



City of Powell, Ohio
ORDINANCE 2018-50
Adopted November 7, 2018

AN ORDINANCE TO AMEND SECTIONS 301.22 AND 301.51 OF THE CODIFIED ORDINANCES, TO ADOPT SECTIONS 331.45, 339.12, 331.46 OF THE CODIFIED ORDINANCES.

WHEREAS, the duly elected governing authority of the City of Powell, Ohio is authorized by ORC § 715.01 to adopt ordinances relating to its property, affairs and local government;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the Code of Ordinances of the City of Powell, Ohio (meaning City Municipal Code) is hereby amended by adding the provisions as provided under Section 5, below.

Section 2: The addition, amendment, or removal of Powell City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Powell, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3: The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Powell, Ohio) is authorized to exclude and omit any provisions of this Ordinance that are inapplicable to the City's Municipal Code.

Section 4: Supplementation of Code.

(a) In preparing a supplement to The City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.

(b) When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this Ordinance and parts of this Ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the Ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the City's Municipal Code printed in the supplement, and make changes in such catchlines, headings and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the City's Municipal Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning

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of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.

(c) In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5: The following sections 301.22, 301.51, 331.45, 339.12, and 331.46 of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted and enacted:

New sec. no. 331.45 Personal delivery devices

(A) As used in this section:

(1) "Eligible entity" means a corporation, partnership, association, firm, sole proprietorship, or other entity engaged in business.

(2) "Personal delivery device" means an electrically powered device to which all of the following apply:

(a) The device is intended primarily to transport property on sidewalks and crosswalks.

(b) The device weighs less than ninety pounds excluding any property being carried in the device.

(c) The device has a maximum speed of ten miles per hour.

(d) The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.

(3) "Personal delivery device operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. "Personal delivery device operator" does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. "Personal delivery device operator" also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(B) An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

(1) The personal delivery device is operated in accordance with all regulations, if any, established by each local authority within which the personal delivery device is operated.

(2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.

(3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity.

(4) The device is equipped with all of the following:

(a) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;

(b) A braking system that enables the personal delivery device to come to a controlled stop;

(c) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(C) No personal delivery device operator shall allow a personal delivery device to do any of the following:

(1) Fail to comply with traffic or pedestrian control devices and signals;

(2) Unreasonably interfere with pedestrians or traffic;

(3) Transport any hazardous material that would require a permit issued by the public utilities commission;

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(4) Operate on a street or highway, except when crossing the street or highway within a crosswalk.
(D) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

(E) (1) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.

(2) An eligible entity is responsible for both of the following:

(a) Any violation of this section that is committed by a personal delivery device operator;
and

(b) Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by divisions (C)(1) to (4) of this section.

State Law Reference-- (ORC § 4511.513)

New sec. no. 339.12 Commercial cars and buses that are subject to apportioned rates under international registration plan are not subject to certain taxes

No commercial car that is taxed under division (A) of section 4503.65 of the Revised Code, and no commercial bus that is taxed under division (B) of section 4503.65 of the Revised Code, is subject to a tax established under section 4504.02, 4504.06, 4504.15, 4504.16, 4504.17, 4504.171, 4504.172, 4504.18, or 4504.24 of the Revised Code.

State Law Reference-- (ORC § 4504.201)

New sec.no. 331.46 Public safety highway patrol custodial fund

There is hereby created the public safety highway patrol custodial fund, which shall be in the custody of the treasurer of state, but shall not be part of the state treasury. Except as otherwise provided in section 5502.1321 of the Revised Code, all money seized during investigations or other enforcement activities of the highway patrol shall be deposited into the fund or otherwise safeguarded as provided in Chapter 2981. of the Revised Code. The director of public safety shall transfer money upon resolution of all legal proceedings in accordance with Chapter 2981. of the Revised Code.

State Law Reference— (ORC § 4501.07)

301.22 - PEDESTRIAN.

Pedestrian means any natural person afoot. "Pedestrian" includes a personal delivery device as defined in section 4511.513 of the Revised Code unless the context clearly suggests otherwise.

State Law reference— (O.R.C. § 4511.01(X))

301.51 - VEHICLE.

Vehicle means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any personal delivery device as defined in section 4511.513 of the Revised Code, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

(Ord. No. [2017-53](#), §§ 1, 6, 11-8-2017)

State Law reference— (O.R.C. § 4511.01(A))

Section 6: If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Powell, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 7: All ordinances and parts of ordinances in conflict herewith are expressly repealed.

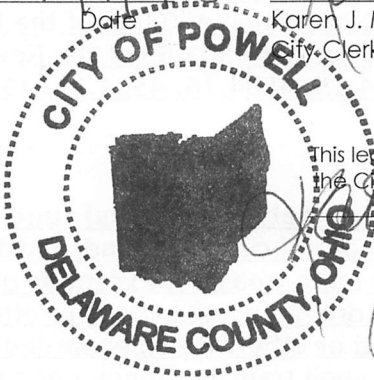
Section 8: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

Section 9: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON ORDINANCE 2018-50: Y 7 N 0

Jon C. Bennehoof 11/9/2018 Karen J. Mitchell 11/9/2018
Jon C. Bennehoof Date Karen J. Mitchell Date
Mayor City Clerk

EFFECTIVE DATE: December 7, 2018



This legislation has been posted in accordance with the City Charter on this date 11/9/2018.
Karen J. Mitchell City Clerk