

1<sup>st</sup> Reading-March 4<sup>th</sup>, 2021

2<sup>nd</sup> Reading-March 18<sup>th</sup>, 2021

A&P-April 1<sup>st</sup>, 2021

Sponsor: Brenner

ORDINANCE NO. 2021-09

**AN ORDINANCE BY THE CITY OF WELLSTON LEGISLATIVE AUTHORITY  
ADOPTING, AMENDING AND REPLACING RELEVANT SECTIONS OF CHAPTER  
75 OF THE WELLSTON CODE AND DECLARING AN EMERGENCY**

**WHEREAS** the City of Wellston Council has established rules and regulations for Bicycles, Motorcycles and Off-Road Vehicles and have codified those Rules as Chapter 75 of the Wellston Codified Ordinances; and

**WHEREAS** the City Safety Committee has recommended amendments to certain sections of Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles specifically Sections 75.25 through 75.36, titled Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles, Sections 75.50 through 75.53, currently titled Golf Carts and Section 75.99 of the Wellston Codified Ordinances, a copy of the revised Rules and Regulations detailing the amendments to be made is attached hereto; and

**WHEREAS** the Council has reviewed and given input on the Rules; and

**WHEREAS** the Council has determined that it is in best interest of the health safety and welfare of the inhabitants of the City to adopt the Rules, a copy of which is attached as Exhibit A

**NOW THEREFORE BE IT ORDAINED** by the Council that:

**Section One:** Relevant Sections of Chapter 75: Bicycles, Motorcycles and Off-Road Vehicles specifically being Sections 75.25 through 75.36, titled Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles, Sections 75.50 through 75.53, currently titled Golf Carts and Section 75.99 of the Wellston Codified Ordinances are hereby amended and replaced as detailed in attached Exhibit A.

**Section Two.** This Resolution is hereby declared an emergency measure pursuant to Ohio Revised Code Section 731.30 and its immediate passage is necessary in order to preserve, protect and maintain the health, safety and welfare of the citizens of the City or Wellston, Ohio and as such shall take effect and be in full force immediately upon its passage and approval.

**Section Three.** In the event this Resolution receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, this Resolution shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

**Section Four:**

It is hereby found and determined that all formal acts of this council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this council and the deliberations of the council and any of its committees that resulted in such formal action were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED by the legislative authority of the City of Wellston this 1<sup>st</sup> day of April, 2021.

David McWilliam  
Council President

ATTEST:

Amy Skuse  
Clerk of Council

Approved this 1<sup>st</sup> day of April, 2021.

[Signature]  
Mayor

Posted \_\_\_\_\_ through \_\_\_\_\_ at The Store, Wellston City Hall, Wellston Senior Citizens' Center, the Wellston Public Library and the Post Office.

Prepared by: Randy H. Dupree, Law Director, City of Wellston

## OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES

### § 75.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALL-PURPOSE VEHICLE.** 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. The term does not include a utility vehicle as defined in R.C. § 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or R.C. Chapter 4561, and any vehicle excepted from definition as a motor vehicle by R.C. § 4501.01(B).

**DEALER.** Any person or firm engaged in the business of manufacturing or selling off-highway motorcycles, or all-purpose vehicles at wholesale or retail, or who rents, leases or otherwise furnishes off-highway motorcycles, or all-purpose vehicles for hire.

**ELECTRONIC.** Has the same meaning as in R.C. § 4501.01.

**ELECTRONIC DEALER.** A dealer whom the Registrar of Motor Vehicles designates under R.C. § 4519.511.

**ELECTRONIC RECORD.** Has the same meaning as in R.C. § 4501.01.

**HIGHWAY.** Has the same meaning as in R.C. § 4511.01.

**INTERSTATE HIGHWAY.** Any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C. § 103, as amended.

**LIMITED ACCESS HIGHWAY OR FREEWAY.** Have the same meanings as in R.C. § 5511.02.

**MINI-TRUCK.** A vehicle that has four wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less, has a total dry weight of 900 to 2,200 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.

**OFF-HIGHWAY MOTORCYCLE.** Every motorcycle, as defined in R.C. § 4511.01, that is designed to be operated primarily on lands other than a street or highway.

**OPERATOR.** Any person who operates or is in actual physical control of an off-highway motorcycle, or all-purpose vehicle.

**OWNER.** Any person or firm, other than a lienholder or dealer, having title to an off-highway motorcycle, or all-purpose vehicle, or other right to the possession thereof.

**PROOF OF FINANCIAL RESPONSIBILITY.** Has the same meaning as in R.C. § 4509.01.

**STATE HIGHWAY and STATE ROUTE.** Have the same meanings as in R.C. § 4511.01.

**STREET.** Has the same meaning as in R.C. § 4511.01.

(R.C. § 4519.01) (Rev. 2018) (2003 Code, § 75.25)

## § 75.26 EQUIPMENT.

(A) In addition to any rules or regulations promulgated by the Ohio Director of Public Safety pursuant to R.C. § 4519.20 and R.C. Chapter 119, equipment of off-highway motorcycles, and all-purpose vehicles shall include but not necessarily be limited to requirements for the following items of equipment:

(1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness.

(3) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles.

(B) No person shall operate any off-highway motorcycle, or all-purpose vehicle in violation of this section, except that equipment specified in division (A)(1) and (A)(2) of this section shall not be required on off-highway motorcycles, or all-purpose vehicles operated during the daylight hours.

(R.C. § 4519.20(A), (B))

(C) No person shall sell, offer for sale, lease, rent or otherwise furnish for hire in this municipality any new off-highway motorcycle, or all-purpose vehicle that fails to comply with any rule adopted by the Ohio Director of Public Safety under R.C. § 4519.20 after the effective date of the rule.

(R.C. § 4519.22(A))

(D) (1) Except as otherwise provided in this division, whoever violates division (B) of this section shall be fined not more than \$100. If the offender within the preceding year previously has committed a violation of division (B) of this section or of R.C. § 4519.20(B), whoever violates division (B) of this section shall be fined not less than \$50 nor more than \$100, imprisoned not more than three days, or both.

(R.C. § 4519.20(C)) (Rev. 2004)

(2) Except as otherwise provided in this division, whoever violates division (C) of this section shall be fined not more than \$50. If the offender within the preceding year previously has committed a violation of division (C) of this section or of R.C. § 4519.22(A), whoever violates this section shall be fined not less than \$15 nor more than \$100, imprisoned not more than three days, or both.

(R.C. § 4519.22(B)) (Rev. 2004)

(2003 Code, § 75.26)

## § 75.27 CODE APPLICATION; PROHIBITED OPERATION.

The applicable provisions of this traffic code shall be applied to the operation of off-highway motorcycles and all-purpose vehicles, except that no off-highway motorcycle or all-purpose vehicle shall be operated as follows:

(A) On any city street, alley or roadway or on any limited-access highway or freeway, or the rights-of-way thereof, except for emergency travel only during such time and in such

manner as the State Director of Public Safety or City Director of Public Safety shall designate;

(B) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

(C) On any land or waters controlled by the state or city, except at those locations where a sign has been posted permitting such operation;

(D) On the tracks or right-of-way of any operating railroad;

(E) On any City owned bike path or sidewalk

(F) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or

(G) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by R.C. § 4519.20 or a substantially similar municipal ordinance.

(R.C. 4519.40) (2003 Code, § 75.27) (Ord. 4060, passed 12-17-2009)

Cross-reference:

Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles, see § 73.16

#### § 75.28 PERMITTED OPERATION.

Off-highway motorcycles, and all-purpose vehicles may be operated as follows:

(A) To make a crossing of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard

(B) On highways in the county or township road systems whenever the local authority having jurisdiction over such highways so permits;

(C) Off and alongside street or highway for limited distances from the point of unloading from a conveyance to the point at which the off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated;

(D) On the berm or shoulder of a highway, other than a highway as designated in R.C. § 4519.40(A)(1) or a substantially equivalent municipal ordinance, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(E) On the berm or shoulder or a county or township road, while traveling from one area of operation of the off-highway motorcycle, or all-purpose vehicle to another such area.

#### § 75.29 LICENSING REQUIREMENTS OF OPERATOR.

(A) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license, issued under R.C. Chapter 4506 or R.C. Chapter 4507 or a valid, current driver's license issued by another jurisdiction, shall operate an off-highway motorcycle, or all-purpose vehicle on any street or highway in this municipality, on any portion of the right-of-way thereof, or on any public land or waters.

(B) No person without a valid driver's licenses operate an off-highway motorcycle, or all-purpose vehicle on any land or waters other than private property or waters owned by or leased to the person's parent or guardian, unless accompanied by another person who is 18 years of age or older, and who holds a license as provided in division (A) of this section, except that the Ohio Department of Natural Resources may permit such operation on state controlled land under its jurisdiction when such person is less than 16 years of age and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older.

(C) Whoever violates this section shall be fined not less than \$50 nor more than \$500, imprisoned not less than 3 nor more than 30 days, or both.

(R.C. § 4519.44) (Rev. 2010) (2003 Code, § 75.29)

#### § 75.30 MAINTENANCE OF VEHICLES FOR HIRE.

(A) Any dealer who rents, leases or otherwise furnishes an off-highway motorcycle, or all-purpose vehicle for hire shall maintain the vehicle in safe operating condition. No dealer, or agent or employee of a dealer, shall rent, lease or otherwise furnish an off-highway motorcycle, or all-purpose vehicle for hire to any person who does not hold a license as required by R.C. § 4519.44(A) or a substantially equivalent municipal ordinance, or to any person whom the dealer or an agent or employee of the dealer has reasonable cause to believe is incompetent to operate the vehicle in a safe and lawful manner.

(B) Whoever violates this section shall be fined not less than \$100 nor more than \$500.  
(R.C. § 4519.45) (Rev. 2004) (2003 Code, § 75.30)

#### § 75.31 ACCIDENT REPORTS.

(A) The operator of an off-highway motorcycle, or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of \$100 shall report the accident within 48 hours to the Chief of Police, and within 30 days shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

(B) Any law enforcement officer or other person authorized by R.C. §§ 4519.42 and 4519.43 who investigates or receives information of an accident involving an off-highway motorcycle, or all-purpose vehicle shall forward to the Registrar a written report of the accident within 48 hours.

(R.C. § 4519.46) (Rev. 1999) (2003 Code, § 75.31)

#### § 75.32 IMPOUNDING OF VEHICLE.

(A) Whenever a person is found guilty of operating an off-highway motorcycle, or all-purpose vehicle in violation of any rule authorized to be adopted under R.C. § 4519.21 or 4519.42, the trial judge of any court of record, in addition to or independent of any other penalties provided by law, may impound for not less than 60 days the certificate of registration and license plate, if applicable, of that off-highway motorcycle, or all-purpose

vehicle. The court shall send the impounded certificate of registration and license plate, if applicable, to the Registrar of Motor Vehicles, who shall retain the certificate of registration and license plate, if applicable, until the expiration of the period of impoundment.

(B) If a court impounds the certificate of registration and license plate of an all-purpose vehicle pursuant to R.C. § 2911.21, the court shall send the impounded certificate of registration and license plate to the Registrar, who shall retain them until the expiration of the period of impoundment.

(R.C. § 4519.47) (Rev. 2010) (2003 Code, § 75.32)

### § 75.33 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this subchapter shall prevent the municipality from regulating the operation of off-highway motorcycle, and all-purpose vehicles on streets and highways and other public property under municipal jurisdiction, and within the reasonable exercise of the police power, except that no registration or licensing of any off-highway motorcycle, or all-purpose vehicle required to be registered or titled under R.C. Chapter 4519 shall be required.

(R.C. § 4519.48) (Rev. 1999) (2003 Code, § 75.33)

### § 75.34 REGISTRATION OF VEHICLES.

(A) (1) Except as provided in division (B), (C) and (D) of this section, no person shall operate any off-highway motorcycle, or all-purpose vehicle within this municipality unless the off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with R.C. §§ 4519.03 and 4519.04.

(2) Except as provided in R.C. § 4511.215 or a substantially equivalent municipal ordinance, no registration is required for a mini-truck that is operated within this state. A mini-truck may be operated only in accordance with R.C. § 4511.215 and R.C. § 4519.401, or any substantially equivalent municipal ordinance.

(B) (1) No registration is required for an off-highway motorcycle that is operated exclusively upon lands owned by the owner of the off-highway motorcycle, or on lands to which the owner of the off-highway motorcycle has a contractual right.

(2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for the current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.

(3) Any all-purpose vehicle exempted from registration under division (B)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate R.C. § 4519.41.

(4) No registration is required for an all-purpose vehicle that is operated on a state highway as authorized by R.C. § 4519.41(F).

(C) No registration is required for an off-highway motorcycle, or all-purpose vehicle owned and used in this state by a resident of another state whenever that state has in effect a registration law similar to R.C. Chapter 4519 and the off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any off-highway motorcycle,



or all-purpose vehicle owned and used in this state by a resident of a state not having a registration law similar to R.C. Chapter 4519 shall comply with R.C. § 4519.09.

(D) No registration is required for an off-highway motorcycle, or all-purpose vehicle owned and used in this municipality by the United States, another state or a political subdivision thereof, but the off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.

(E) The owner or operator of any all-purpose vehicle operated or used upon the waters in this municipality shall comply with R.C. Chapter 1547 and R.C. Chapter 1548 relative to the operation of watercraft.

(F) Whoever violates division (A) of this section shall be fined not less than \$50 nor more than \$100.

(R.C. § 4519.02) (Rev. 2019) (2003 Code, § 75.34)

Statutory reference:

Destruction or disposal of vehicle; transfer of ownership; change of address; loss of certificate, see R.C. § 4519.05

Registration of emergency vehicles, see R.C. § 4519.08

Registration procedure, see R.C. § 4519.03

Temporary license placards and fees, see R.C. § 4519.10

Temporary operating permit for certain nonresidents, see R.C. § 4519.09

#### § 75.35 CERTIFICATE OF TITLE; PROHIBITIONS.

(A) No person shall do any of the following:

(1) Operate in this state an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle if such a certificate is required by R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information related to the motorcycle or vehicle has not been entered into the automated title processing system by a Clerk of a Court of Common Pleas.

(2) Operate in this municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled.

(3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in R.C. Chapter 4519.

(4) Fail to surrender the certificate of title to a Clerk of a Court of Common Pleas as provided in R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title.

(5) Violate any provision of R.C. §§ 4519.51 through 4519.70 for which no penalty is otherwise provided or any lawful rules adopted pursuant to those sections.

(6) Operate in this state an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(B) Whoever violates this section shall be fined not more than \$200, imprisoned not more than 90 days, or both.

(R.C. § 4519.66) (Rev. 2010) (2003 Code, § 75.36)

Statutory reference:

Certificate of title: rules and procedures, see R.C. §§ 4519.51 et seq.

Stolen vehicles and restrictions on sale or transfer, felony provisions, see R.C. § 4519.67

#### § 75.36 MOTOR HOMES, CAMPERS OR TRAILERS.

It shall be unlawful to occupy a recreational vehicle, including, but not limited to, any motor home, camper or trailer, for residence purposes anywhere in the city. If the recreational vehicle is being occupied for any length of time while the owners of such recreational vehicle are building or rebuilding their residence, the owners must apply for a permit from the Service Director. The time period of the permit shall not exceed six months. No recreational vehicle may be used as a residence for any period of time on a city street.

(Ord. 4104, passed 6-2-2011) Penalty, see § 75.99

#### GOLF CARTS, AND SIDE-BY-SIDES

#### § 75.50 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**GOLF CART.** A motor vehicle as that term is defined under R.C. § 4501.01(B).

**SIDE-BY-SIDE.** A motor vehicle as that term is defined under R.C. § 4501.01(B).

**MOTOR VEHICLE.** Has the same meaning as set forth in R.C. § 4501.01(B).

**OPERATOR.** Has the same meaning as set forth in R.C. § 4501.01(X).

**R.C.** The Ohio Revised Code.

**VEHICLE.** Has the same meaning as set forth in R.C. § 4501.01(A).

(Ord. 4063, passed 2-4-2010)

#### § 75.51 INSPECTION OF GOLF CARTS.

(A) No person shall operate a golf cart or side-by-side on the streets within the cCity of Wellston unless the golf cart or side-by-side has been inspected by the Chief of Police or designee for compliance with the state's statutory requirements that are applicable to motor vehicles and such other equipment that may be determined necessary by the Chief of Police, a list of such requirements shall be maintained at the Police Department and shall include no less than the following.

(1) Each cart shall have at least one rear tail light with at least one working brake light and two front headlights and directional signals in compliance with R.C. §§ 4513.04, 4513.05, 4513.071 and 4513.261.

(2) Each vehicle shall have brackets for mounting a rear license plate and the rear plate must be able to be illuminated in compliance with R.C. §§ 4513.05 and 4503.21.

(3) Each golf cart or side by side shall have a horn in compliance with R.C. § 4513.21.

(4) Each golf cart or side by side shall have a rearview mirror in compliance with R.C. § 4513.23.

(5) Each golf cart or side by side shall have a windshield in compliance with R.C. § 4533.24, or have provisions for eye protection.

(6) All golf carts or side by sides will have a minimum of liability insurance.

(B) The owner or operator of any golf cart or side by side shall be required to pay an inspection fee of \$50 to the Police Department. If the Chief of Police or designee determines that the golf cart or side-by-side complies with the state's statutory requirements that are applicable to motor vehicles, the Chief of Police or designee shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the golf cart or side-by-side on the streets within the city. The owner or operator shall also show the Chief of Police or designee proof of liability insurance for the golf cart or side-by-side before a certificate of compliance is issued.

(C) The owner of the golf cart or side by side shall also comply with all requirements of state law regarding proper title, registration and license plates prior to operating a golf cart or side-by-side on any street within the city.

(Ord. 4063, passed 2-4-2010) Penalty, see § 75.99

#### § 75.52 TITLE AND LICENSING REQUIREMENTS.

(A) The Chief of Police shall send a letter to the state's Bureau of Motor Vehicles, Deputy Registrar and Title Support Section, Columbus, Ohio, certifying that the Chief of Police of the city has a program of inspecting golf carts or side-by-side.

(B) The Chief of Police shall, upon a passing inspection of a golf cart or side-by-side, provide the owner with a certificate of inspection on Police Department letterhead which shall include the inspection requirements.

(C) Vehicle owner shall submit the certificate of inspection to the County Clerk of Courts for issuance of a title and shall present the title, with proof of insurance, to the Deputy Registrar for issuance of license plates.

(D) Nothing contained herein shall supercede the requirements of the state's Bureau of Motor Vehicles, Clerk of Courts or Deputy Registrar's offices, and issuance of title and license plates shall be subject to compliance with state law and each such offices administrative rules.

(Ord. 4063, passed 2-4-2010)

#### § 75.53 OPERATION OF GOLF CARTS and SIDE-BY-SIDE.

(A) While operating a golf cart or side-by-side on the streets within the city, the operator shall comply with any and all laws pertaining to motor vehicles including, without limitation, safety requirements and insurance requirements. The operator shall also have a valid driver's license for the operation of motor vehicles in the state.

(B) No person shall operate a golf cart or side-by-side upon any street in the city where the posted speed limit is 35 mph or greater; provided, however, that a person may operate a golf cart and side-by-side on such roadways in the following circumstances:

(1) For the purposes of crossing a 35 mph-and-over roadway while traveling to and from a sub-35 mph roadway;

(2) To the extent reasonably necessary to access a point of arrival, or a point of destination, where the only reasonable point of access is located on a 35 mph-and-over roadway. Provided, however, that travel on 35 mph-and-over roadways shall be no more than is necessary to access a point of departure or destination located thereon. Sub-35 mph roadways shall be used when that option is available for any portion of travel. (I.E. for the purpose of gaining access to the middle-school/high school complex)

(C) For purposes of this section, a 35 mph-and-over roadway is one on which the posted or legal speed limit is 35 mph or greater. For the purpose of this section, a sub-35 mph roadway is one in which the posted speed limit is under 35 mph.

(D) The driver shall be responsible for ensuring that all passengers are in compliance with any child safety restraint laws in effect for motor vehicles.

(Ord. 4063, passed 2-4-2010) Penalty, see § 75.99

#### § 75.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Whoever violates § 75.27 shall be fined not less than \$50 nor more than \$500, or imprisoned not less than three nor more than 30 days, or both.

(R.C. § 4519.40) (Rev. 2004) (2003 Code, § 75.27)

(C) Whoever violates § 75.36 is guilty of a minor misdemeanor.

(D) An operator of a golf cart or side-by-side who violates §§ 75.50 through 75.53 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.

(Ord. 4060, passed 12-17-2009; Ord. 4063, passed 2-4-2010; Ord. 4104, passed 6-2-2011)