle" means a three- or four-wheeled motor vehicle, including a vehicle commonly known as a golf cart, 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.

(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.

(d) "Operate" means to cause or have caused movement of a vehicle.

(e) "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.

(f) "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.

(g) "Vehicle" as used in this chapter shall include all-purpose vehicles, low speed vehicles, mini trucks, under speed vehicles commonly known as "golf carts" and utility vehicles.

378.02 Inspection of Vehicles

(a) No person shall operate a vehicle, as defined in this chapter, on the streets within the City of Toledo unless it has been inspected and approved by the Chief of Police or his designee or by another agent designated and approved by the State of Ohio, for compliance with the applicable safety/equipment requirements of the State of Ohio relative to such vehicles.

(b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio,

determines that the vehicle complies with the State of Ohio statutory requirements that are applicable to such vehicle, the Chief of Police shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the vehicle in the City of Toledo within the proposed boundaries. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the vehicle before a certificate of compliance is issued. The owner or operator of any such vehicle shall be required to pay a fee in the amount of \$25.00 to the City of Toledo through the City Police Department before the vehicle may be operated on the streets of the City of Toledo proposed boundaries. The Chief of Police will designate the issuing date on each certificate. The Chief of Police shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any vehicle shall keep a copy of any certificate issued pursuant to this section inside the vehicle to which it pertains.

(c) The owner of a vehicle shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating the vehicle on any street within the City of Toledo proposed boundaries. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

378.03 Usage and Restrictions

(a) Except as provided in §378.04, no person shall operate these vehicles on a street or roadway within the City of Toledo

(b) No vehicle shall be permitted to travel on any city street where the speed limit is greater than 35 mph. These vehicles will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a speed limit of 35mph or less. `

(c) The operator of a vehicle must be at least 16 years of age and have a valid State of Ohio or non-resident state driver's license.

(d) Any child who is more than four (4) years of age and less than forty (40) pounds in weight but less than eight (8) years of age or less than four (4) feet, nine (9) inches in height must be properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(e) These vehicles must be operated in accordance with all State of Ohio traffic laws in addition to all applicable sections of the City of Toledo Municipal Ordinances.

378.04 Boundaries.

(a) Vehicles certified in compliance with this chapter may be operated on streets or roadways within the following boundaries:

(1) Point place pilot program

Beginning at the intersection of Brophy Drive and the Centerline of the Ottawa River, thence

(2) Old West End Pilot Program

Starting at the intersection of 23rd and Monroe northwesterly along Monroe to the intersection of Monroe and Glenwood thence Northerly on Glenwood to the intersection of Glenwood and Collins thence easterly on Collins to the intersection of Robinwood and Collins thence, Northerly on Robinwood to the intersection of Nesselwood, thence Northerly on Scottwood to Central, thence easterly on Central to Collingwood, thence southerly on Collingwood to Woodruff, thence easterly on Woodruff to 23rd Street, thence Southwest early on 23rd to the intersection of Monroe and being the point of beginning.

(3) Downtown Pilot Program

Beginning at the intersection of South 22nd Street and Norwood Avenue, thence Westerly

along Norwood Avenue to the intersection of Collingwood Boulevard, thence Northerly on Collingwood Boulevard to the intersection of Jefferson Avenue, thence Westerly along Jefferson Avenue to Parkwood Avenue, thence Northerly along Parkwood Avenue to the intersection of Woodruff Avenue, thence easterly along Woodruff Avenue to the intersection of Putnam Avenue, thence South along Putnam to the intersection of 21st Street, thence Southwest early along 21st Street to the intersection of Adams Street, thence Southwest early along Adams Street to the intersection of 14th Street, thence northeasterly along 14th Street to the intersection of Jackson Street, thence Northerly along North 14th Street to the intersection of East Woodruff Avenue, thence easterly along East Woodruff Avenue to the intersection of Cherry Street, thence Southeast early along Cherry Street to the intersection of the Westerly Harbor line of the Maumee River, thence Southwest early along the Westerly Harbor line of the Maumee River to the intersection of Underside of the Anthony Wayne Brid

ge, thence easterly along the underside of the Anthony Wayne Bridge to the intersection of Clayton Street, thence Northwest early along Clayton Street to the intersection of Summit Street, thence Southwest early along Summit to the intersection of William Street, thence Northwest early along Williams Street to the intersection of South Saint Clair Street, thence Southwest early along South Saint Clair Street to the intersection of Newton Street, thence Northwest Julia long Newton Street to the deflection point at Collingwood, thence West Northwest early along Collingwood to the intersection of South Erie Street, thence Northeast early along Erie Street to the intersection of Washington Street, thence Northwest early along Washington Street to the intersection of South 22nd Street, thence Northerly along South 22nd Street to the intersection of Norwood Avenue and being the place of beginning.

(b) The requirements and boundary limitations of this chapter shall not apply to the operation of golf carts within golf courses or across streets or roadways within golf courses.

378.05 Duration.

(1) The Pilot Program will begin on Saturday, April 1, 2017.

(2) The Pilot Program will end on Monday, December 31, 2018.

378.99 Penalty

(a) Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

is hereby repealed.

SECTION 2. That a new Toledo Municipal Code Chapter 378 is hereby enacted as follows:

378. Operation of Under-Speed Vehicles, Utility Vehicles and Mini-Trucks on City Streets

378.01 Definitions

As used in this chapter:

(a) "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.

(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) "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.

(d) "Vehicle" as used in this chapter shall include Mini Trucks, Under-Speed Vehicles commonly known as "golf carts" and Utility Vehicles.

378.02 Inspection of Vehicles

(a) No person shall operate a Vehicle, as defined in this chapter, on the streets within the City of Toledo unless it has been inspected and approved by the Chief of Police or his designee or by another agent designated and approved by the State of Ohio, for compliance with the following:

- (1) applicable safety/equipment requirements of the State of Ohio relative to such vehicles; and
- (2) the following additional requirements:
 - (i) windshield wipers;
 - (ii) brackets for front and back license plates;
 - (iii) license plate light;

- (iv) horn; and
- (v) seatbelts for all occupants.

(b) If the Chief of Police, or his designee, or another agent designated and approved by the State of Ohio, determines that the Vehicle complies with the State of Ohio statutory requirements that are applicable to such Vehicle and the additional requirements of paragraph (a) herein, the Chief of Police shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the Vehicle in the City of Toledo within the proposed boundaries. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the Vehicle before a certificate of compliance is issued. The owner or operator of any such Vehicle shall be required to pay a fee in the amount of \$25.00 to the City of Toledo through the City Police Department before the Vehicle may be operated on the streets of the City of Toledo proposed boundaries. The Chief of Police will designate the issuing date on each certificate. The Chief of Police shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any Vehicle shall keep a copy of any certificate issued pursuant to this section inside the Vehicle to which it pertains.

(c) The owner of a Vehicle shall also comply with all requirements of Ohio law regarding proper title, registration and license plates prior to operating the Vehicle on any street within the City of Toledo proposed boundaries. Compliance with this section shall be in addition to, rather than in lieu of, any applicable provisions of State law relative to the operation of motor vehicles.

378.03 Usage and Restrictions

(a) Except as provided in §378.04, no person shall operate these Vehicles on a street or roadway within the City of Toledo

(b) No Vehicle shall be permitted to travel on any city street where the speed limit is greater than 35 mph. These Vehicles will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a speed limit of 35mph or less.

(c) Vehicle operation is permitted on streets only and prohibited on any multiuse path or sidewalk.

(d) The operator of a Vehicle must be at least 16 years of age and have a valid State of Ohio or non-resident state driver's license.

(e) Child restraint systems and booster seats shall be required as follows:

- (1) Any child who is less than four (4) years of age or weighs less than forty (40) pounds must be properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards.

- (2) Any child who is less than eight (8) years of age and less than four (4) feet, nine (9) inches in height who is not required by (e)(1) of this section to be secured in a child restraint system must be properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(f) These Vehicles must be operated in accordance with all State of Ohio traffic laws in addition to all applicable sections of the City of Toledo Municipal Ordinances. Traffic citations may be issued as with regular violations with the same penalties imposed.

378.04 Boundaries.

(a) Vehicles certified in compliance with this chapter may be operated on streets or roadways within the following boundaries:

(1) Point Place

Beginning at the intersection of Brophy Drive and the centerline of the Ottawa River, thence northeasterly along the Ottawa River to the intersection of the Michigan state line, thence easterly along the Michigan state line to the westerly boundary of Lake Erie, thence southwesterly along the westerly boundary of Lake Erie to the intersection with the CSX Rail Line, thence northwesterly along the CSX Rail Line to the intersection of Summit Street, thence northeasterly along Summit to the intersection of Manhattan Boulevard, thence westerly along Manhattan to the intersection of Suder Avenue, thence northwesterly along Suder to the intersection of Shoreland Avenue, thence northeasterly along Suder to the intersection of Washington Township, thence easterly along the limits of Washington Township to the intersection of the centerline of Angel Avenue, thence northeasterly along Angel to the intersection of Brophy Drive, thence southeasterly along Brophy to the intersection of the Ottawa River, and being the place of beginning.

(2) Old West End and Downtown

Beginning at the intersection of 22nd Street and Norwood Avenue, thence westerly along Norwood to the intersection of Collingwood Boulevard, thence northerly along Collingwood to the intersection of Oakwood Avenue, thence westerly along Oakwood to the intersection of Grove Place, thence northwesterly along Grove Place to Glenwood Avenue, thence northerly along Glenwood to the intersection of Monroe Street, thence northwesterly along Monroe to the intersection of Glenwood, thence northerly on Glenwood to the intersection of Collins Street, thence easterly on Collins to the intersection of Robinwood Avenue, thence northerly on Robinwood to the intersection of Nesslewood Avenue, thence easterly along Nesslewood to the intersection of Scottwood Avenue, thence northerly on Scottwood to the intersection of Central Avenue, thence easterly along Central to the intersection of Collingwood Avenue, thence southerly on Collingwood to the intersection of Woodruff Avenue, thence easterly along Woodruff to the intersection of Cherry Street, thence southeasterly along Cherry, crossing the Martin Luther King, Jr. Bridge to the intersection of Boers-Boyer Way, thence southwesterly along Boers-Boyer to the intersection of Miami Street, thence westerly along the westerly prolongation of Navarre Avenue to the easterly harbor line of the Maumee River, thence northwesterly along the easterly harbor line of the Maumee River to Main Street, thence northwesterly along Main Street, across the Martin Luther King, Jr. Bridge, to the westerly harbor line of the Maumee River, thence southwesterly along the westerly harbor line of the Maumee River, thence southwesterly along the westerly harbor line of the Maumee River to the intersection of the underside of the Anthony Wayne Bridge, thence easterly

along the underside of the Anthony Wayne Bridge to the intersection of Clayton Street, thence northwesterly along Clayton to the intersection of Ottawa Street, thence southerly on Ottawa to the intersection of Morris Street, thence southerly and westerly to the intersection of Emerald Avenue, thence northwesterly on Emerald to the intersection of Logan Street, thence northwesterly on Logan to the intersection of Erie Street, thence northeasterly on Erie to the intersection of Washington Street, thence northwesterly along Washington to the intersection of 22nd Street, thence northerly along 22nd to the intersection of Norwood Avenue and being the place of beginning.

(b) The requirements and boundary limitations of this chapter shall not apply to the operation of golf carts within golf courses or across streets or roadways within golf courses.

378.99 Penalty

(a) Whoever violates this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that it is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that it is necessary that Toledo Municipal Code changes be made to allow Under-Speed Vehicles, Utility Vehicles and Mini-Trucks on public streets within designated areas.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council