

NOTICE

This City of Kettering Code section is not the official version and is provided only for the convenience of the public. The only official version of the City of Kettering Code is available through the office of the Clerk of Council, located in the City of Kettering Government Center, 3600 Shroyer Road, Kettering, Ohio 45429.

This version may, occasionally, differ from the official version and should only be relied upon for general information purposes. Any errors or omissions should be reported to the Clerk of Council. In no event shall the City of Kettering be held liable for damages of any nature, direct or indirect, arising from the use of this service or reliance on this unofficial document.

CHAPTER 476
Snowmobiles and All Purpose Vehicles

- | | |
|---|--|
| 476.01 Definitions. | 476.05 Licensing requirements of operator. |
| 476.02 Equipment. | 476.06 Accident reports. |
| 476.03 Code application;
prohibited operation. | 476.07 Local control within police power. |
| 476.04 Permitted operation. | |

CROSS REFERENCES

See section histories for similar State law

Power of trial court of record to impound registration certificates for certain violations - see Ohio R. C. 4519.47

Street or highway defined - see TRAF. 402.43

Required usage of helmets and safety glasses - see TRAF. 474.02(f)

476.01 DEFINITIONS.

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.
(ORC 4519.01 (A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R. C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 402.21 of this Traffic Code.
(ORC 4519.01 (B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile or all purpose vehicle, or other right to the possession thereof.
(ORC 4519.01 (C))
- (d) "Operator" means any person who operates or is in actual physical control of a snowmobile or all purpose vehicle.
(ORC 4519.01 (D))

- (e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation.
(ORC 5511.02)
- (f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (d), 72 Stat. 888 (1958), 23 U.S.C. A. 103, and amendments thereof.
(ORC 4519.01 (H); Ord. 2542-74. Passed 1-22-74.)

476.02 EQUIPMENT.

Equipment of snowmobiles and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:

- (a) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;
- (b) At least one red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;
- (c) Adequate brakes. Every snowmobile shall, while traveling on packed snow, be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt;
- (d) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970);
- (e) No person shall operate any snowmobile or all purpose vehicle in violation of this section, except that equipment specified in subsections (a) and (b) hereof shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on State controlled land under the jurisdiction of the Ohio

Department of Natural Resources and that are limited to off-highway use.

(ORC 4519. 20; Ord, 2542-74, Passed 1-22-74.)

Penalty - see Sections 408. 01 and 408. 02

476.03 CODE APPLICATION; PROHIBITED OPERATION.

- (a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles and all purpose vehicles, except that no snowmobile or all purpose vehicle shall be operated as follows:
- (1) On any limited access highway, freeway or interstate highway, or the right of way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Highway Safety shall designate;
 - (2) On private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
 - (3) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
 - (4) On the tracks or right of way of any operating railroad;
 - (5) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or
 - (6) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by Section 476. 02.
- (ORC 4519. 40; Ord, 2542-74. Passed 1-22-74. Ord, 4382-22. Passed 5-24-22.)
- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be provided in Section 408.01.

476.04 PERMITTED OPERATION.

Snowmobiles and all purpose vehicles being used for winter travel may be operated as follows:

- (a) To make a crossing of a highway, other than a highway as designated in Section 476. 03(a)(1), whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems that are not maintained for vehicular winter travel by snow removal, whenever the local authority having jurisdiction over such highways so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated;
- (d) On the berm or shoulder of a highway, other than a highway as designated in Section 476. 03(a)(1), when the terrain permits such

operation to be undertaken safely and without the necessity of entering any traffic lane.

(ORC 4519.41; Ord. 2542-74. Passed 1-22-74.)

476.05 LICENSING REQUIREMENTS OF OPERATOR.

- (a) No person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement or probationary license issued under Ohio R. C. Chapter 4507, shall operate a snowmobile or all purpose vehicle on any street or highway in this Municipality, on any portion of the right of way thereof, or on any public land or waters.
- (b) No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.
- (c) Failure to produce an operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, upon the reasonable demand of any law enforcement officer or other person as authorized by Ohio R.C. 4519.42 and 4519.43, shall be prima-facie evidence that the license has not been obtained.
(ORC 4519.44; Ord. 2542-74. Passed 1-22-74.)
- (d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.

476.06 ACCIDENT REPORTS.

- (a) The operator of a snowmobile or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars (\$100.00) shall report the accident within forty-eight hours to the Chief of Police, and shall within thirty days forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, such participant shall make the reports. In the event that there is no other participant, and

the operator is other than the owner, the owner shall, within the prescribed periods of time, make the reports.

Any law enforcement officer or other person authorized by

Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile or all purpose vehicle shall forward to the Registrar a written report of the accident within forty-eight hours. (ORC 4519.46; Ord, 2542-74. Passed 1-22-74.)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.

476.07 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this chapter shall prevent the Municipality from regulating the operation of snowmobiles and all purpose vehicles on streets and highways and other public property under Municipal jurisdiction, and within the reasonable exercise of the police power, except that the registration or licensing of any snowmobile or all purpose vehicle required to be registered under Ohio R, C. Chapter 4519 shall not be required. (ORC 4519, 48; Ord. 2542-74. Passed 1-22-74.)