

VILLAGE OF WAYNESFIELD
AUGLAIZE COUNTY, OHIO

ORDINANCE NO. 18-9-1

ADOPTED NOVEMBER 26, 2018

"MULTI-USE PATHS"

WHEREAS THE VILLAGE HAS INSTALLED A MULTI-USE PATH AND FOR HEALTH AND SAFETY REGULATION OF THE USE OF THE PATH IS NECESSARY.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WAYNESFIELD, AUGLAIZE COUNTY, OHIO as follows:

Multi-use Paths

- 1 Definition.
- 2 Purpose.
- 3 Damaging.
- 4 Projections.
- 5 Discharges from downspouts.
- 6 Signage.
- 7 Coasting or sledding.
- 8 Driving.
- 9 Protection of excavations.
- 10 Sharp fences.
- 11 Spiked railings.
- 12 Activities interfering with pedestrians.
- 13 Writing.
- 14 Depositing of sharp materials.
- 99 Penalty.

1 DEFINITIONS

(A) Multi-use Path. The term "Multi-use Path" shall mean a shared-use path or shared-use trail separated from motor vehicle traffic by an open space or barrier and either within a public right-of-way or easement, which accommodates two-way non-motorized travelers including pedestrians, bicyclists, and other non-motorized users. A Multi-Use Path does not include parking lots, skate parks, shelter pads, sidewalks and mowed, wood-chip or gravel pathways.

(B) User. The term "User" shall mean a natural person who utilizes the Multi-Use Path to travel from one point to a second different point. A "User" does not include a natural person riding on top of or walking along side of a horse or similar animal.

(C) Motorized User. The term "Motorized User" shall mean a natural person who utilizes any device other than his/her self-generated energy to travel from one point to another point. For the purposes of this Ordinance, a person utilizing a "motorized wheelchair",

as that term is defined in the Ohio Revised Code, as now or hereafter amended, shall not be considered a "motorized user".

(D) "Service Dog." The term "Service Dog" shall mean any dog that has successfully completed commonly recognized training to assist a physically disabled or handicapped person.

(E) "Comfort Animal". A Comfort Animal shall mean either (A) an "Emotional Support Animal", a "Therapy Animal" or a "Companion Animal", each of which has been prescribed by a licensed mental health professional to provide therapeutic support to a person with a mental health disability or (B) an animal that provides therapeutic support to people other than its handler.

(F) Shared-Use Path. A "Shared-Use Path" shall mean a facility physically separated from motorized vehicular traffic within the highway right of way or on an exclusive right of way with minimal cross-flow by motor vehicles. Shared-use paths are primarily used by bicyclists and pedestrians, including but not limited to joggers, skaters, and pedestrians with disabilities, including those who use non-motorized or motorized wheeled mobility devices. Equestrians shall not be permitted on the shared-use path.

2 PURPOSE

The multi-use path requirements specified herein are intended to foster safe and accessible alternatives to sidewalks within the community. Multi-use paths are constructed for bi-directional travel and the use for pedestrian and bicycle access and recreation. A User shall not bring or allow any of the following on the Multi-Use Path:

(A) any animal except for (1) a domesticated canine securely attached to a leash held by the User, or (2) a certified service or comfort animal medically required for the benefit of the User and securely attached to a leash held by the User; or

(B) any personal motorized or battery-operated mobility device including but not limited to (1) a segway or similar device known by any name, (2) a hoverboard or similar device known by any name, (3) an electric or motorized skateboard, or similar device known by any name, and (4) a motorized or electric bicycle or similar device known by any name; or

(C) an electric bicycle;

(D) a gas bicycle;

(E) a "Motor Scooter" as that term is defined in Ohio law;

(F) a "Motor Vehicle" as that term is defined in Ohio law;

(G) a "Motor Cycle" as that term is defined in Ohio law;

(H) a "Moped" as that term is defined in Ohio law;

(I) an "Off-highway motorcycle" as that term is defined in Ohio law;

(J) a "Recreational off-highway vehicle" as that term is defined in Ohio law;

(K) a "Recreational Vehicle" as that term is defined in Ohio law;

(L) a "Vehicle" as that term is defined in Ohio law;

(M) a vehicle used to deliver U. S. mail on a mail delivery route;

(N) an "All-terrain vehicle" as that term is defined in Ohio law;

- (O) a "Bus" (including School Buses) as that term is defined in S Ohio law;
- (P) a "Trailer" including but not limited to every vehicle without motive power in operation designed for carrying persons or property and for being drawn by a motor vehicle;
- (Q) a "Tow Truck" as that term is defined in Ohio law;
- (R) an Agricultural Vehicle;
- (S) a Farm Tractor;
- (T) a "Golf Cart" as that term is defined in Ohio law;
- (U) a "Snowmobile" which shall mean a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats;
- (V) an Implement of Husbandry;
- (W) a Semi-Tractor or Semitrailer; and

Notwithstanding anything to the contrary in this Ordinance, a User shall be allowed to drive the following on the Multi-Use Path during the course of his/her official duties, for maintenance or during a recognized emergency event:

- (A) an Ambulance;
- (B) an Authorized Emergency Vehicle;
- (C) a Fire Department Vehicle;
- (D) a Police Vehicle;

- (E) a Rescue Squad;
- (F) a Rescue Vehicle;
- (G) Maintenance and repair vehicles owned by the Village or performing services at the request of and on behalf of the Village.

3 DAMAGING.

No person shall make or cause any break, damage or hole in or to any pavements of the multi-use path.

4 PROJECTIONS.

No person shall construct or place any portico, porch, door, window, railing, areaway or steps, which shall project into or over any multi-use path, without permission of the Village.

5 DISCHARGES FROM DOWNSPOUTS.

No person shall erect or maintain any downspout or pipe from the eaves or roof of any building, constructed in such a manner as to discharge rain water or surface water upon any multi-use path.

6 SIGNAGE & STRIPING.

All persons using multi-use paths shall comply with all laws and obey all posted signs and pavement markings. Pavement markings shall not be required on multi-use paths unless specifically required by the agency funding the construction of the multi-use path.

7 COASTING OR SLEDDING.

No person shall engage in coasting or snow sledding on any multi-use path.

8 DRIVING.

No person shall drive or stand any Motorized Vehicle on, over or across any multi-use path or parkway, except for driving upon an established driveway across such multi-use path or parkway.

9 PROTECTION OF EXCAVATIONS.

No person making any excavation upon or adjoining any multi-use path, or having charge of the same, shall leave the same open and unprotected at night so as to endanger the safety of persons or animals.

10 SHARP FENCES.

No person shall erect or maintain along any multi-use path any fences of barbed wire or of any other sharp, pointed or dangerous materials.

11 SPIKED RAILINGS.

No person shall erect or maintain along any multi-use path any railing upon which there is affixed any spike, nail or other pointed instrument.

12 ACTIVITIES INTERFERING WITH PEDESTRIANS.

No person shall engage in any game, sport or amusement, exhibit any animal or machine or do any other act or thing upon any multi-use path or adjacent thereto, which shall interfere with persons passing along. Multi-use paths shall be permitted for public events, upon application and approval of the Village Administrator

13 WRITING.

No person shall paint, print or write on any multi-use path without permission of the Village Council.

14 DEPOSITING OF SHARP MATERIALS.

No person shall deposit, place or leave upon any multi-use path any broken glass, crockery, nails, tacks, iron cuttings, wire or other articles likely to wound, injure or damage any person, animal or vehicle.

99 PENALTIES.

Whoever violates any of the provisions of this Ordinance shall be fined not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00) for each violation, for a second violation within a twelve (12) month period the fine shall be not less than forty dollars (\$40.00) nor more than four hundred dollars (\$400.00) for each such additional violation within twelve (12) months of the first violation.

Section 1. This Ordinance shall be effective upon its passage by the Village Council, approval by the Mayor, and its publication as provided by law.

Section 2. All ordinances or parts of ordinances in conflict with this Ordinance are repealed insofar as they conflict.

Section 3. If any section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid, and this Village Council.

Hereby expressly declares that it would have enacted this Ordinance even with the invalid portion deleted.

PASSED BY THE VILLAGE COUNCIL OF THE VILLAGE OF WAYNESFIELD, OHIO
this 26th day of November 2018.

YEAS: 10 NAYS: - ABSTAIN: -

VOTE:

Miller -	yes	Neeley -	yes
Knox -	yes	Newland -	yes
Earl -	yes	Zimmerman -	yes

Approved:

Jill Spencer
Jill Spencer, Fiscal Officer

Michael Ridenour
Michael Ridenour, Mayor

APPROVED by the Mayor of the Village of Waynesfield this 26th day of November 2018.

Mike Ridenour

I Jill Spencer clerk of the Village of Waynesfield, do hereby certify that the foregoing is a true and copy of Ord. No 18-9-1 as passed by the legislative authority on the 26th day of November 2018

Jill Spencer

Clerk

I Jill Spencer clerk of the Village of Waynesfield, do hereby certify that Ord. 18-9-1 was published by posting for fifteen days at:
1. City Building 2. Post Office
3. Library 4. _____
5. _____
from the 27th day of November 2018
to the 18th day of December 2018
for no less than a period of fifteen days.

Jill Spencer

Clerk