City of Ashtabula

Ashtabula City Council
Safety Forces Committee
Monday, April 25, 2022 at 8:45 AM
Council Chambers
4717 Main Avenue

Agenda

1. **Opening of Committee Meeting**
   a. Call to Order
   b. Roll Call
   c. Sunshine Law Certification
2. **Welcome and Acknowledgement of Visitors**
3. **Special Guest Presentation**
4. **Police Department – Chief's Report**
   a. February Statistics
   b. March Statistics
5. **Fire Department – Chief's Report**
6. **City Manager's Report**
   a. Proposed Changes to Civil Service Rules and Regulations
7. **Unfinished Business**
8. **New Business**
   a. Golf carts on the roadway
   According to the Ohio Bureau of Motor Vehicles, golf carts are considered unconventional vehicles.

   Unconventional vehicles include:
   Under-Speed Vehicles (USV)
   Low-Speed Vehicles (LSV)
   Utility Vehicles (UV)
   Mini Trucks (MT)
   Most golf carts are a USV. The authorization to operate these vehicles on public roads is at the discretion of the local authority of the jurisdiction where the vehicle will be operated (see Ohio Revised Code 4511.215). Please contact local law enforcement in

your city, township, village, or other jurisdiction for applicable laws. If you choose to operate your unconventional vehicle on authorized roads, you must first complete the following requirements:

1. Obtain a title. See our How to Title a Motor Vehicle page for information on titling these vehicles. Under-speed vehicles, utility vehicles, and mini-trucks must pass an equipment inspection conducted by your local law enforcement.
2. See Ohio Administrative Code 4501-30 for more information on equipment requirements for road-use.
3. Purchase license plates and vehicle registration.

9. Next Meeting

a. Monday, May 23, 2022 - 8:45 a.m.

10. Adjournment

110 West 44th Street
Unit #1
Ashtabula, Ohio 44004
(440) 992-7144

Ashtabula Police Records

Memo

To: Chief Robert Stell

From: Michelle Bradley, Records

Date: March 16, 2022

Re: Report & call statistics for **February 2022**

As per your request, I compiled the statistics regarding the reports generated by our Department and the Calls for Service that our Department responded to, some which generated reports and some that did not, but all that our officers responded to during the time period listed above. I have also included the Adult Traffic Arrests, the Juvenile Arrests, and the Adult Physical Arrests for the above time period.

Reports	Crash Reports	Calls for Service
257	28	981

Adult Traffic Arrests	Juvenile Arrests	Adult Arrests
51	2	26

Respectfully Submitted,

Michelle Bradley

Michelle Bradley

Police Records/TAC

ASHTABULA POLICE DEPARTMENT
110 W 44TH ST #1
ASHTABULA, OH 44004

Statistics Overview

RMS Statistics for Month: 02 Year: 2022

Print Date: 03-16-2022 Print Time: 16:02

System	Total
Arrests	51
Incident Reports	257
Citations	0
Crashes	28
CFS	981
Field Contacts	0
SWC	0
Towed Vehicles	0
Warnings	0
Warrants	85

110 West 44th Street
Unit #1
Ashtabula, Ohio 44004
(440) 992-7144

Ashtabula Police Records

Memo

To: Chief Robert Stell

From: Michelle Bradley, Records

Date: April 14, 2022

Re: Report & call statistics for **March 2022**

As per your request, I compiled the statistics regarding the reports generated by our Department and the Calls for Service that our Department responded to, some which generated reports and some that did not, but all that our officers responded to during the time period listed above. I have also included the Adult Traffic Arrests, the Juvenile Arrests, and the Adult Physical Arrests for the above time period.

Reports	Crash Reports	Calls for Service
322	20	1180

Adult Traffic Arrests	Juvenile Arrests	Adult Arrests
54	7	49

Respectfully Submitted,

Michelle Bradley

Michelle Bradley

Police Records/TAC

ASHTABULA POLICE DEPARTMENT
110 W 44TH ST #1
ASHTABULA, OH 44004

Statistics Overview

RMS Statistics for Month: 02 Year: 2022

Print Date: 03-16-2022 Print Time: 16:02

System	Total
Arrests	51
Incident Reports	257
Citations	0
Crashes	28
CFS	981
Field Contacts	0
SWC	0
Towed Vehicles	0
Warnings	0
Warrants	85

Ashtabula City
CIVIL SERVICE COMMISSION
MEMBER ROSTER

Rick Balog (D)
964-2447 (home and cell)
rick@balogs.name
Term Expires: February 2, 2027

Sally Bradley
440-645-4532 (cell)
sally.bradley@hotmail.com
Term Expires: March 21, 2023

Roberta Madar-Pruett (R)
998-3706 (office)
madarappraisals@windstream.net
Term Expires: May 9, 2023

CIVIL SERVICE

SECTION 40 THE CIVIL SERVICE COMMISSION.

The Council shall appoint 3 persons, one for a term of 2 years, one for 4 years, and one for 6 years, who shall constitute the Civil Service Commission for the City of Ashtabula, the Ashtabula City School District, and the Ashtabula City Health District, provided that members of the existing Civil Service Commission shall continue in office for the term for which they have been appointed and until their successors are appointed and qualified. Each alternate year thereafter Council shall appoint one person as successor to the member whose term expires to serve 6 years and until his successor is appointed and qualified. A vacancy shall be filled by Council for the unexpired term. At the time of each appointment not more than 2 Commissioners shall be adherents of the same political party.

The Council may at any time remove any Commissioner for inefficiency, neglect of duty, or malfeasance in office, having first given to such Commissioner a copy of the charges against him and an opportunity to be publicly heard in person or by counsel, in his own defense; and any such removal shall be final. The Civil Service of the City, and such Commission and all matters pertaining thereto, shall be governed by the general laws of the State applicable thereto.

(Amended 5-7-46)

SECTION 41 APPOINTMENTS AND REMOVALS.

Appointments and promotions in the Civil Service of the City shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Ordinances may be passed to enforce this provision, to fix the powers and duties of the Commission, and to prescribe rules and regulations governing the Civil Service and determining the method by which persons in the Civil Service may be promoted, transferred, reduced or discharged; provided that all persons holding positions in the Civil Service of the City at the time of the adoption of this Charter, shall retain their positions until promoted, transferred, reduced, or discharged according to law or in accordance with such ordinances.

SECTION 41.1 CIVIL SERVICE COMMISSION; QUALIFICATIONS; ORGANIZATION; FUNDING.

Those persons appointed as members of the Civil Service Commission shall be electors of the City. At its first meeting each year the members of the Commission shall elect a chairman of said Commission who shall preside at all meetings and hearings of the Commission. The Commission shall approach Council with a tentative budget each July 1st outlining anticipated expenses in the coming year. Each September 1st Council shall notify the Commission of the intended amount that they will approve when the amended certificate arrives. The effective date of this amendment shall be December 1, 1983.

(Amended 6-8-82)

CHAPTER 145
Civil Service

145.01 Preamble
145.02 Civil Service Commission.
145.03 Civil Service Rules.

CROSS REFERENCES

Civil service - see Ohio Const. Art. XV, Sec. 10
Civil service - see CHTR. Sec. 40 et seq.
Statutory law - see Ohio R.C. Ch. 124

145.01 PREAMBLE.

In accordance with Article XV, Section 10 of the Constitution of the State of Ohio, and Sections 40 and 41 of the Municipal Charter of the City of Ashtabula, Ohio, appointments and promotions in the civil service of the City of Ashtabula shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations. Pursuant to the authorization of said Article and Charter provisions, this Chapter governing Civil Service in the City of Ashtabula is hereby enacted.
(Ord. 2014-175. Passed 11-17-14.)

145.02 CIVIL SERVICE COMMISSION.

(a) The Municipal Civil Service Commission of the City of Ashtabula shall be comprised of three (3) persons who shall be appointed and serve in the manner provided for in Section 40 of the Charter of the City of Ashtabula, Ohio. It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

(b) The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, and the rules and regulations herein prescribed relative to the civil service in the City of Ashtabula, and the Ashtabula City Health District.

(c) The Commission shall elect one of its members as Chairman and one as Co-chairman who shall serve until a new member is appointed and qualified at which time successors as Chairman and Co-Chairman shall be elected. It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission, to sign the minutes of all actions taken by the Commission, and to sign all warrants or orders for the payment of money from the accounts and funds of the Commission. The Chairman may, on his own, initiate, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such meeting. In the absence of the Chairman, the Co-chairman shall act as Chairman. Two members of the Commission shall constitute a quorum at any meeting of the Commission; and it shall require the affirmative vote of at least two members to adopt any motion or resolution.

(d) The Chairman shall act as the secretary of the Commission. In such capacity the Chairman shall attend all the meetings of the Commission and keep the minutes thereof; shall keep in the form of minutes a record of the

official actions of the Commission; shall be the designated contact person for all communications to the Commission; shall accurately and properly keep all the records of the Commission; shall prepare and keep all files in proper order; shall prepare and deliver or cause to be delivered, notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall certify payrolls; shall handle such correspondence as the Commission shall determine; shall sign all warrants or orders for the payment of money on behalf of the Commission; and shall perform such other duties as may be reasonably required by the Commission.
(Ord. 2014-175. Passed 11-17-14.)

145.03 CIVIL SERVICE RULES

(a) The Municipal Civil Service Commission shall have the authority and responsibility to propose Rules for its own governance; for the conducting of competitive examinations for appointments and for promotions within the classified service; for exemption of positions from the competitive civil service in accordance with applicable State law; and for other matters reasonably
necessary to the execution of the Commission's responsibilities.

(b) No Civil Service rule or amendment to a rule shall be effective without the approval of a majority of the City Council.

(c) Upon receipt of proposed rules or proposed amendments to or additions of existing rules from the Commission, the City Council shall, within a period of sixty (60) days, either (1) approve the proposed rules as submitted, (2) approve the proposed rules with such amendments as Council may deem proper, or (3) disapprove the proposed rules as submitted. If Council takes no action within sixty (60) days of receipt of the proposed rules or amendments from the Commission, such rules or amendments shall be deemed to be disapproved.

(d) Nothing in the foregoing subsections shall limit the authority of Council to enact rules or amendments to rules upon its own initiative or at the request of the City Manager, with notice to the Civil Service Commission and an opportunity for the Commission to comment upon such enactment or amendment prior to passage.

(e) It shall be the duty of both the Chairman of the Civil Service Commission and the City Manager to each maintain a current and correct copy of the Civil Service Rules as amended. Such copies shall be public records of the City and of the Commission.
(Ord. 2014-175. Passed 11-17-14.)

ORDINANCE NO. 2019-45

AN ORDINANCE ENACTING NEW RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION OF THE CITY OF ASHTABULA, OHIO

WHEREAS, the Municipal Charter requires that appointments and promotions in the civil service of the City of Ashtabula shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations; and,

WHEREAS, the City Council has, with the advice and consent of the Civil Service Commission, previously enacted and amended rules of the Civil Service of the City, governing the giving of competitive hiring and promotional examinations; and,

WHEREAS, the City Council in consultation with the City Manager has determined there is need to revise the rules insofar as they require the Chairman of the Civil Service Commission to be an attorney at law, which is not a requirement of the Ohio Revised Code and which unnecessarily limits the field of applicants for the position;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. Rules and Regulations of the Civil Service Commission of the City of Ashtabula, Revised April 2019, a copy of which is attached hereto, shall be, and the same is hereby, enacted.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and ofR. C. Section 121.22.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: April 15, 2019

John Roskovics
President of Council

	Yea	Nay
Roskovics:	--	
McClure:	rf	Mtf
Foglio:		
Pugliese:		
Quaranta:		
Speelman:		
Haines:		

ATTEST:

LaVette E. Hennigan
Clerk of Council

APPROVED:

James M. Timonere
City Manager

Approved as to form and correctness this 17th *day of* April, *2019.*

Michae Franklin, Esq., Ashtabula City Solicitor

(legislation reqs-drafts-finals/2019/2019-45 new civil service commission rules and regulations)

RULES AND REGULATIONS

of the

CIVIL SERVICE COMMISSION

of the

CITY OF ASHTABULA, OHIO

Revised April, 2019

PREAMBLE

The following set of rules and regulations is hereby adopted in accordance with the authority conferred upon the Municipal Civil Service Commission of the City of Ashtabula by Section 10 of Article XV of the constitution of the State of Ohio, by Chapter 124 of the Revised Code, and by the Charter and General Ordinances of the City of Ashtabula, Ohio.

RULEI

ADMINISTRATION

1. The Municipal Civil Service Commission of the City of Ashtabula shall be compromised of three (3) persons who shall be appointed and serve in the manner provided for in Section 40 of the Charter of the City of Ashtabula, Ohio. It shall be the duty of each member of the Commission to attend all meetings of the Commission and to devote as much time as is necessary to the management of the business and affairs of the Commission.

2. The Commission shall administer and enforce the Civil Service Laws of the State of Ohio, and the rules and regulations herein prescribed relative to the civil service in the City of Ashtabula, and the Ashtabula City Health District.

3. The Commission shall elect one of its members as Chairman and one as Co-chairman who shall serve until a new member is appointed and qualified at which time successors as Chairman and Co-Chairman shall be elected. It shall be the duty of the Chairman to call such meetings of the Commission as are necessary to transact the business and affairs of the Commission, to preside at all meetings of the Commission, to sign the minutes of all actions taken by the Commission, and to sign all warrants or orders for the payment of money from the accounts and funds of the Commission. The Chairman may, on his own, initiate, and shall, upon the request of the other two members of the Commission, call a special meeting of the Commission to be held not later than ten days from the date of notice of such meeting. In the absence of the Chairman, the Co-chairman shall act as Chairman. Two members of the Commission shall constitute a quorum at any meeting of the Commission; and it shall require the affirmative vote of at least two members to adopt any motion or resolution.

4. The Chairman shall act as the secretary of the Commission. In such capacity the Chairman shall attend all the meetings of the Commission and keep the minutes thereof; shall keep in the form of minutes a record of the official actions of the Commission; shall be the designated contact person for all communications to the Commission; shall accurately and properly keep all the records of the Commission, shall prepare and keep all files in proper order; shall prepare and deliver or cause to be delivered, notices and other communications ordered by the Commission; shall properly furnish appointing authorities with eligible lists; shall maintain an official roster; shall certify payrolls; shall handle such correspondence as the Commission shall determine; shall sign all warrants or orders for the ·

payment of money on behalf of the Commission; and shall perform such other duties as may be reasonably be required by the Commission.

5. The order of business for meetings of the Commission shall be:

(a) Rollcall

(b) Disposition of unapproved minutes

(c) Reports

(d)) Unfinished

business(e) New business

(f) Adjournment

RULE II

DEFINITION OF TERMS

The several terms herein specified whenever used in the Rules and Regulations of the Ashtabula Municipal Civil Service Commission or in the administration of the Civil Service Laws shall be construed as follows:

1. "Commission" refers to the Municipal Civil Service Commission of the City of Ashtabula.

2. "Civil Service" refers to and includes all offers and positions of trust or employment in the service of the City of Ashtabula, and the Ashtabula Health District.

3. "The Unclassified Service" shall comprise those positions set forth in paragraph (A) of Chapter 124 of the Revised Code as applied to the Civil Service of the City of Ashtabula and the City Health District with the following interpretation:

4. "Heads of Departments" appointed under Chapter 124 of the Ohio Revised Code shall include the following: (who shall not be subject to Civil Service Rules and Regulations).

A. Civil Defense Director

B. Harbormaster

C. Port Director

D. City Auditor

E. City Treasurer

F. City Income Tax Director

and shall not including the following: (who shall be subject to Civil Service Rules and Regulations

A. Chief of the Police Department

B. Chief of the Fire Department

C. Superintendent of Public Works

D. City Engineer

E Superintendent of Sewage Treatment Plant

F. Administrative Head of Bureau of Sanitation and Transportation.

G. Recreation Director

The "Unclassified Service" shall also comprise, in addition to those positions set forth above, the following positions:

A. All employees of the Health District, except clerks and nurses.

B. All Ashtabula Municipal Court Employees

C. All employees in the City Auditor's Department, including employees in the Income Tax Department.

D. All employees in the City Treasurer's Department.

E. All temporary employees as defined herein.

Positions in the unclassified service shall be exempt from all examinations required by Chapter 124 of the Revised Code.

5. The "Classified Service" shall comprise all persons in the employ of the City and the City Health District, not specifically included in the unclassified service. The Classified service shall be divided into the "Competitive Class" and the "Unskilled Labor Class".

6. "Position Classification" shall refer to the arrangement of the positions into classes including grades. Positions shall be classified in accordance with the duties and responsibilities of the position.

7. "Municipal Service" shall include those positions in the classified service of the City of Ashtabula.

8. "Health Service" shall include those positions in the classified service of the Ashtabula City Health District.

9. "Position" when used by itself shall refer to any specific office, employment or job calling for the performance of certain duties, either full time or part-time and for the exercise responsibilities by one individual.

10. "Appointing Authority" refers to the officer, Commission, or board or body having the power of appointment or removal from positions in the classified service.

11. The term "Employee" shall signify any person holding a position subject to appointment, removal, promotion or reduction by an appointing officer.

12. The masculine pronoun "He" and its derivatives, whenever employed, include the feminine pronoun and its derivatives.

13. "Temporary or Seasonal Employees" shall mean those hired for a limited period of time, whose employment is directly related to seasonal work or emergency work in the strictest sense of the terms. In no event shall such temporary employee be hired or retained as an unclassified employee for more than one hundred eighty (180) days, consecutively within any calendar year.

14. "Certified Employee" shall be any employee covered by these Regulations by specific provisions hereof.

RULE Ill

POWERS, DUTIES AND RULES OF COMMISSION

1. The Civil Service Commission shall have the function and duty of administering and enforcing the civil service provisions of the Charter of the City of Ashtabula and of chapter 145 of the City of Ashtabula Administrative Code and shall adopt, amend and enforce the rules for the classified service and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules hereunder; shall hold and conduct the examinations herein provided for.

(2) The rules shall provide:

(a) For the classification and standardization of all positions in the classified service;

(b) For open competitive examinations in the competitive class to test the relative fitness of the applicants for such positions;

(c) For public notice of the time and place of all competitive examinations;

(d)) For creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in such examinations ortests;

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, physical condition and moral character, or who have attempted any deception or fraud in connection with any examination.

(f) For the certification to the appointing authority from the appropriate eligible list to fill a vacancy in the competitive class, the names of the ten persons standing highest on such list or of the person or persons on such list when it contains ten names or less.

(g) For temporary employment without examination, in the absence of an eligible list, but no temporary employment shall continue after the

establishment of a suitable eligible list;

(h) For temporary employment in case of emergency for periods not to exceed thirty days subject to collective bargaining agreement;

(i) For promotion based on competitive examinations and record of conduct and seniority, no efficiency points will be used. Lists shall be created and promotions made there from of candidates in the same manner as in original appointments,

(j) For transfer from one position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced rank;

(k) For suspension by appointing authority for purposes of discipline, for a period not to exceed thirty days at any one time, subject, in cases of members of the Division of Police and the Division of Fire, to the right of appeal as provided by law;

(l) For the publication of the rules and amendments thereto.

3. The Commission may adopt such other rules, not inconsistent with the foregoing provisions of subsection b hereof, as may be necessary and proper for the enforcement of a merit system. All such rules shall have the force of law.

4. The Commission shall have the power to subpoena and require the attendance and testimony of witnesses and the production of books, papers, public records and other documentary evidence pertinent to the investigations, inquiries or hearings on appeal from the action or decision of an appointing officer as is herein authorized, and to examine them as it may require in relation to any matter which has authority to investigate, inquire into or hear.

5. The Commission shall hear appeals from the decisions of appointing officers of persons in the competitive class of the classified service who have been reduced in pay or position, laid off, suspended, discharged or discriminated against by such appointing authority.

6. The Commission may also incur the necessary expenses for stationary printing and other supplies incident to the business thereof. All salaries and expenses shall be approved and allowed by the Commission and paid out of the City Treasury, on the warrant of the City Auditor, in the same manner as the salary and expenses of the other City officers are paid.

7. The Commission shall make provision in its rules whereby all employees in the competitive class of the classified service who are drafted into the military service of the United States may, upon application filed with the Commission in compliance with such rules, be granted leave of absence during the period of military service, and may upon completion thereof, if physically fit, be restored to their original positions without reduction in rank. (1980 Code 36.04)

RULE IV

EXAMINATIONS

1. All examinations shall be practical and impartial and shall relate to those matters which shall fairly test the capacity of the persons examined to discharge the duties of the position for which appointment is sought. (1980 Code 36.05).

2. Examinations may be held at such places as the Commission deems advisable and shall be administered under its direction.

2. Notice of Examination.

(a) Entrance examination. Notice of competitive entrance examinations shall be given through the local newspapers and by posting notices conspicuously on the City Hall Bulletin boards and in the office of the Commission, and in the office of the Commission, and in such other places as may be deemed advisable, not less than two (2) weeks prior to such examinations.

(b) Promotional examination. Notice of competitive promotional examinations to be held shall be given by posting of bulletins in conspicuous places in the departments whose employees may be interested or may be by individual communication to the employees may be interested or may be by individual communications to the employees eligible for such promotion. Such notice shall be given not less than thirty (30) days prior to the examination.

3. Examination Application Fee and Refusal:

The Civil Service Commission shall require persons applying for admission to any examination provided for by the Ohio Revised Code Chapter 124 or by the rules of the Commission prescribed under such sections, to file with the Commission within the time so designated in the notice prior to such proposed exam a formal application in which the applicant shall state under oath or affirmation:

(a) Full name, residence and post office address;

(b) Verification of minimum age;

(c) Health and physical capacity for the public service sought;

(d) Business, employments and residences for five previous years;

(e)) And such other information as may reasonably be required as to the applicants merit and fitness for the public service sought, but no inquiry shall be made as to any religious or political opinions or affiliations of the applicant.

4. Identity of examinees concealed.

The identity of all persons taking competitive assembled examinations shall be concealed by the use of an identification number which shall be used on all examination papers. This number shall be used from the beginning of the examination until the papers have all been rated. Any papers bearing the name of the applicant or any other identification mark shall be rejected and the candidate so notified.

5. Scope: Subjects and weights thereof.

(a) Entrance examination. Entrance examinations shall be practical in character and shall relate directly to those matters which will fairly test the relative capacity of the person examined to discharge the particular duties of the position for which appointment is sought and shall when appropriate, include test on manual skill. The Commission shall prescribe the subjects of each examination and the relative weights to be attached thereto provided that any such determination must have been adopted prior to the date of such examination.

(b) Promotional Examinations: Vacancies in positions in the competitive classified services shall be filled by promotions. The Civil Service Commission shall provide, in its Rules for the keeping of a record for the making of promotions in the competitive classified service on the basis of merit, to be ascertained, as far as practicable, by Assessment Center Evaluations, and/or Written Competitive Examination and Departmental Service Seniority. The Commission's Rules shall provide that all vacancies within the competitive classified service shall be filled by promotion. Whenever a vacancy occurs in the position above the rank of Patrolman within the City Police Dept. or above the rank of Firefighter within the City Fire Dept., and there is no eligible list for such rank(s), the City Civil Service Commission shall, within 120 days of said vacancy, convene and hold a competitive promotional examination. After such examinations have been held and an eligible list established the Commission shall forthwith certify to the City Manager the name of the person receiving the highest rating/score. Upon such certification, the City Manager shall promote, via appointment, the person so certified within 30 days from the date of such certifications. In the instance of a Chief's exam in the City Fire or Police Department, after such examination has been held and an eligible list established, the Commission shall forthwith certify to the City Manager the name of the person names and addresses of the three (3) candidates receiving the highest rating/score. Once the City Manager has selected a candidate, he/she shall notify the City Council of the appointment; provided, however, that said appointment shall not become final until ten (10) days after notice is so given. In the event that, prior to the expiration of said ten-day period, at least five (5) members of Council vote to disapprove the appointment of such person, the Manager shall withdraw said appointment and appoint one of the other two applicants with the highest combined test

and evaluation results. Such appointment shall be final and not subject to Council action. If no competitive promotional examination is required due to the existence of an eligible promotional list, the Civil Service Commission shall, when there is a vacancy, immediately certify the name of the person having the highest rating/score on said list, and the City Manager shall appoint such person within thirty days from the date of such certification.

The Civil Service Commission shall not add credit for departmental seniority to an applicant's examination grade/score unless the applicant achieves at least the minimum passing of 70% on the written examination without counting such departmental seniority credit and completes the assessment evaluation. All examinations for promotions in the competitive civil service shall consist of the following:

(1) Written Competitive Examination, except with respect to the position of Fire Chief; and

(2) An Assessment Center Evaluation will be performed by a vendor selected by the Civil Service Commission for promotion within the City of Ashtabula Fire Department and the City of Ashtabula Police Department; and

(3) Credit for Fire Department Service Seniority for promotion within the City Fire Department or credit for Police Department Service Seniority for promotion within the City Police Department.

(4) All individuals seeking promotion who are eligible to compete for the same shall first be required to participate in a Written Competitive Objective Examination in accordance with (the ordinances of the City and/or the provisions of Chapter 124 of the Ohio Revised Code) the Rules & Regulations herein. Any individual seeking promotion who obtains at least the minimum Written Objective Evaluation passing score shall next be required to undergo an Assessment Center Evaluation (See IV, 5, (b), (2). Any individual seeking promotion who completes the Assessment Center Evaluation shall next receive credit for their Departmental Service Seniority. The minimum passing Written Competitive Objective Evaluation score shall be seventy percent (70%).

(5) The Written Competitive Objective Evaluation score and the Assessment Center Evaluation score of the individual seeking promotion shall contribute to the total score of the individual based on the position sought as follows:

a) Candidates for promotion to the position ~~of Engineer or~~ Lieutenant in the Fire Department must receive a score of 70% or above on the written examination to be eligible to participate in the assessment. The written examination score and the assessment score will be given equal weight (50% each) in determining the overall score for the candidates on the eligibility list.

b) Candidates for promotion to the position of Lieutenant in the Police Department or to the position of Captain in the Fire Department must receive a score of 70% or above on the written examination to be eligible to participate in the assessment. Final eligibility will give the written examination score 30% of the total weight and the assessment score 70% of the total weight in determining the overall score for the candidates on the eligibility list.

c) Candidates for promotion to the position of Chief in the Police Department must receive a score of 70% or above on the written examination to be eligible to participate in the assessment. Final eligibility will give the written examination score 20% of the total weight and the assessment score 80% of the total weight in determining the overall score for the candidates on the eligibility list.

d) Candidates for promotion to the position of Chief in the Fire Department will be evaluated by a recognized assessment center only. The results of the assessment center will be forwarded to the appointing authority.

(6) The Departmental Service Seniority score shall be added to the passing written test score, or with respect to the position of Fire Chief, the assessment center results.

Fire Department:

~~(1) Engineer: No City Firefighter shall be eligible to take the promotional exam for Engineer without first having served twenty-four continuous months as an active, full- time City of Ashtabula Firefighter immediately preceding takingthe promotional exam for Engineer. The Civil Service Commission shall certify for promotion to the position of Engineer the name(s) of the individual(s) obtaining the highest cumulative score(s) of the Written Competitive Objective Examination and City Fire Department Service Seniority. The City Fire Departmental Service Seniority score shall be added to the passing Written Objective Competitive Exam score of 70%. Promotions to the position of Engineer within the City of Ashtabula Fire Department shall be awarded to the individual(s) obtaining the highest cumulative promotional examination score(s).~~

(2) Lieutenant: No member of the City Fire Department shall be eligible to take the promotional exam for the position of Lieutenant within the City of Ashtabula Fire Department without having first served twelve continuous months in grade as an Engineer or ten (10) years in grade as a firefighter within the City of Ashtabula Fire Department immediately preceding taking the promotional examination for Lieutenant.

(3) Captain: No member of the City of Ashtabula Fire Department shall be eligible to take the promotional exam for the position of Captain within the City Fire Department without having first served twelve continuous months in grade as a Lieutenant within the City Fire Department immediately preceding the promotional exam for Captain.

(4) Chief: No member of the City of Ashtabula Fire Department shall be eligible to take the promotional exam for the position of Chief within the City Fire Department without having first served twelve continuous months in grade as a Captain or 24 continuous months in grade as a Lieutenant within the City Fire Department immediately preceding the promotional exam for Chief.

Police Department:

(1) Lieutenant: No member of the City Police Department shall be eligible to take the promotional examination for the position of Lieutenant in the City of Ashtabula Police Department without having first served forty-eight continuous months in grade as a Patrolman within the City of Ashtabula Police Department immediately preceding taking the Lieutenant promotional exam.

(2) Chief: No member of the City Police Department shall be eligible to take the promotional examination for the position of Chief in the City of Ashtabula Police Dept. without having first served twelve continuous months in grade as a Captain or Lieutenant within the City of Ashtabula Police Department immediately preceding taking the Chief promotional exam.

(c) Seniority rating and credit. Applicants taking promotional examinations who receive a passing grade, shall receive credit for seniority attained during service within the City of Ashtabula department for which they are seeking promotion, and shall be determined as follows: Credit for seniority shall equal, for each of the first four years of service, one percent of the total grade attainable in the promotion examination, and, for each of the fifth through fourteenth years of service, six-tenths percent of the total grade attainable.

(d) Polygraph exams by a vendor chosen by the Civil Service Commission are to be given as part of all entrance exams. The candidate must successfully complete the exam (pass) as determined by the polygraph examiner to be placed on a certified list. The Civil Service Commission shall oversee the polygraph exam process. One polygraph test is to be given for each new entrance exam.

(e) Psychological exams administered by a vendor chosen by the Civil Service Commission are to be given as part of all entrance exams. The Civil Service Commission shall oversee the psychological examination process. The candidate must successfully complete the psychological exam (pass) as determined by the test administrator. One psychological exam is to be given for each new entrance exam.

(f) Applicants taking promotional examinations to the rank of Lieutenant within the City of Ashtabula Fire Department who receive a passing grade and currently hold the rank of Engineer shall receive a five percent (5%) credit added to the total overall final score of their promotional exam.

6. Physical examination

Whenever in the judgment of the Commission physical qualifications are of special importance, the candidate shall be required to pass a physical examination, and be certified as qualified in such respect, either before admission to the examination, or before being placed on an appropriate eligible list, or before certification for appointment, as the Commission may deem advisable. Physical agility exams shall be outsourced for the Police Department and shall be performed in house by the Fire Department. An independent third party shall oversee the fire testing. Physical examinations, whenever required by the Commission, shall be made by a licensed physician designated by the Commission who shall furnish a certificate as to the applicant's physical condition.

7. Admitting applicants to examination.

No applicant shall be admitted to any assembled examination more than thirty minutes after the advertised time for beginning such examination, or after any applicant competing in any such examination has completed his work and left the examination room, except by special permission of the person in charge, who, in his direction, may admit the applicant conditionally, subject to the final approval or disapproval of such admission by the Commission.

8. No applicant in any examination shall be given a longer time on any subject that prescribed by the Commission when examination questions are approved.

9. Frauds in examinations prohibited.

No person or officer shall:

(a) Intentionally by himself or in cooperation with one or more persons defect, deceive, or obstruct any person in respect of his or her right of examination, appointment or employment arising under the civil service law or under any rules and regulations prescribed pursuant thereto; or

(b) Intentionally falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of the civil service law, or aid in so doing; or

(c) Intentionally make any false representations concerning the results of such examinations or concerning any person examined; or

(d) Intentionally furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, registered or certified, or to be appointed, employed or promoted; or

(e) Impersonate any other person, or permit or aid in any manner any other person to impersonate him, in connection with any examination, registration or appointment or application or request to be examined, registered or appointed; or

(f) Furnish any false information about himself, or any other person, in connection with any examination, registration, or appointment or application or request to be examined, registration, or appointment or application or

request to be examined, registered or appointed; or

(g) Make known or assist in making known to any applicant for examination, any question to be asked on such examination; or

(h) For any applicant taking an examination to assist any other applicant in any manner whatsoever; or

(i) Personally solicit a favor from any member of the Commission, appointing officer, or have any person in his behalf solicit a favor.

(j) Any applicant in any examination found to be using means of information, other than that provided in the examination itself, such as memoranda, pamphlets or books of any kind to assist him in answering the questions shall have his examination papers taken up and filed with a zero marking when the circumstances justify such action.

10. Visitors at examinations.

No visitor shall be admitted to the examination room during any examination except by special permission of the commission.

11. Challenges or Objections.

(a) After notice of grade has been received, a participant who has a good-faith belief that the process of administering the examination created an unfair disadvantage for the participant, or that the scoring of the examinations was erroneous, may submit a written complaint to the Civil Service Commission. The written complaint must be submitted within seven (7) days of receipt of the examination results and must state with specificity the participant's objection to the test results. A general objection or request for re-scoring will not be considered a valid complaint.

(b) Upon receipt of a specific, written complaint that complies with this Section, the Commission shall conduct a review that includes, at a minimum, a request that the testing service administering the test visually verify and re-score the examinations to determine if any errors have occurred. If the participant's complaint is that a specific question or specific questions are inappropriate for the examination, the testing service will be asked review each question internally and respond to the Commission as to its findings. Should a question be found to be incorrect, the testing service will be instructed to correct the scores of test takers.

(c) Participants will not be provided with the examination questions or answer key as part of the review process. The Commission reserves the right to determine the validity of all complaints and the scope of all subsequent reviews. The Commission shall not certify any firefighter entrance list until all requests for reviews are resolved.

12. Examination postponed.

Examinations, unless postponed, must be held upon dates fixed by the Commission. Examinations may be postponed by order of the Commission, which order shall designate the reason therefore.

13. Credit for military service

(a) When proper proof of acceptable service in the armed forces of the United States, as defined in Chapter 124 of the Ohio Revised Code, is presented to the Commission and such ex-service man or woman being otherwise eligible has received a passing grade of seventy or more in any regular entrance examination, he or she shall be granted additional credit of five percent of such grade, thereby receiving a final grade of five percent higher in view of the above mentioned service.

(b) Requests for the additional credit for military service, together with an honorable discharge or other proof of satisfactory service, shall be submitted to the Commission with the application for the examination. Credit for military service will not be given if the request for such credit is received by the Commission after an eligible list for any examination has been established.

14. Rating of competitors/Extra credit

(a) Physical examination. The results of physical examinations concluding physician's certificates shall be used solely to determine an applicant's eligibility for appointment after examination and shall not become a part of the applicant's grade resulting from the examination.

(b) Credit for military service in entrance examinations. Credit for service in the armed forces of the United States as provided for and defined in Chapter 124 of the Ohio Revised Code shall not be a part of but shall be a credit to be added to the applicant's earned grade resulting from the competitive examination provided that the applicant receives a grade of seventy or more in the competitive examination.

(c) Credit for seniority in promotional examinations will be awarded as listed in Rule IV Examinations, Number 5, Sub-section (c), above.

(d) Seven extra points will be added to the written test passing score of a police entrance candidate who is a graduate of a Police Academy.

(e) Two extra credit points will be added to the written test passing score of a police entrance candidate who is certified in speaking Spanish.

(f) Three extra credit points will be added to the written test passing score of a police entrance candidate having a Master's Degree, five points will be added if the Master's Degree is in a Law Enforcement Field.

(g) Two extra credit points will be added to the written test passing score of a police entrance candidate having a Bachelor's Degree, four points will be

added if the Bachelor's Degree is in a Law Enforcement Field.

(h) One extra credit point will be added to the written test passing score of a police entrance candidate having an Associate's Degree, three points will be added if the Associate's Degree is in a Law Enforcement Field.

(i) Four extra credit points will be added to the written test passing score of a firefighter entrance candidate have a current Ohio EMT Paramedic Certification.

(j) Two extra credit points will be added to the written test passing score of a firefighter entrance candidate who is an Ashtabula County resident.

(k) One extra credit point will be added to the written test passing score of a firefighter entrance candidate who has an Associate's Degree, three points will be added if the Associate's Degree is in a Fire Related Field.

(l) Two extra credit points will be added to the written test passing score of a firefighter entrance candidate who has a Bachelor's Degree, four points will be added if the Bachelor's Degree is in a Fire Related Field.

(m) Three extra credit points will be added to the written test passing score of a firefighter entrance candidate who has a Master's or Doctorate Degree, five points will be added if the Master's or Doctorate Degree is in a Fire Related Field.

(n) Extra credit points will only be given for the highest degree attained.

(o) Five extra credit points will be added to the written test passing score of a firefighter entrance candidate who has a current Ohio Municipal Firefighters Certification.

(p) Ten extra credit points will be added to the passing written test score of any candidate having a current Ohio OPOTA (Ohio Peace Officers Training Academy) Certification.

15. Method of grading examinations.

The total grade attainable in each examination, except for special credits as outlined above, shall be 100.

(a) In Entrance Examinations the Physical Agility Assessment shall be pass/fail.

RULEV

APPLICATION

S (R.C.143.18)

All applicants must be citizens of the United States..

1. Police Department Applicants.

Applications for examinations for original appointment to the police department as

patrolman must have attained the age of twenty-one on or prior to the date of examination.

2. Fire Department Applicants.

Applicants for examinations for original appointment to the Fire Departments as a fireman must have attained the age of eighteen prior to the date of examination.

3. A current Ohio EMT Basic Certification will be required to take the Firefighter's Entrance Civil Service Exam.

4. Application blanks furnished.

Application blanks for examination shall be furnished by the Commission. Application blanks for entrance examinations shall provide for the submission of the information as set forth in Chapter 124 of the Revised Code. The Commission may determine and provide for the submission of any other relevant information either on the application blank or supplemental sheet.

5. Completion of application blanks.

Application blanks must be filled out in ink or be typed and shall be completed and signed by the applicant, in his own handwriting, sworn or affirmed to and files in the offices of the Commission within the time limit fixed by the Commission for the particular examination.

RULE VI

ELIGIBLE LIST

(O.R.C. 124)

1. Posting of lists.

The Commission shall prepare and keep open to the public inspection at its office from the returns of each examination, an eligible list of the persons who average grade in the examination is not less than seventy and who are otherwise eligible for appointment. Such persons shall take rank upon the eligible list in the order of their relative grades

2. Duration of lists.

The term of eligibility of each list and of the names appearing thereon shall be fixed by the Commission at not less than one (1) nor more than two (2) years. Any list that has been in effect for more than one (1) year may, at the discretion of the Commission, be terminated at any time in the public interest.

3. In the event that two or more applicants receive the same mark in open competitive examination, priority in the time of filing application with the Commission shall determine the order in which their names shall be placed on the eligible list;

4. Transfer to lower class.

At the discretion of the Commission, the name of any eligible person, at the time, upon his written request, is transferred to the eligible list for a lower class in the same series requiring qualifications of the same general character. They shall be ranked thereon according to their original grade.

5. Names not certified for appointment.

The name of any person appearing on an eligible list who;

(a) Fails to report or arrange within six (6) days (Sunday and holidays excluded) for an interview with appointing authority;

(b) Fails to respond to a notice from the Civil Service Commission;

(c) Declines an appointment without reasons satisfactory to the Civil Service Commission; or

(d) Cannot be located by the postal authorities;

shall not thereafter be certified to any appointing authority as eligible for appointment. The eligible person shall be notified to this effect unless their whereabouts are unknown. Their name may again be certified from the eligible list only in case a thoroughly satisfactory explanation of the circumstances is made to the Commission. In case an eligible person's name appears on more than one list, appointment to a position in one class shall be considered a waiver for appointment from other eligible lists for classes the salary of which is equal or lower.

6. Disqualification of eligibles.

If at any time after the creation of an eligible list, the Commission has reason to believe that any person whose name appears on any list disqualified for appointment because of false statements made in his application, physical disability, orfor other comparable reasons, such person shall be notified and given opportunity to be heard. If such person shall fail to appear for hearing, or upon being heard, fail to satisfy the Commission, his name shall be removed from such eligible list.

7. Change of address.

Each person on an eligible list shall file with the Commission written notice of any change of address, and failure to do so may be considered sufficient reason for not certifying his name to appointing authorities for future appointments.

8. Revocation of list.

An eligible list may be revoked and another examination ordered only when in the judgment of the Commission such actions is deemed advisable by reason of errors, fraud, or obviously inappropriate standards prescribed in connection with any examination. All competitors in the first examination shall be notified and shall be eligible to compete in the rescheduled examination without filing a separate application or the payment of an additional fee. No eligible list shall be altered or revoked except upon written notice to all persons whose standing may be affected and upon an entry in the minutes of the

Commission of the reasons for such alteration or revocation.

RULE VII

APPOINTMENTS

(O.R.C 124)

Appointments to all positions in the classified service that are not filled by promotion, transfer, or reduction, as provided by the Civil Service Laws and the Rules of the Commission, shall be made only from those persons whose names are certified to the appointing authority in accordance with the Civil Service Laws and the Rules of the Commission.

1. Number of names to be certified; appointment from other appropriate lists.

The appointing authority of the department in which the position in the classified service is to be filled, shall notify the Commission of the fact, and the Commission shall, except as provided for in Chapter 124 of the Revised Code, certify to the appointing authority thereof the names of the ten candidates standing highest on the eligible list for the class or grade to which said position is classified. In the event that an eligible list becomes exhausted, through inadvertence or otherwise, and until a new list can be created, or when no eligible list for such position exists, names may be certified from eligible lists which the Commission determines to be most appropriate for the group or class in which the position to be filled is classified.

2. The Commission may, in their discretion for good cause, certify the names of the ten highest.

3. Certification not more than three times.

A person certified from the eligible list more than three (3) times to the same appointing authority, may be omitted from future certifications.

4. Any one of ten certified to be appointed.

Upon receipt from the Commission of such list of eligibles for a position, the appointing authority shall fill such position by appointment of one of ten persons certified to them, and shall forthwith report to the Commission the name of such appointee, the title of the position, the duties and responsibilities of same, the salary or compensation thereof, and such other information as the Commission may require in order to keep its roster.

5. Probationary period; probationary removal or reduction.

All original and promotional appointments including provisional appointments shall be for a probationary period as set out in the current collective bargaining agreement. Service as a provisional employee in the same or similar class shall be included in the probationary period. If the service of the probationary employee is unsatisfactory, they may be removed or reduced at any time during their probationary period after completion of sixty days or one-half of his probationary period, whichever is greater. Unless the probationary appointee has been removed or reduced earlier, the appointing authority, at

any time during the ten day period before the end of the probationary period, shall inform the Commission, in writing, of their decision either to make the appointment of the probationary appointee final of to remove such appointee. If the appointing authority's decision is to remove the appointee, their communication to the Commission shall state the reason for such decision.

6. Temporary appointments.

In case of an emergency an appointment may be made without regard to the Civil Service Laws or the Rules of the Commission, but in no case to continue longer than thirty (30) days, and in no case shall successive temporary appointments be made; provided, however, that interim or temporary appointments, made necessary by reason of sickness or disability of the regular employee shall continue only during such period of sickness or disability. Where the services to be rendered by an appointee are for a temporary period, not to exceed thirty days, and the need of such service is important and urgent, the appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal of a temporary appointment by an eligible shall not affect their standing on the register for permanent appointment; nor shall the period of temporary service be counted as part of the probationary service in case of subsequent appointment to a permanent position. All such temporary appointments shall be promptly reported to the Commission by the appointing authority.

7. Promotions.

Vacancies in positions in the classified service shall be filled insofar as practicable by promotions. Promotional appointments shall be made in accordance with the provisions of Chapter 124 of the Ohio Revised Code.

8. Temporary appointments and promotions.

An interim or temporary appointment or promotion to a higher position without examination made necessary by reason of sickness or disability of a regular employee may be authorized by the Commission, except in the police and fire departments, upon the written request of an appointing authority who shall set forth full information with the request. All such temporary promotions shall continue only during such period of sickness or disability and shall be made, insofar as practicable, from the class or grade positions immediately below the class or grade in which the temporary vacancy exists.

RULE VIII

TRANSFERS, REINSTATEMENTS AND

LAYOFFS (O.R.C.124)

Transfers, reinstatements and layoffs shall be conducted per applicable Ohio Revised Code Sections and collective bargaining agreements.

RULE IX

REDUCTIONS, SUSPENSIONS AND REMOVAL

(O.R.C.124)

Reductions, suspensions and removals shall be conducted per applicable Ohio Revised Code Sections and collective bargaining agreements.

RULEX

HEARINGS, PROCEDURE

(O.R.C.124)

1. Time of hearing; notifications.

Upon receipt from an employee or officer in the classified service of the City, the City Health District, or the City School District of a timely appeal from an order of removal, reduction in pay or position, or suspension for more than five working days, the Commission shall set a time and place to hear such appeal and shall notify the appropriate appointing authority, as well as the employee and his attorney, if known, thereof.

2. Amendments to orders.

Amendments to the orders of removal, reduction in pay or position or suspension for more than five working days may be made by the appointing authority at any time provided the employee and their attorney, if any, receive copies of the amended order prior to ten (10) calendar days before the time set for the hearing as herein provided.

3. Hearing procedure.

In the hearing of such appeals the order of procedure shall be as follows:

(a) The appointing authority taking action affecting the employee shall adduce his evidence in support of the charges and specifications.

(b) The employee affected shall then produce such evidence as he may wish to present to refute such charges.

(c) The appointing authority may offer evidence in rebuttal. The Commission may, in its discretion, hear arguments.

4. Rules of evidence; representation by counsel.

The production of evidence on the hearing of appeals and the Commission's decision thereof shall be governed in general by the rules of evidence, proof and burden of proof applied by courts in civil cases. The appellee and appellant may be represented by counsel.

5. Resignation before final action.

The acceptance by an appointing authority of the resignation of a person discharged, before the final action by the Commission, with be considered a withdraw of

the charges.
Notice of such resignation shall be submitted immediately to the Commission. The separation of the employee thus resigning shall be entered upon records of the Commission and the proceedings dismissed without judgment.

RULE XI

POLITICAL ACTIVITY, CLASSIFIED SERVICE (O.R.C.124)

No officer, employee, or subordinate in the classified service shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving any assessments, subscription, or contribution for any political party for any candidate for public office; nor shall any officer or employee in the classified service be an in any political organization or take part in politics other than to vote as he pleases and to express freely his political opinion.

AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #233418

Ohio Revised Code

Section 4511.214 Operation of low-speed, under-speed, or utility vehicle, or a mini-truck.

Effective: January 1, 2017
Legislation: Senate Bill 114 - 129th General Assembly

(A)(1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than thirty-five miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

(a) Upon a street or highway having an established speed limit not greater than thirty-five miles per hour and only upon such streets or highways where a local authority has granted permission for such operation in accordance with section 4511.215 of the Revised Code;

(b) A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than forty-five miles per hour.

(B) This section does not prohibit either of the following:

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

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than forty-five miles per hour.

(C) Nothing in this section shall prevent a local authority from adopting more stringent local

ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck, or a motor-driven cycle or motor scooter.

(D) Except as otherwise provided in this division, whoever violates division (A) of this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

ORDINANCE 771 8 20 (2amend 2020 9 1)

AN ORDINANCE TO AUTHORIZE THE USE OF GOLF CARTS, ALL PURPOSE VEHICLES, AND OTHER LOW SPEED MOTOR VEHICLES ON PUBLIC STREETS, AND PRIVATE STREETS ACCESSIBLE TO THE PUBLIC, AND NOT DECLARING AN EMERGENCY.

BE IT ORDAINED, by the Village of Roaming Shores, County of Ashtabula and State of Ohio:

SECTION 1. For the purpose of this ordinance, the following definitions shall apply:

(a) "All purpose vehicles" or "APV" means a 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.

(b) "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 3,000 pounds. Low-speed vehicle includes a vehicle commonly known as a golf cart when the golf cart is capable of attaining a 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.

(c) "Mini-truck" means 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.

(d) "Multi-use vehicle" means under-speed vehicles (including vehicles commonly known as golf carts when the golf cart does not attain a speed greater than twenty miles per hour), utility vehicles, all purpose vehicles and mini-trucks.

(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 3,000 pounds but does not include a golf cart modified to attain a speed of more than twenty miles per hour.

(f) "Utility vehicle" means a self-propelled vehicle designed with a bed, principally used for the purpose of transporting material or cargo in connection with construction, agriculture, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities. Examples of utility vehicles include Rangers, Razors, and Gators.

SECTION 2. Subject to the requirements of this ordinance, the use of multi-use vehicles shall be permitted on Village streets, or private streets accessible to the public, where the speed limit is thirty-five miles per hour or less.

SECTION 3.

(a) Prior to the operation of a multi-use vehicle on the Village streets, the vehicle must be titled in accordance with R.C. Chapter 4505 and registered in accordance with R.C. Chapter 4503.

(b) Out of state multi-use vehicles are not permitted on Village streets.

SECTION 4. **VEHICLE INSPECTION**.

(a) Before the owner of the multi-use vehicle may obtain a new or transferred title for the multi-use vehicle, the multi-use vehicle must pass an inspection conducted by the Village of Roaming Shores or other local law enforcement agency in accordance with subsections (b) and (c) of this section. There shall be no inspection fee.

(b) At the time of the inspection, the owner of the multi-use vehicle must present all of the following:

(1) A valid driver's license. If the owner of the multi-use vehicle is a business, the business must require that all persons operating its multi-use vehicles have a valid driver's license;

(2) Proof of insurance;

(3) Proof of ownership;

(4) If the multi-use vehicle is an under-speed vehicle, the owner/operator also must provide proof of the gross vehicle weight. If the multi-use vehicle is a mini-truck, the owner/operator must provide proof of the unladen weight; and

(c) To pass inspection, or to operate upon any public street private street accessible to the public, any multi use vehicle shall have the following equipment in working order:

(1) Brake lights (two lights);
(2) Head lights (two lights);
(3) Tail lights (two lights);
(4) Turn signals (two front, two rear);
(5) A horn;
(6) A rearview mirror;
(7) A windshield ;
(8) Brakes and a brake system;
(9) A steering mechanism;
(10) Appropriate tires that are free of major bumps, bulges, breaks, or any other unsafe conditions;
(11) A properly placed inspection sticker issued by the Village of Roaming Shores police department or other local police department.
(12) A muffler system to reduce engine noise to 82 decibels or less.

SECTION 5. All multi-use vehicles must be operated on Village streets, or private streets accessible to the public, in accordance with all applicable state and local traffic laws, including but not limited to the following:

(a) Anyone who operates a vehicle on the Village streets must have a valid driver's license.

(b) A vehicle must have the required license plates.

(c) A vehicle must have at least minimum liability insurance coverage as required by the State of Ohio.

SECTION 6.

(a) No person shall drive a multi-use vehicle on a public or private street accessible to the public without an inspection sticker from the Village of Roaming Shores or other local law enforcement agency, or otherwise violate the terms and conditions of this ordinance.

(b) No person shall allow an underage or unlicensed person to operate on a public or private street accessible to the public any multi use vehicle.

SECTION 7. LOW-SPEED VEHICLES.

In accordance with applicable provisions of the Ohio Revised Code, the use of low-speed vehicles shall be permitted on Village streets, or private streets accessible to the public, where the speed limit is thirty-five miles per hour or less. All such use must also be in compliance with Sections 490.03, 490.05 and 490.06 of this chapter.

SECTION 8. UNSECURED LOADS.

Objects, such as luggage, freight, coolers, wheel chairs, car seats, strollers and other similar objects, shall not be transported on a low-speed vehicle or under-speed vehicle unless the objects are properly secured within a flat bed or cargo area with the tailgate closed and/or with cords, straps, ties, netting or other appropriate restraints to secure the objects and prevent them from falling onto the roadway.

SECTION 9. PENALTY.

(a) A violation of Section 6(a) shall be a minor misdemeanor. Each day of noncompliance shall constitute a separate violation. Individuals, corporations, companies so named on the title of said vehicle shall be responsible for all safety equipment and shall also be responsible for all penalties set forth in this section.

(b) A violation of Section 6(b) shall be a first -degree misdemeanor.

(c) A violation of Section 5 shall be a first-degree misdemeanor.

SECTION 10. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council or any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 11. This ordinance is not an emergency and shall take effect thirty days after passage.

Passed this _____ day of _____, 2020.

_____
Jennie D'Amicone, Mayor

ATTEST:

_____
Leeann Mosses, Clerk/Treasurer

_____
Kyle B. Smith, Solicitor

I hereby certify that a summary of the foregoing ordinance was published twice in the Ashtabula Gazette on the following dates, _____ and _____

_____
Village Clerk/Treasurer

Ordinance 2012-71 (modified 3/18/2013) 1st Reading 3.18.13; 2nd Reading 4.01.13 3rd 4.15.03

AN ORDINANCE REGULATING GOLF CART USE WITHIN THE VILLAGE OF GENEVA ON THE LAKE, OHIO and NOT DECLARING AN EMERGENCY

WHEREAS, the use of golf carts on the streets of the Village has become more prevalent and members of the community have expressed a desire to operate golf carts on village streets; and

WHEREAS, the use of golf carts on village streets creates an issue of safety and public concern; and

WHEREAS, the Council of the Village of Geneva on the Lake, Ohio desires to regulate the use of golf carts within the village

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Geneva on the Lake, Ohio:

SECTION 1. For the purposes of this ordinance a golf cart is defined as a motor vehicle as that term is defined under Ohio Revised Code Section 4501.01(B) which is powered by gas or electricity and which cannot exceed 25 mph, is not originally designed or constructed for operation on a street or highway, and which is the type of vehicle typically operated on a golf course.

SECTION 2. Any driver of a golf cart on or across public streets, roadways, and/or other public property shall have a valid operator's license.

SECTION 3. If the golf cart is operated on or across the public streets, roadways and/or public property, the owner of the golf cart must carry liability insurance comparable to that required for motor vehicles.

SECTION 4. When driving a golf cart on or across public streets, roadways and/or other public property, the operator of the golf cart must carry proof of insurance while operating the golf cart.

SECTION 5. If the golf cart is to be driven on or across public streets, roadways and/or public property, the golf cart must have the following equipment:

A. Operational red rear tail lights
B. Operational brake lights
C. Two operational white headlights
D. A functional rear view and side view mirror
E. Operational direction signals
F. Operational horn
G. Two license plates, one place upon the front of the vehicle, and one placed upon the back of the vehicle, which must be displayed so that the license plate can be read as intended
H. The rear license plate must be illuminated so as to make the license plate visible and legible from a distance of at least fifty (50) feet
I. Operational seat belts for each occupant
J. A windshield made of glass or safety glass
K. Any other requirements found in Revised Code Chapter 4513 and 4515, and the administrative rules promulgated thereunder

SECTION 6. Any golf cart being driven on or across public streets, roadways and/or public property pursuant to the Ordinance shall observe all applicable rules to not be capable of being operated in excess of 25 (twenty-five) miles per hour.

SECTION 7. Prior to operating a golf cart on or across the public streets, roadways and/or other public property, the owner of the golf cart must present the golf cart to the Geneva on the Lake Police Department for

inspection. The Chief of Police, or an officer designated by the Chief shall inspect the golf cart to ensure its compliance with the Ordinance. There shall be a charge of $100.00 per inspection. For the purpose of the inspection the Geneva on the Lake Police Department shall utilize the "Golf Cart/Under Speed Vehicle Inspection Sheet," a copy of which is attached to this Ordinance. After inspection, title, and licensing, the owner shall obtain a validation sticker from the Geneva on the Lake Police Department. The validation sticker shall be placed on the rear of the golf cart where it can be easily seen.

SECTION 8. After completing the inspection of the golf cart, the Geneva on the Lake, Police Department shall provide the owner of the golf cart a CERTIFICATE OF INSPECTION if all required equipment is verified to be in place and operational. This certificate along with other title evidence (notarized bill of sale) may be presented to the Clerk of Courts Title Office in order to obtain a Certificate of Title. The Geneva on the Lake Police Department shall keep and maintain a record of all golf carts inspected.

SECTION 9. A golf cart once properly licensed may be operated on or across streets or roadways within the Village of Geneva on the Lake, Ohio.

SECTION 10. No person shall operate a golf cart on a public sidewalk or other walking path.

SECTION 11. Golf carts shall have their headlights illuminated at all times while being operated on public streets.

SECTION 12. Any person convicted or pleading guilty to a violation of this ordinance is guilty of a minor misdemeanor upon a first offense. Each offense is conviction thereafter shall be deemed a misdemeanor of the fourth degree as defined by the Ohio Revised Code.

SECTION 13. That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 14. That this ordinance is not an emergency and shall take effect thirty days after passage.

PASSED this 15th day of April, 2013

David Nelson, Mayor

ATTEST:

Kimberly McKinley, Fiscal Officer

Kyle B. Smith, Solicitor

I hereby certify that a summary of the foregoing ordinance was posted in five conspicuous locations within the Village of Geneva on the Lake, in accordance with Ord 2005-2 on this 21st day of April, 2013.

Village Fiscal Officer