

ORDINANCE NO. 18 -2025
(Sponsor: Councilmember Roberts)

AMENDING CHAPTER 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) OF THE CODIFIED ORDINANCES OF THE CITY OF SHELBY, OHIO.

WHEREAS, the City of Shelby is an urban area made up primarily of commercial, industrial, residential, municipal service and recreational park areas, with little open space sufficient for the safe and acceptable operation of All-Purpose Vehicles (hereinafter APVs), trail bikes or other motorized recreational vehicles without creating a public nuisance; and

WHEREAS, the use and operation of APVs within the city limits of the City of Shelby has the potential of adversely affecting the public's health, safety and welfare by creating excessive noise, dust and fumes; and

WHEREAS, the use and operation of APVs in the City of Shelby also has the potential of causing physical harm and a negative impact on the environment - specifically land and water quality; and

WHEREAS, it is necessary to establish reasonable and responsible rules and regulations regarding the use of APVs in the City of Shelby; and

WHEREAS, it is in the interest of the public health, safety, morals, and general welfare of the citizens of the City of Shelby that CHAPTER 446 of the Codified Ordinances of the City of Shelby be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SHELBY, OHIO, A MAJORITY ELECTED THERETO CONCURRING:

Section 1: That CHAPTER 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) of the Codified Ordinances of the City of Shelby be amended by enacting and adding Section 446.045 that shall read as follows:

§ 446.045 OPERATION OF ALL-PURPOSE VEHICLES ON PRIVATE PROPERTY.

- (a) For purposes of this section an "All-Purpose Vehicle" shall mean an all-purpose vehicle as defined by section 446.01 of this Chapter.
- (b) No all-purpose vehicle shall be operated on any private property within the city unless all of the following conditions and limitations have been complied with by the operator:
- (1) When the operator does not reside on or own the property said vehicle is being operated on, the operator shall possess written permission of the owner of the property;
 - (2) The all-purpose vehicle shall not be operated within 100 feet of any public sidewalk or within 120 feet of any public street where a sidewalk does not exist; and
 - (3) The all-purpose vehicle shall not be operated within 250 feet of any residential dwelling not on the property upon which the all-purpose vehicle is being operated upon.
 - (4) The all-purpose vehicle shall only be operated within the Municipal Limits of the City of Shelby:
 - A. Between the hours of 9:00 a.m. and 7:00 p.m. Monday through Friday, and
 - B. Between the hours of noon and 7:00 p.m. Saturday, and
 - C. Between the hours of noon and 6:00 p.m. on all legal holidays and Sundays;
 - (5) There shall be no more than three all-purpose vehicles operating on any property at a time;
 - (6) Noise and/or dust. The operator shall not unreasonably make, cause to be made or continue to be made any noise, or dust which disturbs the reasonable peace of the area within which the operator is operating any all-purpose vehicle.
- (c) No owner of the property wherein the all-purpose vehicle is being operated shall recklessly permit an individual to violate division (b)(1) of this section. No owner of property wherein an all-purpose vehicle is being operated shall knowingly permit an individual to violate divisions (b)(2) through (6).
- (d) Whoever violates this section is guilty of a minor misdemeanor on the first offense: on the second offense within one year after conviction of the first offense the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the second offense within one year the person shall be guilty of a misdemeanor of the third degree.

- (e) When an operator of an all-purpose vehicle is arrested twice within two years for this offense, the all-purpose vehicle shall be impounded.
- (f) This section does not apply to a person operating an all-purpose vehicle under the following circumstances:
- (1) Medical or health emergencies;
 - (2) Grass cutting or field plowing;
 - (3) Snow plowing;
 - (4) Commercial establishments who build, sell, or repair all-purpose vehicles or any agricultural related activity;
 - (5) Moving the all-purpose vehicle onto a trailer for purposes of transportation or removing said all-purpose vehicle from a trailer for parking or storage purposes;
 - (6) Repairing such all-purpose vehicle in an enclosed structure.
- (g) As used in this section legal holiday means any federal or state holiday wherein the U.S. Postal Service does not deliver mail.

Section 2: That all other sections of Chapter 446 (SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES) of the Codified Ordinances of the City of Shelby shall remain in full force and effect.

Section 3: That all meetings and hearings concerning the adoption of this Ordinance have been in compliance with Codified Ordinance 220.01, Ohio Revised Code Section 121.22, and the Charter of the City of Shelby, Ohio.

Section 4: That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and the earliest period allowed by law.

PASSED: _____

Steven McLaughlin
Vice President of Council

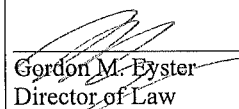
APPROVED:

ATTEST: _____

Brian Crum
Clerk of Council

Steven L. Schag
Mayor

Prepared by:



Gordon M. Eyster
Director of Law