

# Notice of Meeting

## ORDINANCE REVIEW COMMISSION

Wednesday, January 20, 2021

*at or about 6:30 p.m. using Remote Meeting procedures. To view meeting go to [www.hhoh.org](http://www.hhoh.org)*

### The Huber Heights Ordinance Review Commission has scheduled a Regular Meeting.

Please Note: This will be a Remote Meeting and viewable by the public only on live stream available at [www.hhoh.org](http://www.hhoh.org) - City Hall will be closed.

For Citizen Comments, please submit by email to [publicmeeting@hhoh.org](mailto:publicmeeting@hhoh.org) or by calling the Clerk of Council's Office at 937-237-5812.

Comments must be received prior to 5 p.m. on the day of the meeting.



Distributed – December 17, 2020

For more information, visit [www.hhoh.org](http://www.hhoh.org)



**CITY OF HUBER HEIGHTS  
STATE OF OHIO  
Ordinance Review Commission  
January 20, 2021  
6:30 P.M.  
Remote Meeting**

1. **Call Meeting To Order/Roll Call**
2. **Approval of Minutes**
  - A. December 16, 2020
3. **Topics of Discussion**
  - A. Legislation Worksheets Review
  - B. City Code - Part Three - Traffic Code - Review
  - C. Administrative/Process Issues
4. **Adjournment**

**CITY OF HUBER HEIGHTS  
STATE OF OHIO**

**Ordinance Review Commission Meeting Minutes**

**Name of Body:** Ordinance Review Commission

**Date:** January 20, 2021

**Time:** 6:30 P.M.

**Place:** Remote Meeting

**Members Present:**

Jim Ellis, Chair  
Joseph Hendrix  
Brian Kitchen  
Glenn Otto, Vice Chair  
Gerald Wamsley  
Don Webb

**Guests Present:**

City Staff Present: Anthony Rodgers.

Guests Present: None.

**1. Call The Meeting To Order/Roll Call**

Chair Jim Ellis convened the Ordinance Review Commission meeting at 6:33 P.M.

Anthony Rodgers took Roll Call.

**2. Approval Of Minutes**

The following minutes were approved unanimously at the beginning of this meeting:

- December 16, 2020

**3. Topics of Discussion:**

- Legislation Worksheets Review
- City Code – Part Three – Traffic Code – Review
- Administrative/Process Issues

## Legislation Worksheets Review

Anthony Rodgers distributed information regarding the Legislation Worksheets Review (see attached). He also distributed the memorandum Gerald McDonald provided regarding the Legislation Worksheets Review (see attached).

Jim Ellis said he reviewed the Legislation Worksheet – Part One – Administrative Code and he indicated what he feels are still open items that need to be addressed, closed, or pushed back to another meeting pending further consideration. He said the first section which is still open is Section 125.02.

Anthony Rodgers said it was already agreed to incorporate the revisions for Section 125.02 into the legislation for Part One and so nothing else is needed for that section. He said Section 103 was still open. He said he was going to send the legislation for the City flag to be codified by Municode, but when he researched this matter, he found there was no legislation adopting the City flag. He said the City flag was adopted by a motion of the City Council. He said when he writes the draft legislation to make the changes to Part One – Administrative Code, he will add the information about the adoption of the City flag in that legislation, and it will get codified in that manner. He said the City seal and City flower were adopted by legislation, but the City flag was adopted by a motion.

Jim Ellis said, regarding Section 125.03, Anthony Rodgers was to research the background with the Law Director about the appropriateness of the words “may” versus “shall”.

Anthony Rodgers said the Law Director had already weighed in on Section 125.03 in his last memorandum at the last Ordinance Review Commission meeting. He said Mr. McDonald did not recommend changing it to “shall” as he felt it was too binding on the City to make it a requirement. He said he has researched this section extensively, and he cannot find anyone or anything that speaks to how this section was created or the purpose of this section. He said the next step would be for him to go through paper copies of each year of the updates to the Codified Ordinances moving backwards, because this was before it was available in electronic format, to see where the changes originated. He said that work will be time consuming, so this item will need to be pushed back.

Jim Ellis said the next open item is Section 131.09 regarding mailbox replacement.

Anthony Rodgers said that this information has been sent to the Public Works Manager several times for comment, and he has received no feedback. He said he also sent it to the Public Works Manager’s supervisor, and he has not received any response. He said he is keeping a record of his requests.

After discussion, it was decided to carry this item forward one more month in an attempt to receive information from City Staff.

Jim Ellis said Section 141.01 regarding bonds is the next open item.

Anthony Rodgers said he talked with Finance Director Jim Bell. He said the way this section is currently written in the City Code is "All municipal officers and employees shall be bonded in the amount of \$5,000.00, with the following exceptions". He said the section then lists different positions with differing bond amounts. He said the Finance Director said the City no longer has individual bond amounts for individual positions and that all the positions are now covered under the City's umbrella insurance policy. He said there is no longer a distinction by individual positions. He said the Finance Director suggested he contact the Human Resources Director for the new bond amounts in the umbrella policy and that the Ordinance Review Commission propose rewriting this section in that way. He said he will incorporate these revisions into the legislation based on the City's umbrella insurance policy. He said this section is something that needed to be updated.

Jim Ellis said the next section is Section 145.04 which deals with the Thoroughfare Plan. He said the question was when this plan was last reviewed and if further review was needed.

Anthony Rodgers said he spoke with the City Engineer and the Assistant City Manager about this section. He said both reviewed it, and they did not recommend or feel any changes were warranted to the Thoroughfare Plan at this time. He said most of the Thoroughfare Plan speaks to major arteries and streets within the City, and there have not been significant changes to those thoroughfares.

Jim Ellis said under all the sections regarding boards and commissions, he said it was discussed if there was anything that required all appointed boards and commissions to enact bylaws to follow what is in the Board and Commission Handbook. He said Gerald McDonald responded to that issue in his memorandum that all received. He said if all the boards are operating under the Board and Commission Handbook, he is okay with the City Code as it is in these sections. He said he thinks somewhere in the enabling legislation that creates a board or commission, there should be some requirement by the City Council that the board or commission is required to follow the handbook. He said that is not an ordinance or change of any ordinance, it would just be how the City Council approaches the creation and enabling of any commission or board.

Anthony Rodgers said that issue could be handled as the City Council is in the process of looking at updates to the Board and Commission Handbook. He said the City Council could adopt the handbook by legislation and then a section could be added into that legislation that requires compliance with the handbook by the individual boards and commissions.

After discussion, Jim Ellis said seeing no objections, that matter will proceed as a recommendation accordingly.

Jim Ellis said the next three items deal with Section 171, Bidding and Purchasing. He said the first question dealt with whether the City should advertise what the estimated cost is when put out to bid as everyone bidding would come in close to that number rather than the most competitive number. He said Gerald McDonald's suggestion agreed with that point. He said obviously the City has to have an estimate to have something to compare the bids with, but whether that needs to be publicized or not is the question.

Anthony Rodgers said Gerald McDonald indicated that under the City's home rule authority, the City could have a standard different than what is in the Ohio Revised Code with the exception

that Gerald McDonald did not recommend changing that requirement for design/build contracts. He said in those cases, Gerald McDonald felt the estimate is something the City should provide and he did not want to change Section 171.031(h). He said Mr. McDonald's suggestions would be incorporated into the legislation if that is what the commission recommends.

After discussion, it was decided to proceed accordingly with the recommended changes to Section 171.

Jim Ellis said Section 171.03(b) deals with the methods of advertising. He said the current ordinance is somewhat outdated. He said Gerald McDonald's recommendation deleted some language regarding advertising in trade magazines and newspapers and replaced it with the official website and "may also" advertise in newspapers or professional trade magazines, leaving that option open but using the City's website as the primary source of advertising. He said he is okay with that as long as the old methods can be used if it appeared to be the most appropriate way to get the information posted, but he thinks the City's website should be added as being an authorized method.

Anthony Rodgers said this is a trend many communities are moving towards with less reliance on newspapers of general circulation. He said there is still that old advertising requirement in a couple elements in the City Charter which would be a more involved process to change.

After discussion, it was decided to proceed accordingly with the recommended changes to Section 171.03(b).

Jim Ellis said regarding Section 171.08 the question was raised if there should be anything added to the City Code dealing with when there is a problem with the contract, and what happens if, after inspection, the work performed does not conform to the contract. He said Gerald McDonald's comments were as follows:

"171.08 I do not recommend any change to formalize steps for a breach. Each contract address breaches individually. For example, some contracts may call for liquidated damages, some specific performance, still others, a time to cure and then actual damages if not timely cured."

Jim Ellis said as a lawyer he agrees with that sentiment, but he still has a concern as to is there a method within the City if the inspector goes out and sees something amiss, that the inspector knows what he/she is supposed to do. He asked if that is something that is in the contract itself, or is that something that should be addressed via legislation?

Anthony Rodgers said there are internal administrative processes for addressing those things, and then it would go to the Law Director for legal review, if warranted.

Jim Ellis said as long as there is something internally in place, so everyone knows what to do, he has no problem with this being left as it is.

Glenn Otto asked to confirm that what Jim Ellis means is that his concern is not so much what is written in the contract and how the language provides for those things to be taken care of, but how those things get reported back to be handled at the City.

Jim Ellis confirmed Glenn Otto's statement. He said his concern is how the breach gets brought back to the appropriate people that need to address the breach at the City.

Glenn Otto asked if something could be added that would define that process.

Anthony Rodgers said anything can be codified as a process. He said it would need to be distinguished as to what is an internal administrative process and what would rise to the level of a codified process that would be much more formalized. He said he does not know enough about it to speak as to what the internal processes are. He said he could look into that issue further if the commission would like.

Jim Ellis said if there is something in the administrative process that covers this issue, he is fine with it as it is.

Jim Ellis said Section 171.09 deals with Cooperative Purchases. He said City Staff was to review the list of purchasing programs to determine if the list is up to date.

Anthony Rodgers said the Finance Director said that section requires no changes as all information is current. He said the section is open ended to allow for other cooperative entities other than those that are named specifically in the section.

Jim Ellis said Section 175.03 deals with property owners having a certain number of days to apply for a waiver or deferment of assessment. He said the question was how is that time frame relayed to the property owner. He said Gerald McDonald addressed this issue in his memorandum as well.

Anthony Rodgers said what Gerald McDonald was saying is a "constructive notice" is given, but it is not on any of the documents sent to the property owners. He said it is in the Codified Ordinances, and people are expected to have an awareness of that through a constructive notice. He said Gerald McDonald stated in the second paragraph in his memorandum that if the commission wanted to recommend changes, he put some language in there. He said Gerald McDonald spent a significant amount of time talking with the City Staff that oversee the assessment process in the Finance Department. He said it is a very complicated and detailed process. He said Mr. McDonald suggested some changes to Sections 175.03 and 175.05(c).

Jim Ellis said he understands the concept of constructive notice, but since it is only 15 days, he asked if there have been circumstances where applications for waiver or deferment have come in late and have been denied because the applications were not received in a timely fashion.

Anthony Rodgers said he does not know the answer to that question. He said Gerald McDonald goes on further to say that if the commission chooses to recommend a specific type of notice of the 15 days be codified, he recommends the commission have further discussions with the Finance Department Staff that handle the assessments to better understand the process and timeframes. He said typically multiple notices go to the property owners and anything the commission might change; the City would not want to affect the timeliness of the submission of assessments because the counties only take those assessments twice a year. He said if the City

missed those deadlines, then those assessments are not put on the tax duplicate for the following six-month period.

Jim Ellis said he understands that, and he may be creating a problem where no problem exists.

Anthony Rodgers said Gerald McDonald is giving the commission his initial assessment and his legal review when these issues are brought up from the Ordinance Review Commission, and he is giving the framework of what would be involved if the commission wants to look at changing it, so it is not a “no” that it cannot be changed. He said before Gerald McDonald invests more time and effort in looking at this issue, the commission should make sure it wants to go farther down the road with this matter.

Jim Ellis said if a problem does not exist and everyone seems to be complying with the 15-day notice, then maybe it should be left alone. He said if the City is seeing several people who are applying for deferments or waivers, but the applications are coming in a few days late, then that problem should be addressed. He said maybe the commission should make the recommendation that City Staff keep an eye open for these problems and then address it at that point, if needed.

Anthony Rodgers said that could be done, or if preferred, he could try to seek some information from City Staff about the frequency of those types of issues or cases that have arisen to give the commission a better assessment of the scope of that issue, or if it is even a problem.

After discussion, it was agreed to have Anthony Rodgers look further into if there is a problem with the timely submission of applications addressed in Section 175.03.

Joseph Hendrix said the last sentence in Section 175.03 states that Exhibit A sets forth the criteria. He asked where is Exhibit A?

Anthony Rodgers said that was discussed last time and he does not know. He said if it is specifically spelled out in the ordinance that there is a form that should be available as an exhibit, then its whereabouts should be known to direct somebody to it. He said he would add that to the list as well under that section and have that matter clarified.

Jim Ellis said Section 175.06 deals with Alternate Assessment Procedures.

Anthony Rodgers said that section was also one that went to the Finance Director for review. He said Jim Bell did not have any changes to that section but suggested the commission may want to check with the City Engineer for additional suggestions because this section affects that department as well.

Jim Ellis asked Anthony Rodgers to run that issue by the City Engineer to make sure that nothing is recommended there, and he said that Section 175.06 will be brought back to the next meeting for review.

Jim Ellis said for Section 177.01 regarding Applicant Obligation For Extra Expenses, Anthony Rodgers was going to check with the City Engineer and the Law Director about how those extra costs may have been assessed. He said Gerald McDonald stated that he is not aware of this



provision ever being utilized outside of the Engineering Department for the costs for a traffic study, certain inspections, and the like that are passed on to the applicant.

Anthony Rodgers said he reached out to the City Engineer and the Assistant City Manager that oversees engineering. He said he received an email from Scott Falkowski that said:

“177.01 hasn’t been used since I have been here. I think the intent is if a consultant is needed, we can charge the applicant. One case I can think of is if we need a traffic study and the applicant doesn’t provide one, we can utilize this provision. On the flip side of this, if we require a traffic study, we can table the application until they provide it, so we don’t have to do any of that ourselves.”

Jim Ellis said he likes having it in the City Code as a tool that can be used and that he was curious if it has been used. He said it sounds like the City Engineer and Law Director want to keep it in place in case it is needed.

Jim Ellis said in Section 179 regarding Funds, the Law Director was going to check if the list of funds is complete, if the list should be rearranged, and/or if the list should be retitled.

Anthony Rodgers said Gerald McDonald referred that matter to the Finance Director and Jim Bell reviewed Section 179. He said he just received the reply yesterday, and he can send that information out to the members. He said Jim Bell made a number of recommendations for changes in Section 179. He said Jim Bell has listed several funds that need to be removed because the funds no longer exist. He said Jim Bell did not think the order should be changed, and according to Jim Bell, the funds are listed by the fund numbers. He said the Finance Department would prefer to keep this order because it relates to the fund numbers behind the fund names. He said he will send this information out to everybody. He said if there are no objections after reviewing the information, the commission could just incorporate Jim Bell’s suggested changes into Section 179, and it would be a complete and thorough list of funds as it currently stands.

Don Webb asked if Jim Bell put the fund numbers in front of the fund titles.

Anthony Rodgers said Jim Bell did not.

Don Webb said it would be clearer if the numbers were there. He said he thinks if the fund number appeared before the fund name, it would make more sense.

Anthony Rodgers said he would talk to Jim Bell.

Jim Ellis said if the order is how the Finance Department Staff are comfortable and used to addressing the funds, then it is fine with him.

Anthony Rodgers said there were no additions, only deletions of funds as the funds list currently exists.

Jim Ellis said that completes the Legislative Worksheets Review.

## City Code – Part Three – Traffic Code – Review

Anthony Rodgers distributed information regarding the City Code – Part Three – Traffic Code (see attached).

Jim Ellis said the Traffic Code incorporates a lot of statewide ordinances of which the commission cannot do anything about. He said Anthony Rodgers had the Law Director put together a list of those sections in which the commission can have some input and have the ability to make some changes. He asked if that is where this list of statutes came from?

Anthony Rodgers distributed the list of those sections for Part Three – Traffic Code prepared by the Law Director (see attached). He said the Law Director separated those sections that were based on statutes in the Ohio Revised Code that the commission did not have the ability to impact, and the provided list includes the sections that the City has some flexibility in amending, changing, deleting, or adding to particular sections. He said in looking ahead, when the commission gets to the General Offenses Code, which is the next section for review for next month, it will be a similar situation. He said there will be a large part of the General Offenses Code that cannot be changed because it is based on Ohio Revised Code.

The Ordinance Review Commission reviewed the City Code – Part Three – Administrative Code as follows:

### **Title One – Administration**

#### **CHAPTER 301 – DEFINITIONS**

Based on Gerald McDonald's recommendation, Jim Ellis said this commission will not be reviewing Chapter 301 – Definitions.

#### **CHAPTER 303 – ENFORCEMENT, IMPOUNDING, AND PENALTY**

##### 303.07 - Application to drivers of government vehicles.

Jim Ellis said this section applies to state or federally owned vehicles.

After discussion, there were no changes or recommendations regarding this section.

##### 303.08 – Impounding of vehicles, notice and redemption.

Jim Ellis said in Section 303.08(a), it talks about when an officer finds a vehicle upon any street. He said other sections in the ordinances talk about streets and reference highways. He asked if the term “street” there applies to all roadway surfaces in the City which includes thoroughfares and highways. He said in Section 305.02 it references streets and highways, but only mentions streets in Section 303.08.

Anthony Rodgers said he would have to get clarification on that matter. He said he does not know if the City has jurisdiction on say Interstate 70 to impound a vehicle.

Joseph Hendrix asked what the definition of “highway” is. He asked if it also includes State Routes 201 and 202, Taylorsville Road, etc.

Jim Ellis said there may be a section that is not being looked at tonight that gives that definition.

Joseph Hendrix said there is a definition for “laned street or highway” and read the definition.

Jim Ellis said this question should be proposed to Gerald McDonald.

Jim Ellis said Section 303.08(b) talks about the vehicles being impounded to an approved garage or other storage location. He said it does not mention anything about the tow company being approved. He said he vaguely remembers years ago a dispute over the towing contracts the City entered into for this purpose. He said in Section 303.08(c), it states that a police officer can secure the services of a private tow truck. He asked if a police officer can call any tow company he/she wants or is he/she limited to a particular tow company.

Don Webb asked if the City has a contract with a company, and what is the length of the contract. He said he remembers the City Council voting on a particular impound yard.

Anthony Rodgers said there is a contract with a towing company, but he does not know the length of the contract.

Jim Ellis asked if Section 303.08(c) should state that a police officer can secure the services of a City-approved private tow company, or some language that there is one tow company for the City at any given time.

Joseph Hendrix said his concern is if the City approved tow company is not available.

Anthony Rodgers said he can get information regarding the City’s tow company contract.

Sections 303.08(d) and 303.08(e) were discussed and there were no changes or recommendations regarding those sections.

Jim Ellis said Section 303.08(f) does not mention storage costs. He said that section only addresses tow truck charges and bail and asked where the fees for storage are specified.

Anthony Rodgers said the storage costs and towing costs are tied to the same contract.

#### 303.081 – 303.09

After discussion, there were no changes or recommendations regarding these sections.

### CHAPTER 305 – TRAFFIC CONTROL

#### 305.01 – 305.05

After discussion, there were no changes or recommendations regarding these sections.

305.06 - Director's powers not limited.

Brian Kitchen said he did not see anything regarding red light cameras. He asked if that has ever come up before the City Council or been looked into.

Anthony Rodgers said the City of Dayton had issues with the State of Ohio and the usage of red light cameras. He said the State of Ohio was trying to restrict the use of red light cameras by communities. He said red light cameras has not been an issue before the Huber Heights City Council.

Brian Kitchen said he assumes the Director of Public Safety does not have that authority as a blanket power because it has not been approved by the City Council.

Jim Ellis asked if this is something the City Council may be addressing?

Glenn Otto said he knows nothing of that issue. He said when he read through this section, he said it seemed the Director of Public Safety would have the ability to do so but the City Council could reverse anything the Director of Public Safety would do.

Jim Ellis said that comes out in Sections 305.06 and 305.08. He said Section 305.06 theoretically says if there was a decision that red light cameras would be appropriate, the Director of Public Safety has the ability to put together policies and procedures, and Section 305.08 gives the City Council the power to override decisions of the Director of Public Safety.

Anthony Rodgers said for the record, the Director of Public Safety is currently the City Manager.

After discussion, there were no changes or recommendations regarding this section.

305.07 - 305.09

After discussion, there were no changes or recommendations regarding these sections.

CHAPTER 311 – STREET OBSTRUCTIONS AND SPECIAL USES

311.01 - Placing injurious material or obstruction in street.

After discussion, there were no changes or recommendations regarding this item.

311.02 - Parades and assemblages.

Jim Ellis asked if all participants in a parade had to secure individual permits.

Joseph Hendrix said that is covered under “group of persons”.

Anthony Rodgers said the organizer applies for a permit and handles the separate entries.

After discussion, there were no changes or recommendations regarding this item.

311.03 - Toy vehicles on streets.

After discussion, there were no changes or recommendations regarding this item.

CHAPTER 313 – TRAFFIC CONTROL DEVICES

After discussion, there were no changes or recommendations regarding this chapter.

CHAPTER 331 – OPERATION GENERALLY

331.01 – 331.43

After discussion, there were no changes or recommendations regarding these sections.

331.44 – Driving on Brandt Pike Busway.

The commission requested clarification either from the City Engineer or RTA as to the exact location of the Brandt Pike Busway, and asked if is this an ordinance that can be removed?

Brian Kitchen said this ordinance was passed in 1992.

Jim Ellis asked if this is a restricted roadway?

Anthony Rodgers said he would look into this matter and bring it back to the commission.

331.45 – 331.47

After discussion, there were no changes or recommendations regarding these sections.

CHAPTER 333 – OVI, WILLFUL MISCONDUCT, SPEED

After discussion, there were no changes or recommendations regarding this Chapter.

CHAPTER 335 – LICENSING; ACCIDENTS

After discussion, there were no changes or recommendations regarding this Chapter.

CHAPTER 337 – SAFETY AND EQUIPMENT

337.01 – 337.24

After discussion, there were no changes or recommendations regarding these sections.

337.25 – Air cleaner required.

Jim Ellis said he is unsure as to the history or background of this section and what it is attempting to protect.

Anthony Rodgers said if a City ordinance is not cited, it could be from the Ohio Revised Code.

Jim Ellis said whoever violates this section is guilty of a misdemeanor. He said he would like to know why it is listed and why it should be criminalized. He asked if Gerald McDonald could review this section.

Anthony Rodgers said he would look into this item and bring back information for discussion.

#### 337.26 – 337.31

After discussion, there were no changes or recommendations regarding these sections.

#### CHAPTER 339 – COMMERCIAL AND HEAVY VEHICLES

After discussion, there were no changes or recommendations regarding this chapter.

#### CHAPTER 341 – COMMERCIAL DRIVERS

After discussion, there were no changes or recommendations regarding this chapter.

#### CHAPTER 343 – GOLF CARTS

Jim Ellis said the only thing he sees in this chapter is that the golf cart legislation requires two license plates. He said the State of Ohio has done away with the front license plate. He asked if that requirement should be removed.

Joseph Hendrix asked if the City has changed that requirement in the City Code to reflect the Ohio Revised Code.

Anthony Rodgers said when the annual update is done with the codification service, any changes to the Ohio Revised Code will be incorporated in that process.

After discussion, Anthony Rodgers said he will look into this matter and bring back information for discussion.

#### CHAPTER 344 – OPERATION RESTRICTED FOR LOW-SPEED, MINI-TRUCKS AND UTILITY VEHICLES

Anthony Rodgers said that Chapter 344 is a follow-up as there were some changes at the State of Ohio level with low-speed vehicles. He said this ordinance was recently adopted.

After discussion, there were no changes or recommendations regarding this chapter.

### **Title Seven – Parking**

#### CHAPTER 351 – PARKING GENERALLY

Anthony Rodgers said most of this section is valid. He said the most calls received are regarding the enforcement of parking regulations.

351.01 – 351.17

After discussion, there were no changes or recommendations regarding these sections.

351.18 Nonmotorized vehicles not to be parked on streets.

Brian Kitchen asked if this section could be reviewed for changes. He said back in 1987, there were fewer people who owned trailers as there were fewer independent contractors and most people did not store their tools and work equipment themselves. He said now there are more contractors, and maybe more consideration could be given to independent contractors.

Jim Ellis said he had no problem with a recommendation coming from the commission that this be looked at in light of the changes in the workforce. He said this item could be a generalized recommendation.

Jerry Wamsley said the City of Huber Heights is one of the few cities that have this ordinance other than Oakwood. He said this measure really impacts the tradespeople and the ability to grow their businesses. He said you can drive through Dayton, Riverside, and Fairborn which are all connected, and you can see trailers in those drives and streets, but in Huber Heights it is not allowed. He said the economy is changing, and a lot of businesses are noticing they do not have to have a brick and mortar operation anymore.

Anthony Rodgers said this is the time to discuss it. He said if the commission feels strongly about this issue, he suggests rather than throwing this back to Council to look at in a general sense, the commission has the ability to gather information and look at ordinances in other communities to propose something, and then Council could react to that recommendation.

Jim Ellis said he would like to look at other communities such as Fairborn, Vandalia, Kettering, and other cities. He said obviously he does not think other communities are going to want trailers parked all over the streets for extended periods of time.

Jerry Wamsley said this issue could be polled like with the City did with trash contract. He said he experienced an incident himself with the City. He said there is some motivation here. He said there needs to be some common sense and practicality to it. He discussed his personal experience with this situation.

Jim Ellis said a lot of the problem also is within enforcement and what is complaint driven. He said there are two issues. He said one issue is looking at the ordinance and tightening it up and clarifying the ordinance and the other issue is making it make more sense in light of what is going on today in the economy. He said he does not know how to address the problem of is it being applied and enforced uniformly?

Anthony Rodgers said the first part is within this commission's purview, he said the second part is really a policy decision for the City Manager and the City Council to determine as to the enforcement.

After discussion, it was decided Anthony Rodgers would locate information from other local communities regarding parking nonmotorized vehicles on the streets.

Jerry Wamsley said there are many residents who would like to speak on this subject and asked how they can be heard.

Anthony Rodgers said there is an email address and phone number for people to send in any questions or comments prior to a meeting which he is advertising on the meeting notice and the City's website. He said also, Council has gone back to hybrid in-person/remote meetings, and he will discuss this issue in the latter part of the meeting.

Jim Ellis said there is also an ongoing issue in the City with over-the-road truck drivers parking their trucks at shopping centers for the weekend when home because they have no place to park these rigs. He said the general consensus is the City does not want to provide the ability for people to park their trucks.

Joseph Hendrix said parking a trailer in the driveway is not listed in Section 351.18.

Anthony Rodgers said these items are scattered throughout the zoning codes. He asked, to be clear, if the commission is advocating for parking trailers on the street?

Brian Kitchen said maybe the members need to look at both this ordinance and the zoning codes that do not allow residents to place trailers in driveways or yards. He said between both ideas, it leaves very little place for anyone to park a trailer at all.

Anthony Rodgers said that issue will be captured for later discussion as the commission moves into the Planning and Zoning Code.

#### 351.19 – 351.21

After discussion, there were no changes or recommendations regarding this section.

#### 351.22 – Reserved.

Jim Ellis said under this section he noticed the ordinance was repealed that dealt with snow emergency routes. He said he can remember being told to move his car off the street due to snow removal.

Anthony Rodgers said he did not remember this section being repealed.

#### 351.23 – Leaving motor vehicles on private or public property.

Jim Ellis said there is no mention of penalties in Chapter 351 except for in Section 351.23. He said that is the only provision that has a penalty and is a minor misdemeanor. He said no other sections in this chapter deal with a penalty.

Anthony Rodgers said he would look into this matter and bring back information for discussion.



Don Webb said Section 101.99 in the very beginning of the City Code talks about general penalties and he thinks that speaks to what Jim Ellis is asking.

## CHAPTER 353 – CIVIL INFRACTIONS VIOLATIONS BUREAU

### 353.01-10

Members asked if this Civil Infractions Violations Bureau exists or is in use as they were unfamiliar with this entity.

Anthony Rodgers said this ordinance was passed in 2011, so it is not that old. He said he will verify the status of this Civil Infractions Violations Bureau with City Staff.

Jim Ellis said he vaguely remembers discussion about decriminalizing and taking parking issues away from going through the court system. He said he has not heard of this process.

Anthony Rodgers said he would find out if this Civil Infractions Violations Bureau is being utilized and who is doing it.

Joseph Hendrix asked if someone could go to court if they wanted regarding an infraction.

Anthony Rodgers said there is a process for a hearing examiner to hear challenges to parking tickets and he read the information. He said the City Manager also has the authority to appoint a Hearing Examiner under this ordinance.

## **Title Nine – Pedestrians, Bicycles and Motorcycles**

### CHAPTER 371 - PEDESTRIANS

After discussion, there were no changes or recommendations regarding this chapter.

### CHAPTER 373 – MOPEDS AND MOTORCYCLES

After discussion, there were no changes or recommendations regarding this chapter.

### CHAPTER 375 – SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES

After discussion, there were no changes or recommendations regarding this chapter.

### Administrative/Process Issues

Anthony Rodgers said he sent a schedule of the meeting dates and topics for the commission the remainder of the year (see attached). He said it states in the City Charter that the work of this commission is to be completed within one year, and this schedule accomplishes that deadline. He said it also gives the commission members a heads up if they have people approaching them about when those particular issues or sections of the City Code will be discussed. He said, as mentioned earlier in the meeting, there is the issue of in-person versus remote meetings. He

said there had been a prohibition put in place by the Mayor on holding in-person meetings. He said the City Manager, with the Mayor's consent, issued a memorandum this week stating the individual public bodies are free to decide whether to move to in-person meetings or to continue with remote meetings. He said he is looking toward next month's commission meeting, so when he advertises it, he will know which direction to go. He said in-person meetings would be held be at City Hall with appropriate social distancing and following CDC guidelines. He asked the group how they want to handle next month's meeting.

After discussion, the members decided to hold hybrid in-person/remote meetings of the commission starting in February, 2021.

Jim Ellis asked if someone had a question and emailed the question, would it be held until the next meeting.

Anthony Rodgers said he could forward the email to the commission members, but it could not be discussed until the next meeting date.

Jim Ellis asked if someone emailed a question while the meeting was in progress, would the question be read during the meeting.

Anthony Rodgers said there is a deadline of 5:00 P.M. on the date of the meeting for submitting questions or comments. He said if meetings are being held as hybrid meetings, people could come in person and make comments.

Joseph Hendrix asked how often the Ohio Revised Code is updated in the City Code, and where does it specify that Ohio Revised Code has to be in the City Code?

Anthony Rodgers said the Ohio Revised Code changes are incorporated into the City Code on an annual basis and it is done in conjunction with the Law Director and Municode. He said Municode's lawyer prepares all of the changes and submits that to Gerald McDonald and himself for review.

Jim Ellis said Huber Heights is a charter city, and that is defined in the Ohio Revised Code. He said the laws of a city, township, or municipality cannot be contrary to state law.

#### 4. **Adjournment:**

Chair Jim Ellis adjourned the Ordinance Review Commission meeting at 8:32 P.M.

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART ONE - ADMINISTRATIVE CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
101.02 General Definitions	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review general definitions to ensure the definitions are current with Ohio Revised Code. Law Director to determine if statement needs to be added regarding automatic updates as definitions are changed in the Ohio Revised Code. Law Director to determine if definition for “officer” should be added. Law Director reviewed section and made suggestions for changes to several definitions which were approved as a recommendation for update by the ORC at the 12/16/20 meeting. Law Director determined that a statement regarding automatic updates as definitions are changed in the Ohio Revised Code was not needed. Law Director determined a definition for “officer” was not needed. ORC concurred with these determinations at 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
101.03 Rules of Construction	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <b>X No Further Action Needed</b>	<p>Law Director to review section for changes. Law Director reviewed section for changes and determined that no changes were needed for this section.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
101.99 General Penalty	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <b>X No Further Action Needed</b>	<p>Law Director to review last sentence of the section to determine if what constitutes a “day” needs to be defined. Law Director reviewed section for changes and determined that no changes were needed for this section.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
103 City Flag	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <b>X Add</b> <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council had planned to add City flag legislation to City Code for codification by Municode. There was never any legislation adopting the City flag; only a motion passed by City Council. ORC concurred with adding it to the City Code at 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
105 Wards	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>The entire chapter needs to be rewritten and revised after receipt of 2020 U.S. Census data. City Council to determine process for the ward redrawing/redistricting.</p> <p>Status: <b>ON HOLD UNTIL RECEIPT OF 2020 U.S. CENSUS DATA</b></p>
107.01	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise	<p>Law Director to review section to determine if clarification is needed that the City’s primary elections</p>

Dates – Primary Elections		<input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>are held on the same date established for conducting primary elections in the State of Ohio. Law Director reviewed section and made suggestions for changes to language in section which were approved as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
109 State of Emergency	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>The entire chapter needs to be reviewed to ensure that it is adequate and appropriate for the current times. In 109.01 – the number of people that constitute an emergency needs reviewed. In 109.02 – the “designee” language needs reviewed. In 109.03 – the list of powers needs reviewed. In 109.04 – the penalty needs reviewed. Law Director reviewed sections for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 109.01, 109.02, 109.04, and 109.05 as a recommendation for update by the ORC at the 12/16/20 meeting. The ORC did not approve suggestions for changes in Section 109.03 at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
109.07 Control of Public Utilities	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section to determine if control of public utilities should be limited to the Mayor or if some other hierarchy should be established for the purposes of this section. Law Director reviewed Section 109.07 for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 109.07 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
125.02 Assistant Clerk of Council	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change references to Assistant Clerk of Council to Deputy Clerk of Council and to change “a hourly” to “an hourly”. The ORC approved suggestions for changes in Sections 125.02 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
125.03 Information – Public Reports	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section to determine appropriateness of “may” or “shall” and clarifying the purpose of this section and the types of information to be provided. Law Director reviewed Section 125.03 and recommended against making any changes to section. ORC requested more background information and history at 12/16/20 and 01/20/21 meetings.</p> <p>Status: <b>CLERK OF COUNCIL TO RESEARCH BACKGROUND AND HISTORY FURTHER</b></p>
131.03 Computer Programming	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section for changes. Law Director reviewed Section 131.03 for changes and made suggestions for changes. The ORC approved suggestions for changes in Sections 131.03 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>

All Sections/ 131.06 Fees	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all sections as to use of the term “designee” as in 131.06. and to determine if “designee” should be defined in definitions. Law Director reviewed use of term “designee” throughout the City Code. The ORC approved suggestion for adding proposed definition for “designee” to the definitions section of the City Code as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
131.09 Mailbox Replacement	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to policy. Multiple requests to City Staff have been made for clarification with no response.</p> <p>Status: <b>CITY STAFF REVIEW</b></p>
141.01 Bonds	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to amount of bonds. Finance Director recommended rewriting section with information from Human Resources Director using City’s umbrella insurance policy for bonds. The ORC approved rewrite of the section as recommended at the 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
141.07 Deferred Compensation	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review section for changes. Law Director reviewed Section 141.07 for changes. The ORC approved suggestion for adding proposed language from Law Director as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
145.04 Thoroughfare Plan	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review  <input checked="" type="checkbox"/> No Further Action Needed	<p>Clerk of Council to consult with City Staff to determine if any updates are needed to the Thoroughfare Plan. The City Engineer reviewed this section and determined no changes were needed for this section. The ORC determined that no changes were needed for this section at the 01/20/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
149 Parks and Recreation Board	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change terms for the Parks and Recreation Board from four years to three years. The ORC approved suggestions for changes in Sections 149 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
155.03 Public Records Commission	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change “outline” to “outlined”. The ORC approved suggestions for changes in Sections 155.03 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>

163 Arts and Beautification Commission	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change terms the Arts and Beautification Commission from four years to three years and to change requirement that 2/3 of members have to be residents of the City to all members have to be residents of the City. The ORC approved suggestions for changes in Sections 163 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
166 Board of Tax Appeals	11/18/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Clerk of Council to rewrite section to change name to Board of Tax Review and to add other information regarding the Board of Tax Review as needed. The ORC approved suggestions for changes in Sections 166 as a recommendation for update by the ORC at the 12/16/20 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
All Sections Boards and Commissions	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all section dealing with City boards and commissions to determine if provisions ensuring compliance with the Board and Commission Handbook and the Open Meetings Act (including committees/subcommittees) should be included in the City Code and in the enabling legislation creating the boards/commissions. The ORC approved a recommendation that compliance with the Board and Commission Handbook and the Open Meetings Act should be incorporated as a requirement for City boards/commissions in the legislation approving an updated Board and Commission Handbook at the 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO ORC RECOMMENDATIONS</b></p>
171 Bidding and Purchasing	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review all sections to determine basis for requiring an estimated cost in advance of a competitively bid project to assess whether this provision could be amended. The ORC approved recommendations for changes in Sections 171 for update at the 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
171.03 (b) Advertising	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	<p>Law Director to review Section 171.03(b) to determine if any changes should be made to advertising requirements or methods of advertising (i.e., online methods). The ORC approved recommendations for changes in Sections 171.03(b) for update at the 01/20/21 meeting.</p> <p>Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b></p>
171.08 Inspection	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review  <b>X No Further Action Needed</b>	<p>Law Director to review Section 171.08 to determine if changes are needed to address and formalize the steps to be taken if something is not in conformity with a contract or specifications so everyone is operating under the same set of rules. Law Director reviewed section for changes and the ORC determined that no changes were needed for this section at the 01/20/21 meeting.</p> <p>Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b></p>
171.09	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise	<p>Clerk of Council to correct typographical error in first sentence by removing “another”. City Staff to</p>

Cooperative Purchases		<input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	review list of cooperative purchasing programs for changes or updates. Finance Director reviewed section for changes and the ORC determined that no changes other than correcting the typographical error were needed for this section at the 01/20/21 meeting Status: <b>INCORPORATING INTO REVISIONS LEGISLATION FOR PART ONE</b>
175.03 Deferments/ Waivers	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director to review Section 175.03 to determine if the 15-day period for a property owner to apply for a deferment or waiver of an assessment is in the notices sent to residents to make them aware of the right to petition Council or the City and to determine how residents know when the 15-day period has started. Law Director reviewed section and did not recommend any changes. The ORC requested information from City Staff regarding the frequency of applications for deferment/waiver and for a copy of the referenced Exhibit A/application form. Status: <b>CITY STAFF REVIEW</b>
175.06 Alternate Assessment Procedures	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Clerk of Council to correct typographical errors identified in Section 175.06 by the Law Director and the ORC. Law Director to review Section 175.04 as it compares to Section 175.06 (see minutes) for any changes. City Staff to review application process and materials. Finance Director reviewed section and did not recommend any further changes. City Engineer to review Section for any changes needed. Status: <b>CITY STAFF REVIEW</b>
177.01 Applicant Obligation For Extra Expenses	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review <b>X No Further Action Needed</b>	Law Director and City Staff to review Section 177.01 for any changes and to determine if extra costs are being passed on to the applicant. Law Director and City Staff reviewed section for changes and the ORC determined that no changes were needed for this section at the 01/20/21 meeting. Status: <b>NO FURTHER ACTION NEEDED ON THIS ITEM</b>
179 Funds	12/16/20	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Law Director and City Staff to review Chapter 179 for any changes and to determine if the list and titles of the funds are complete, the order of the listed funds is appropriate or can be changed, and the consistency of the titles/numbers by fund (see minutes). Law Director and Finance Director reviewed section and the Finance Director did recommend changes to this section. The ORC approved recommendations for changes in Sections 179 for update at the 01/20/21 meeting. The ORC asked if the Finance Director could add the fund numbers to this section. Status: <b>CITY STAFF REVIEW</b>

**CITY OF HUBER HEIGHTS**  
**ORDINANCE REVIEW COMMISSION**  
**PART THREE - TRAFFIC CODE - WORKSHEET**

Legislation/ Code Section	Date of Review/ Action	Action Taken	Notes
303.08 Impounding Of Vehicles; Notice And Redemption	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director to review Section 303.08(a) versus Section 305.02 in reference to the term “street” (see minutes). Law Director to determine if there is a definition for “highway”. Clerk of Council to get information regarding City’s towing contract. Status: <b>LAW DIRECTOR REVIEW/CLERK OF COUNCIL TO GATHER INFORMATION</b>
331.44 Driving On Brandt Pike Busway	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	City Engineer (in consultation with RTA) to determine exact location of Brandt Pike Busway and to determine if this section needs to be changes or removed entirely. Status: <b>CITY STAFF REVIEW</b>
337.25 Air Cleaner Required	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director to review this section to determine purpose and why violation of this section is criminalized. Status: <b>LAW DIRECTOR REVIEW</b>
343 Golf Carts	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director to review this section to determine if requirement for front and back license plates on golf carts needs to be changed in light of Ohio Revised Code changes to license plate requirements. Status: <b>LAW DIRECTOR REVIEW</b>
351.18 Nonmotorized Vehicles Not To Be Parked On Streets	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	Clerk of Council to gather information from local communities to see how this prohibition is handled in other communities. Status: <b>CLERK OF COUNCIL TO GATHER INFORMATION</b>
Parking Vehicles On Residential Properties	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input type="checkbox"/> Needs Law Director Review	ORC to discuss parking of vehicles on residential properties during review of Planning and Zoning Code. Status: <b>DISCUSSION TO BE HELD AS PART OF ORC REVIEW OF PLANNING AND ZONING CODE</b>
351.23	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise	Law Director to review this section to determine why it is the only section in this chapter that has a



Leaving Motor Vehicles On Private Or Public Property		<input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	penalty specified. Status: LAW DIRECTOR REVIEW
353 Civil Infractions Violations Bureau	01/20/21	<input type="checkbox"/> Repeal <input type="checkbox"/> Rescind <input checked="" type="checkbox"/> Amend/Revise <input type="checkbox"/> Add <input checked="" type="checkbox"/> Needs Law Director Review	Law Director and City Staff to review this section to determine if this provision is being utilized or if it is any longer necessary. Status: LAW DIRECTOR REVIEW/CITY STAFF REVIEW

**AI-7356**

**B.**

**Ordinance Review Commission**

**Meeting Date:** 01/20/2021

City Code - Part Three - Traffic Code - Review

**Submitted By:** Anthony Rodgers

**Department:** City Council

---

**Subject**

City Code - Part Three - Traffic Code - Review

**Purpose and Background**

The Ordinance Review Commission will begin review of the City Code - Part Three - Traffic Code (see attached).

---

**Fiscal Impact**

**Source of Funds**

N/A

**Cost**

N/A

**Recurring Cost (Yes/No)**

N/A

---

**Attachments**

Part Three - Traffic Code

---

PART THREE - TRAFFIC CODE  
TITLE ONE - ADMINISTRATION  
CHAPTER 301 - DEFINITIONS

Footnotes:

--- (1) ---

**Cross reference**— Funeral procession defined—See § 331.24; Street racing defined—See § 333.07; Studded tire defined—See § 339.11; Blind person defined—See § 371.02; Snowmobile, off-highway motorcycle and all purpose vehicle defined—See § 375.01; School zones defined—See § 333.03(b).

301.01 - Meaning of words and phrases.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.

301.02 - Agricultural tractor.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 - Alley.

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.031 - Beacon; hybrid beacon.

(a)

"Beacon" means a highway traffic signal with one or more signal sections that operate in a flashing mode. (ORC 4511.01(KKK))

(b)

"Hybrid beacon" means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications. (ORC 4511.01(LL))

301.04 - Bicycle; motorized bicycle; moped.

(a)

"Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child that is propelled solely by human power, upon which a person may ride and that has two or more wheels any of which is more than 14 inches in diameter. (ORC 4511.01(G))

(b)

"Motorized bicycle" or "moped" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be pedaled and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than 20 miles per hour on a level surface. "Motorized bicycle" or "moped" does not include an electric bicycle. (ORC 4511.01(H))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

301.05 - Bus.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

301.06 - Business district.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where 50 percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where 50 percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 - Commercial tractor.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 - Controlled-access highway.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 - Crosswalk.

"Crosswalk" means:

(a)

That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(b)

Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(c)

Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))

301.10 - Driver or operator.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.101 - Electric bicycle.

"Electric bicycle" means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined in this section. (ORC 4511.01(RRR))

(a)

"Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour. (ORC 4511.01(SSS))

(b)

"Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour. (ORC 4511.01(TTT))

(c)

"Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour. (ORC 4511.01(UUU))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 301.11 - Emergency vehicle.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

### 301.12 - Explosives.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

### 301.13 - Expressway.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of 50 percent of all crossroads separated in grade. (ORC 4511.01(ZZ))

### 301.14 - Flammable liquid.

"Flammable liquid" means any liquid that has a flash point of 70 degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))

### 301.15 - Freeway.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. (ORC 4511.01(Y))

### 301.16 - Gross weight.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(V))

### 301.161 - Highway maintenance vehicle.

"Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.01(QQQ))

### 301.162 - Highway traffic signal.

"Highway traffic signal "means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement markers, warning light, or steady burning electric lamp. (ORC 4511.01(MMM))

### 301.17 - Intersection.

"Intersection" means:

(a)

The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(b)

If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(c)

At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in subsection (b) of this section:

(1)

If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(2)

Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated

stop line or yield line constitute part of the intersection.

(3)

Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk. (ORC 4511.01(KK))

301.18 - Laned street or highway.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. (ORC 4511.01(GG))

301.181 - Median.

"Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. (ORC 4511.01(NNN))

301.19 - Motorcycle.

"Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle" or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

301.20 - Motor vehicle.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less. (ORC 4511.01(B))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

301.201 - Operate.

"Operate" means to cause or have caused movement of a vehicle. (ORC 4511.01(HHH))

301.21 - Park or parking.



"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

### 301.22 - Pedestrian.

"Pedestrian" means any natural person afoot. "Pedestrian" includes a personal delivery device as defined in Ohio R.C. 4511.513 unless the context clearly suggests otherwise. (ORC 4511.01(X))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 301.23 - Person.

"Person" means every natural person, firm, copartnership, association or corporation. (ORC 4511.01(W))

### 301.24 - Pole trailer.

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection. (ORC 4511.01(0))

### 301.25 - Police officer.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations. (ORC 4511.01(Z))

### 301.251 - Predicate motor vehicle or traffic offense.

"Predicate motor vehicle or traffic offense" means any of the following:

(a)

A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;

(b)

A violation of Ohio R.C. 4511.17(A)(2), Ohio R.C. 4511.51(A)—(D), or Ohio R.C. 4511.74(A);

(c)

A violation of any provision of Ohio R.C. 4511.01 to 4511.76, for which no penalty otherwise is provided in the section that contains the provision violated;

(d)

A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section. (ORC 4511.01(III))

301.26 - Private road or driveway.

(a)

"Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

(b)

"Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. (ORC 4511.01 (OOO))

301.27 - Public safety vehicle.

"Public safety vehicle" means any of the following:

(a)

Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;

(b)

Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;

(c)

Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);

(d)

Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety. Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital. (ORC 4511.01(E))

(e)

Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 - Railroad.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right-of-way. (ORC 4511.01(P))

301.29 - Railroad sign or signal.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (ORC 4511.01(SS))

301.30 - Railroad train.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 - Residence district.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business. (ORC 4511.01(00))

301.32 - Right-of-way.

"Right-of-way" means either of the following, as the context requires:

(a)

The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

(b)

A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right-of-way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority. (ORC 4511.01(UU))

301.321 - Road service vehicle.

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (ORC 4511.01(JJJ))

301.33 - Roadway.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively. (ORC 4511.01(EE))

301.34 - Safety zone.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times. (ORC 4511.01(MM))

301.35 - School bus.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-

care center or type A family day-care home to a school if the van or bus does not have more than 15 children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01. (ORC 4511.01(F), (FFF))

### 301.36 - Semitrailer.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

### 301.361 - Shared-use path.

"Shared-use path" means a bikeway outside the traveled way and physically separate from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and nonmotorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. (ORC 4511.01(PPP))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 301.37 - Sidewalk.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

### 301.38 - State route.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

### 301.39 - Stop (when required).

"Stop" when required means a complete cessation of movement.

### 301.40 - Stopping or standing.

(a)

"Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b)

"Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

#### 301.41 - Stop intersection.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

#### 301.42 - Street or highway; arterial street.

(a)

"Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(B))

(b)

"Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

#### 301.43 - Through street or highway.

"Through street or highway" means every street or highway as provided in [Section 313.02](#). (ORC 4511.01(HH))

#### 301.44 - Thruway.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

#### 301.45 - Traffic.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using for purposes of travel any street or highway or private road open to public travel. (ORC 4511.01(TT))

#### 301.46 - Traffic control device.

"Traffic control device" means a flagger, sign, signal, marking, or other device used to regulate, warn or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction. (ORC 4511.01(QQ))

### 301.47 - Traffic control signal.

"Traffic control signal" means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed. (ORC 4511.01(RR))

### 301.48 - Trailer.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than 25 miles per hour. (ORC 4511.01(M))

### 301.49 - Truck.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

### 301.50 - Urban district.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

### 301.51 - Vehicle.

"Vehicle" means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 301.52 - Wheelchair, motorized.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. (ORC 4511.01(EEE))

## CHAPTER 303 - ENFORCEMENT, IMPOUNDING AND PENALTY

**Footnotes:**

--- (2) ---

**Cross reference**— Exceptions for emergency or public safety vehicles—See §§ 331.20, 333.06.

**State Law reference**— Disposition of unclaimed vehicles—See ORC 737.32, 4513.62 et seq.; Citations for minor misdemeanors—See ORC 2935.26 et seq.; Power of trial court of record to suspend or revoke license for certain violations—See ORC 4507.16, 4507.34; State point system suspension—ORC 4507.40; Uniform application of Ohio Traffic Law—See ORC 4511.06; Marking motor vehicles used by traffic officers—See ORC 4549.13; Distinctive uniform required for traffic officers—See ORC 4549.15.

303.01 - Compliance with lawful order of police officer; fleeing.

(a)

No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b)

No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(c)

Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

(1)

In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2)

The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3)



The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d)

In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection. (ORC 2921.331)

**Editor's note—** Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.

303.02 - Traffic direction in emergencies; obedience to school guard.

(a)

Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b)

No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

(c)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

303.03 - Officer may remove ignition key.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership. (ORC 4549.05)

#### 303.04 - Road workers, motor vehicles and equipment excepted.

(a)

The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b)

The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections [331.01](#) to [331.04](#), [331.06](#) to [331.08](#), [331.31](#), [333.04](#), [337.01](#) and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

(c)

(1)

This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections [331.01](#) to [331.04](#), [331.06](#) to [331.08](#), [331.31](#), [333.04](#), [337.01](#) or Ohio R.C. 4511.66 or 5577.01 to 5577.09.

(2)

This section does not exempt a driver of a vehicle who is not a state employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d)

As used in this section, "engaged in the performance of official duties" includes driving a highway maintenance vehicle to and from the manufacturer or vehicle maintenance provider and transporting a highway maintenance vehicle, equipment, or materials to and from a work location. (ORC 4511.04)

### 303.041 - Emergency, public safety and coroner's vehicles exempt.

(a)

Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b)

Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

### 303.05 - Application to persons riding, driving animals upon roadway.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

### 303.06 - Freeway use prohibited by pedestrians, bicycles and animals.

(a)

No person, unless otherwise directed by a police officer, shall:

(1)

As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance

of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;

(2)

Occupy any space within the limits of the right-of-way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; an electric bicycle; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.051)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 303.07 - Application to drivers of government vehicles.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

### 303.08 - Impounding of vehicles; notice and redemption.

(a)

Whenever any police officer finds a vehicle upon any street, whether or not attended and whether or not being operated, that is owned by someone to whom a traffic ticket (summons) has been issued previously for a violation in this City of State law or any ordinance of this City, and if ten days has passed from the issuance of the ticket with payment of the ticket or posting of bail still being in default or if the owner is in default for failure to appear in court to answer the ticket, such officer may provide for the removal of the vehicle and for its impoundment and storage at an approved garage or other storage location.

(b)

Whenever any police officer finds a vehicle unattended and parked in violation of law or any ordinance of this City, such officer may provide for the removal of the vehicle and for its impoundment and storage at an approved garage or other storage location.

(c)

To accomplish the purposes of this section, a police officer may secure the services of a private tow truck and operator to remove the vehicle. Any vehicle that has been removed under this section through the direction of a police officer shall be deemed to have been impounded and shall be stored at such locations as may be designated from time to time by the City Manager.

(d)

If the owner of the vehicle was not present so as to have personal knowledge of the removal and impounding, notice of such fact shall be mailed to the owner by the Police Department within 24 hours after the vehicle is removed or within eight hours after the Police Department discovers the name and address of the owner, whichever occurs later.

(e)

The City shall not be obligated to guard, protect or in any way to care for vehicles or their contents that have been removed and impounded. The City shall have no liability or responsibility whatsoever for any damage inflicted upon, or theft of, any such vehicle or its parts, accessories or contents, by any persons other than employees or agents of the City.

(f)

Upon payment of the costs of the tow truck and operator and upon posting of bail in an amount equal to the maximum fine for the traffic violation(s) charged against the vehicle or its owner, the vehicle shall be released to the owner.

(Ord. 87-O-237, Passed 4-27-87)

303.081 - Impounding vehicles on private residential or agricultural property.

(a)

(1)

The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this section, the Chief of

Police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2)

A towing service towing a motor vehicle under subsection (a)(1) of this section shall remove the motor vehicle in accordance with that subsection. The towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3)

Subject to subsection (b) of this section, the owner of a motor vehicle that has been removed pursuant to this subsection may recover the vehicle only in accordance with subsection (d) of this section.

(4)

As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b)

If the owner or operator of a motor vehicle that has been ordered into storage pursuant to subsection (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the motor vehicle established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the

owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c)

(1)

The Chief of Police shall maintain a record of motor vehicles that the Chief orders into storage pursuant to subsection (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model and color, the location from which it was removed, the date and time of the removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The Chief of Police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2)

Any person who registers a complaint that is the basis of the Police Chief's order for the removal and storage of a motor vehicle under subsection (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d)

(1)

The owner or lienholder of a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section may reclaim it upon both of the following:

A.

Payment of all applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation.

B.

Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice

that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

(2)

Upon presentation of proof of ownership as required under subsection (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under subsection (a)(1) of this section may retrieve any personal items from the motor vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under Ohio R.C. 4513.69(B)(3), if applicable. The owner of a motor vehicle shall not do either of the following:

A.

Retrieve any personal item that has been determined by the sheriff or chief of police, as applicable, to be necessary to a criminal investigation;

B.

Retrieve any personal item from a vehicle if it would endanger the safety of the owner unless the owner agrees to sign a waiver of liability.

For purposes of subsection (d)(2) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(3)

If a motor vehicle that is ordered into storage pursuant to subsection (a)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by Ohio R.C. 4513.61 and 4513.62 apply.

(e)

(1)

No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with subsection (a)(1) of this section or Ohio R.C. 4513.61 to 4513.65.

(2)

No towing service or storage facility shall fail to comply with the requirements of this section.

(f)



This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with [Section 303.082](#).

(g)

Whoever violates subsection (e) of this section is guilty of a minor misdemeanor. (ORC 4513.60)

**Editor's note—** See the editor's note to [§ 303.083](#).

303.082 - Private tow-away zones.

(a)

The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

(1)

The owner of the private property posts on the property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

A.

A statement that the property is a tow-away zone;

B.

A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located, or the name of the business that is located on the property designated as a private tow-away zone.

C.

If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

D.

The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

E.

A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in Ohio R.C. 4505.101(B).

In order to comply with the requirements of subsection (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

(2)

A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:

A.

It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.

B.

It is well-lighted.

C.

It is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(b)

(1)

If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in Ohio R.C. 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to subsection (c) of this section, may recover the vehicle in accordance with subsection (g) of this section.

(2)

If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to subsection (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.

(3)

No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(c)

If the owner or operator of a vehicle that is being removed under authority of subsection (b) of this section, arrives after the vehicle has been prepared for removal, but prior to the actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half of the fee for the removal of the vehicle established by the Public Service Commission in rules adopted under Ohio R.C. 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(d)

(1)

Prior to towing a vehicle under subsection (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under subsection (a) of this section.

The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two years after the date on which the vehicle was towed, whichever is earlier.

(2)

A towing service shall deliver a vehicle towed under subsection (b) of this section to the location from which it may be recovered not more than two hours after the time it was

removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(e)

(1)

If an owner of a private property that is established as a private tow-away zone in accordance with subsection (a) of this section causes the removal of a vehicle from that property by a towing service under subsection (b) of this section, the towing service, within two hours of removing the vehicle, shall provide notice to the Police Department concerning all of the following:

A.

The vehicle's license number, make, model and color;

B.

The location from which the vehicle was removed;

C.

The date and time the vehicle was removed;

D.

The telephone number of the person from whom the vehicle may be recovered;

E.

The address of the place from which the vehicle may be recovered.

(2)

The Chief of Police shall maintain a record of any vehicle removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under this section. The record shall include all information submitted by the towing service. The Chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator or lienholder of the vehicle, and requests information pertaining to the vehicle.

(f)

(1)

When a vehicle is removed from private property in accordance with this section, within three days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. The Registrar of Motor Vehicles shall ensure that such information is provided in a timely manner. Subject to subsection (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

A.

Within five business days after the Registrar of Motor Vehicles provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested or by a commercial carrier service utilizing any form of delivery requiring a signed receipt;

B.

If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section;

C.

If the vehicle remains unclaimed 45 days after the first notice is sent, in the manner required under subsection (f)(1)A. of this section.

(2)

Sixty days after any notice sent pursuant to subsection (f)(1) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under Ohio R.C. 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

(3)

A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under Ohio R.C. 4505.101(B).

(4)

With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under Ohio R.C. 4505.101, the towing service or storage facility need only comply with the initial notice required under subsection (f)(1)A. of this section.

(g)

(1)

The owner or lienholder of a vehicle that is removed under subsection (b) of this section may reclaim it upon both of the following:

A.

Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement;

B.

Payment of the following fees:

1.

All applicable fees established by the Public Utilities Commission in rules adopted under Ohio R.C. 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under subsection (f)(1)A. of this section;

2.

If notice has been sent to the owner and lienholder as described in subsection (f) of this section, a processing fee of \$25.00.

(2)

A towing service or storage facility in possession of a vehicle that is removed under authority of subsection (b) of this section shall show the vehicle owner, operator or lienholder who contests the removal of the vehicle all photographs taken under subsection (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

(3)

When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under Ohio R.C. 4513.611.

(4)

Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle or a lease agreement, the owner of a vehicle that is removed under authority of subsection (b) of this section may

retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of subsection (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.

(h)

No person shall remove, or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section, or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.

(i)

This section does not affect or limit the operation of Ohio R.C. 4513.60 or Ohio R.C. 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under subsection (a) of this section.

(j)

Whoever violates subsection (h) of this section is guilty of a minor misdemeanor.

(k)

As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

(1)

Any person who holds title to the property;

(2)

Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

(3)

A person who is authorized to manage the property;

(4)

A duly authorized agent of any person listed in subsections (k)(1) to (3) of this section. (ORC 4513.601)

303.083 - Reserved.

**Editor's note—** The provisions of former [§ 303.083](#) as amended are now codified in [§ 303.081](#). The former [§ 303.083](#) pertained to release of vehicle; records; charges.

303.09 - Providing false information to police officer.

(a)

No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

(b)

Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4513.361)

303.99 - General traffic code penalties.

(a)

General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor. (ORC 4513.99)

(b)

Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Classification of Misdemeanor	Maximum Term of Imprisonment	Maximum Fine
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24, 2929.28)

## CHAPTER 305 - TRAFFIC CONTROL

Footnotes:

--- (3) ---



**Cross reference—** Designation of through streets and erection of stop or yield signs—See § 313.02.

**State Law reference—** Power to designate highway as included in a freeway, expressway or thruway—See ORC 4511.011; Power to enact local traffic regulations—See ORC 4511.07; Local traffic control devices—See ORC 4511.21, 4511.22(A), 4511.23; Designation of through streets and erection of stop or yield signs—See ORC 4511.65

#### 305.01 - Rules and regulations.

The Director of Public Safety is hereby authorized to make and issue traffic rules and regulations within the limits of the terms and conditions set forth in Ohio R.C. 737.022 which is incorporated herein by reference.

(Ord. 81-O-20, Passed 9-14-81)

#### 305.02 - Authority and considerations for placement of devices.

The Director of Public Safety is hereby authorized to place and maintain traffic control devices upon any street or highway under his jurisdiction as are necessary to effectuate the provisions of this Traffic Code, or to regulate, warn or guide traffic, and such other traffic control devices as he shall deem necessary for the proper control of traffic. The Director of Public Safety shall determine the location, timing and coordination of such traffic control devices upon the basis of an applicable engineering or traffic investigation and shall consider the following:

(a)

The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage.

(b)

The existing and potential traffic movement, volume and conditions.

(c)

The location and frequency of accidents, including studies of remedial measures.

(d)

The recommendations of the Police and Fire Chiefs.

(e)

The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety.

(f)

The convenience and welfare of the general public in parking, standing, loading and unloading, and the use of the streets as affecting business concerns and places of assembly.

(g)

Economy in the expenditure of money.

305.03 - Conformity with state manual.

All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, as set forth in Ohio R.C. 4511.09.

305.04 - Powers of public safety director.

The Director of Public Safety is hereby empowered to:

(a)

Designate any street or highway as a through street or highway and require that all vehicles stop or yield the right-of-way as may be required before entering the same; or in residence districts designate certain streets or highways or portions thereof not to be through streets or highways despite the erection of stop signs or other official traffic control devices at intersecting streets.

(b)

Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to such intersection.

(c)

Designate any intersection as a yield intersection and require all vehicles to yield the right-of-way as required.

(d)

Designate any street as a one-way street and require that all vehicles thereon be moved in one specific direction.

(e)

Designate and mark lanes to be used by traffic moving in a particular direction regardless of the center line of the roadway.

(f)

Erect signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction.

(g)

Designate those portions of any street, where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, by appropriate signs or markings on the street to indicate the beginning and end of such zones. Such zones may be marked by an auxiliary yellow line placed parallel and to the right of the normal center line or offset marked lane line.

(h)

Place markers, buttons or signs within or adjacent to intersections and require that a specific course of direction be traveled by vehicles proceeding in lanes by either permitting, prohibiting or requiring turns at such intersections.

(i)

Install traffic control devices, signals and signs at any location to regulate traffic.

(j)

Establish safety zones, crosswalks, zones of quiet and play streets.

(k)

Close any street or portion thereof to vehicular traffic which is in the process of construction, reconstruction or repair.

(l)

Determine the location of any necessary bus stops and taxicab stands.

(m)

Determine the location and limiting hours of truck loading zones.

(n)

Designate dangerous railroad crossings and erect stop signs thereat.

(o)

Erect "No U Turn" signs at any location to prohibit a vehicle from being turned so as to proceed in the opposite direction.

(p)

Regulate or prohibit the stopping, standing and parking of vehicles on streets, alleys or public property by erecting signs plainly indicating the prohibitions, restrictions or limitations.

(q)

Designate individual parking spaces by markings, which may either be parallel or at a prescribed angle to the curb or edge of the roadway.

(r)

Designate truck routes and streets or parts thereof where either a weight limit restriction or truck exclusion has been imposed by rule or regulation provided such is not in conflict with any legislation.

(s)

Erect signs to prohibit a right or left turn against a steady red signal at any intersection.

#### 305.05 - Posting of signs and signals required.

No provision of this chapter shall be effective until signs, signals, markings or other devices giving notice of such local traffic regulations are posted upon or at the entrance to the street or part thereof affected, as may be most appropriate, so that in a proper position they are sufficiently legible to be seen by an ordinarily observant person.

#### 305.06 - Director's powers not limited.

The powers of the Director of Public Safety shall not be limited by the specific enumeration of subjects contained in this chapter.

#### 305.07 - Records of director.

The Director of Public Safety shall keep a record of all rules, regulations and proceedings promulgated in connection with this chapter.

#### 305.08 - Reservation of power to council.

Notwithstanding the provisions of this chapter, Council may override any decision of the Director of Public Safety and may assume any of the powers delegated to the Director, by legislation adopted by a vote of a majority of the members duly elected thereto. Upon the adoption of any such legislation, the same may be changed only by amending or repealing legislation adopted by Council.

#### 305.09 - Violations subject to misdemeanor classification.

Except as otherwise provided, any person violating the rules and regulations promulgated in connection with this chapter is guilty of a misdemeanor which shall be classified as

provided in [Section 303.99](#).

## TITLE THREE - STREETS AND TRAFFIC CONTROL DEVICES

### CHAPTER 311 - STREET OBSTRUCTIONS AND SPECIAL USES

Footnotes:

--- (4) ---

**Cross reference**— Dropping, sifting and leaking loads—See § 339.08.

**State Law reference**— Power to regulate processions or assemblages—See ORC 4511.07(C).

311.01 - Placing injurious material or obstruction in street.

(a)

No person shall place or knowingly drop upon any part of a street, highway or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(b)

Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

(c)

Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(d)

No person shall place any obstruction in or upon a street without proper authority.

(e)

No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(f)

(1)

Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) 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 any provision of subsections (a) to (d) of 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2)

Whoever violates subsection (e) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

### 311.02 - Parades and assemblages.

(a)

No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the Police Chief.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if:

(1)

The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

(2)

The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

(3)

The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.

(4)

The parade would unreasonably interfere with another parade for which a permit has been issued.

(5)

The information contained in the application is found to be false, misleading or incomplete in any material detail.

(6)

An emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

311.03 - Toy vehicles on streets.

(a)

No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk and except on streets set aside as play streets.

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

## CHAPTER 313 - TRAFFIC CONTROL DEVICES

Footnotes:

--- (5) ---

**Cross reference**— Traffic control devices defined—See § 301.46.

**State Law reference**— Designation of through streets or stop intersections—See ORC 4511.07(F), 4511.65; Uniform system of traffic control devices—See ORC 4511.09,

4511.11(D); Placing and maintaining local traffic control devices—See ORC 4511.10, 4511.11.

### 313.01 - Obedience to traffic control devices.

#### (a)

No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

#### (b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.12)

### 313.02 - Through streets; stop and yield right-of-way signs.

#### (a)

All State routes are hereby designated as through streets or highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more State routes that are through streets or highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, he shall give notice, in writing, of that proposed action to the Municipality at least 30 days before installing or removing the stop sign.



(b)

Other streets or highways or portions thereof, are hereby designated through streets or highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or traffic control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on such street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c)

Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through street or highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through street or highway.

(d)

Council or the authorized local authority may designate additional through streets or highways and shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection. (ORC 4511.65)

### 313.03 - Traffic signal indications.

Highway traffic signal indications for vehicles, and pedestrians shall have the following meanings:

(a)

Steady Green Signal Indication.

(1)

A.

Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left, or make a u-turn movement except as such movement is

modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1.

Pedestrians lawfully within an associated crosswalk;

2.

Other vehicles lawfully within the intersection.

B.

In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2)

Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

A.

Pedestrians lawfully within an associated crosswalk.

B.

Other traffic lawfully using the intersection.

(3)

A.

Unless otherwise directed by a pedestrian signal indication, as provided in [Section 313.05](#), pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

B.

Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b)

Steady Yellow Signal Indication.

(1)

Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2)

Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3)

Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in [Section 313.05](#) or other traffic control device, shall not start to cross the roadway.

(c)

Steady Red Signal Indication.

(1)

A.

Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.

B.

Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2)

A.

Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

B.

When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3)

Unless otherwise directed by a pedestrian signal indication as provided in [Section 313.05](#) or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4)

Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d)

Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.

(e)

Flashing Yellow Signal Indication.

(1)

A.

Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:

1.

Pedestrians lawfully within an associated crosswalk;

2.

Other vehicles lawfully within the intersection.

B.

In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2)

A.

Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:

1.

Pedestrians lawfully within an associated crosswalk;

2.

Other vehicles lawfully within the intersection.

B.

In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3)

Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4)

When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(f)

Flashing Red Signal Indication.

(1)

Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2)

Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3)

When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(g)

General Application. In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(h)

Exception. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62. (ORC 4511.13)

313.04 - Lane-use control signal indications.

(a)

The meanings of lane-use control signal indications are as follows:

(1)

A steady downward green arrow: A road user is permitted to drive in the lane over which the arrow signal indication is located.

(2)

A steady yellow "X": A road user is to prepare to vacate the lane over which the signal indication is located because a lane control change is being made to a steady red "X" signal indication.

(3)

A steady white two-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.

(4)

A steady white one-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.

(5)

A steady red "X": A road user is not permitted to use the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present. (ORC 4511.131)

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.99)

### 313.05 - Special pedestrian control signals.

(a)

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk", or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

(1)

A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

(2)

A flashing upraised hand signal indication, which symbolizes "don't walk", means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.

(3)

A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.

(4)



Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.

(5)

A flashing walking person signal indication has no meaning and shall not be used. (ORC 4511.14)

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.99)

313.06 - Reserved.

**Editor's note—** Former Ohio R.C. 4511.15 from which [Section 313.06](#) was derived was repealed by House Bill 349, effective April 20, 2012. The former [§ 313.06](#) pertained to flashing traffic signals.

313.07 - Unauthorized signs and signals, hiding from view, advertising.

(a)

No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices, or the erection upon private property of traffic control devices by the owner of real property in accordance with Ohio R.C. 4511.211 and 4511.432.

Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Chief is authorized to remove it or cause it to be removed.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.16)

### 313.08 - Alteration, injury, removal of traffic control devices.

(a)

No person without lawful authority, shall do any of the following:

(1)

Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;

(2)

Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it:

(3)

Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b)

(1)

Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If a violation of subsection (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of subsection (a)(1) or (3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony and shall be prosecuted under appropriate state law.

(2)

Except as otherwise provided in this subsection, whoever violates subsection (a)(2) 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 subsection (a)(2) of 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 subsection (a) (2) of this section is guilty of a misdemeanor of the third degree. (ORC 4511.17)

313.09 - Driver's duties upon approaching ambiguous or non-working traffic signal.

(a)

The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver exhibits no colored lights, or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or if the vehicle is a bicycle, or an electric bicycle, the signals are otherwise malfunctioning, due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:

(1)

Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;

(2)

Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(3)

Exercise ordinary care while proceeding through the intersection.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.132)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

313.10 - Unlawful purchase, possession or sale.

(a)

As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the

purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b)

No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

(1)

In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;

(2)

In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

(3)

For the purpose of demonstrating the design and function of a traffic control device to State or local officials;

(4)

When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;

(5)

The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c)

This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a municipal ordinance relating to receiving stolen property.

(d)

Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

313.11 - Portable signal preemption devices prohibited.

(a)

(1)

No person shall possess a portable signal preemption device.

(2)

No person shall use a portable signal preemption device to affect the operation of a traffic control signal.

(b)

Subsection (a)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

(1)

A peace officer, as defined in Ohio R.C. 109.71(A)(11), (12), (14) or (19);

(2)

A State highway patrol trooper;

(3)

A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).

(c)

Whoever violates subsection (a)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the first degree.

(d)

As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence. (ORC 4511.031)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

TITLE FIVE - VEHICLES

CHAPTER 331 - OPERATION GENERALLY

Footnotes:

--- (6) ---

**Cross reference—** Obedience to traffic control devices—See § 313.01; Operation of bicycles and motorcycles—See § 373.01 et seq.

**State Law reference—** School bus operation—See OAC Ch. 4501-3.

331.01 - Driving upon right side of roadway; exceptions.

(a)

Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

(1)

When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2)

When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(3)

When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4)

When driving upon a roadway designated and posted with signs for one-way traffic;

(5)

When otherwise directed by a police officer or traffic control device.

(b)

(1)

Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

A.

When overtaking and passing another vehicle proceeding in the same direction;

B.

When preparing for a left turn;

C.

When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2)

Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c)

Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a)(2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(d)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.25)

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991.

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.02 - Passing to right when proceeding in opposite directions.

(a)

Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.26)

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991.

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.03 - Overtaking, passing to left; driver's duties.

(a)

The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

(1)

The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet or greater is considered a safe passing distance.

(2)

Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3)

The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in [Section 331.31](#), a limited access



highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.27)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.04 - Overtaking and passing upon right.

(a)

The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(1)

When the vehicle overtaken is making or about to make a left turn;

(2)

Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b)

The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.28)

331.05 - Overtaking, passing to left of center.

(a)

No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.29)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.06 - Additional restrictions on driving upon left side of roadway.

(a)

No vehicle shall be driven upon the left side of the roadway under the following conditions:

(1)

When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2)

When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;

(3)

When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(b)

This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in [Section 331.01\(a\)\(2\)](#).

(c)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.30)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.07 - Hazardous or no passing zones.

(a)

Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in [Section 331.06](#).

(b)

Subsection (a) of this section does not apply when all of the following apply:

(1)

The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.

(2)

The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.

(3)

There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of [Section 331.05](#), considering the speed of the slower vehicle.

(c)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.31)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.08 - Driving in marked lanes or continuous lines of traffic.

(a)

Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

(1)

A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2)

Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing

another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3)

Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.

(4)

Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.33)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.09 - Following too closely.

(a)

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.34)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.10 - Turning at intersections.

(a)

The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

(1)

Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2)

At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3)

At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving

in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(4)

Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.36)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.11 - Turning into private driveway, alley or building.

(a)

The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway shall be governed by the following rules:

(1)

Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2)

Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.

(3)

Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right-of-way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway, private road, driveway or building.

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.12 - "U" turns restricted.

(a)

Except as provided in [Section 313.03](#) and subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if the vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction.

(b)

The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This subsection applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This subsection does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c)

Except as provided in subsection (b) hereof, no vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the street and without interfering with the safe operation of any traffic that may be affected by such movement.

(d)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.37)

### 331.13 - Starting and backing vehicles.

#### (a)

No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

#### (b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.38)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.14 - Signals before changing course, turning or stopping.

#### (a)

No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not

less than one time but is not required to be continuous. A bicycle or electric bicycle operator is not required to make a signal if the bicycle or electric bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or electric bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.39)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.15 - Hand and arm signals.

(a)

Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

(1)

Left turn: Hand and arm extended horizontally;

(2)

Right turn: Hand and arm extended upward;

(3)

Stop or decrease speed: Hand and arm extended downward.

(b)

As an alternative to subsection (a)(2) hereof, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.40)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.16 - Right-of-way at intersections.

(a)

When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b)

The right-of-way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Ch. 4511.

(c)

Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(d)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.41)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.17 - Right-of-way when turning left.

(a)

The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.42)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.18 - Operation of vehicle at yield signs.

(a)

The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.43(B))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.19 - Operation of vehicle at stop signs.

(a)

Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.43(A))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.20 - Emergency or public safety vehicles at stop signals or signs.

(a)

The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.03)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.21 - Right-of-way of public safety or coroner's vehicle.

(a)

Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b)

This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c)

This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing,

oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d)

Except as otherwise provided in this subsection or [Section 331.211](#), whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

331.211 - Report of vehicle failing to yield right-of-way to public safety vehicle.

(a)

When the failure of a motor vehicle operator to yield the right-of-way to a public safety vehicle as required by [Section 331.21\(a\)](#) impedes the ability of the public safety vehicle to respond to an emergency, any emergency personnel in the public safety vehicle may report the license plate number and a general description of the vehicle and the operator of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred.

(b)

(1)

Upon receipt of a report under subsection (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.

(2)

If the identity of the operator at the time of an alleged violation of [Section 331.21\(a\)](#) is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue a written warning or a citation to the operator.

(3)

If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a warning to the person who owned the vehicle at the time of the alleged violation. However, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.

(c)



(1)

Whoever violates [Section 331.21](#)(a) based on a report filed under subsection (a) of this section is guilty of a minor misdemeanor and shall be fined \$150.00.

(2)

If a person who is issued a citation for a violation of [Section 331.21](#)(a) based on a report filed under subsection (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(d)

As used in this section:

(1)

"License plate" includes any temporary license placard issued under Ohio R.C. 4503.182 or similar law of another jurisdiction.

(2)

"Public safety vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement officer or other person sworn to enforce the criminal and traffic laws of the State or a vehicle used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission. (ORC 4511.454)

331.22 - Driving onto roadway from place other than roadway: duty to yield.

(a)

Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right-of-way to all traffic approaching on the roadway to be entered or crossed.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.44)



### 331.23 - Driving onto roadway from place other than roadway: stopping at sidewalk.

(a)

Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.431)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.24 - Right-of-way of funeral procession.

(a)

As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b)

Excepting public safety vehicles proceeding in accordance with [Section 331.21](#) or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c)

No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(d)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.451)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.25 - Driver's view and control to be unobstructed by load or persons.

(a)

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b)

No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.70(A), (B), (D))

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.26 - Driving upon street posted as closed for repair.

(a)

No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.71)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.27 - Following and parking near emergency or safety vehicles.

(a)

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.72)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.28 - Driving over fire hose.

(a)

No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.73)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 331.29 - Driving through safety zone.

(a)

No vehicle shall at any time be driven through or within a safety zone.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.60)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.30 - One-way streets and rotary traffic islands.

(a)

Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(b)

Except as otherwise provided in this subsection, whoever violates 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

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.32)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.31 - Driving upon divided roadways.

(a)

Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.35)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.32 - Entering and exiting controlled-access highway.

(a)

No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.33 - Obstructing intersection, crosswalk or grade crossing.

(a)

No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.712)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.34 - Failure to control; weaving; full time and attention.

(a)

No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b)

No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c)

No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

(d)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.35 - Occupying a moving trailer or manufactured or mobile home.

(a)

No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.701)

331.36 - Squealing tires, "peeling," cracking exhaust noises.

(a)

No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly

accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

331.37 - Driving upon sidewalks, street lawns or curbs.

(a)

No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)

(b)

No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.711)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.38 - Stopping for school bus; discharging children.

(a)

The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed



until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b)

Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c)

Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d)

School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e)

No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of developmental disabilities, or child attending a program offered by a head start agency

who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

(f)

As used in this section:

(1)

"Head start agency" has the same meaning as in Ohio R.C. 3301.32.

(2)

"School bus", as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has 15 or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

(g)

(1)

Whoever violates subsection (a) of this section may be fined an amount not to exceed \$500.00. A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2)

In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(a)(7). When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court's action. (ORC 4511.75)

331.39 - Driving across grade crossing.

(a)

(1)

Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet, but not less than 15 feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:

A.

A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

B.

A crossing gate is lowered.

C.

A flagperson gives or continues to give a signal of the approach or passage of a train.

D.

There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

E.

An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

F.

There is insufficient undercarriage clearance to safely negotiate the crossing.

(2)

A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.

(b)

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c)

Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.62)

### 331.40 - Stopping at grade crossing.

(a)

(1)

Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

(2)

This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.

A.

Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.

B.

After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.

C.

By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to

such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

(3)

As used in this section:

A.

"School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

B.

"Bus" means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.

C.

"Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.

(4)

Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)

(b)

(1)

When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within 50 but not less than 15 feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(2)

Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.61)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.41 - Shortcutting; avoiding traffic control devices.

(a)

No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b)

No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c)

It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

(d)

Except as otherwise provided in this subsection, whoever violates 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.

331.42 - Littering from motor vehicle.

(a)

No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway,

except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b)

No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c)

As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.82)

331.43 - Wearing earplugs or earphones prohibited.

(a)

As used in this section:

(1)

"Earphones" means any device that covers all or a portion of both ears and does either of the following:

A.

Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music or other;

B.

Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2)

"Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

A.

Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B.

Provides hearing protection.

(b)

No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c)

This section does not apply to:

(1)

Any person wearing a hearing aid;

(2)

Law enforcement personnel while on duty;

(3)

Fire personnel and emergency medical service personnel while on duty;

(4)

Any person engaged in the operation of equipment for use in the maintenance or repair of any street or highway; or

(5)

Any person engaged in the operation of refuse collection equipment.

(6)

Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.84)

( [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

### 331.44 - Driving on Brandt Pike Busway.

(a)

The busway between Brandt Pike and the Brandt Pike Access Road 300 feet south of Stonehurst Drive ("Brandt Pike Busway") is hereby declared to be restricted to travel by RTA buses, public safety vehicles and other vehicles described in [Section 303.04](#). No person shall operate any other vehicle over this Brandt Pike Busway.

(b)

Whoever violates this section is guilty of operating an unauthorized vehicle on the Brandt Pike Busway.

(c)

Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 92-O-532, Passed 2-24-92)

### 331.45 - Driving while texting.

(a)

No person shall drive a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(b)

Subsection (a) hereof does not apply to any of the following:

(1)

A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2)

A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;

(3)

A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;

(4)

A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;

(5)

A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle;

(6)

A person receiving wireless messages via radio waves;

(7)

A person using a device for navigation purposes;

(8)

A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;

(9)

A person operating a commercial truck while using a mobile data terminal that transmits and receives data;

(10)

A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(c)

(1)

Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (a) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or

summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(2)

On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.

(d)

Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(e)

A prosecution for a violation of this section does not preclude a prosecution for a violation of a substantially equivalent state statute based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of this section and is also convicted of or pleads guilty to a violation of a substantially equivalent state statute based on the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(f)

As used in this section:

(1)

"Electronic wireless communications device" includes any of the following:

(A)

A wireless telephone;

(B)

A text-messaging device;

(C)

A personal digital assistant;

(D)

A computer, including a laptop computer and a computer tablet;

(E)

Any other substantially similar wireless device that is designed or used to communicate text.

(2)

"Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

(3)

"Write, send, or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail. (ORC 4511.204)

(Ord. 2012-O-1997, Passed 10-22-12; Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.46 - Use of devices by persons under 18 years of age.

(a)

No holder of a temporary instruction permit who has not attained the age of 18 years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b)

Subsection (a) hereof does not apply to either of the following:

(1)

A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;

(2)

A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;

(3)

A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.

(c)

(1)

Except as provided in subsection (c)(2) hereof, whoever violates subsection (a) hereof shall be fined \$150.00. In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of 60 days.

(2)

If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined \$300.00. In addition, the court shall impose a class seven suspension of the person's driver's license or permit for a definite period of one year.

(d)

The filing of a sworn complaint against a person for a violation of this section does not preclude the filing of a sworn complaint for a violation of a substantially equivalent state statute for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of this section and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent state statute for the same conduct, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(e)

As used in this section, "electronic wireless communications device" includes any of the following:

(1)

A wireless telephone;

(2)

A personal digital assistant;

(3)

A computer, including a laptop computer and a computer tablet;

(4)

A text-messaging device;

(5)

Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word. (ORC 4511.205)

(Ord. 2012-O-1997, Passed 10-22-12; Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

331.47 - Vehicular operation on street closed due to rise in water level.

(a)

No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to \$2,000.00.

(b)

A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c)

(1)

Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(2)

In addition to the financial sanctions authorized or required under [Section 501.99](#) and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of \$2,000.00. If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under Ohio R.C. 2929.28(B), a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d)

As used in this section:

(1)

"Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.

(2)

"Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization. (ORC 4511.714)

331.99 - Definitions.

Distracted means doing either of the following while operating a vehicle:

(1)

Using a handheld electronic wireless communications device, as defined in Ohio R.C. 4511.204, except when utilizing any of the following:

(i)

The device's speakerphone function;

(ii)

A wireless technology standard for exchanging data over short distances;

(iii)

A "voice-operated or hands-free" device that allows the person to use the electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function;

(iv)

Any device that is physically or electronically integrated into the motor vehicle.

(2)

Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely.

Distracted does not include conducting any activity while operating a utility service vehicle or a vehicle for or on behalf of a utility, provided that the driver of the vehicle is acting in response to an emergency, power outage, or a circumstance affecting the health or safety of individuals. For purposes of this section (i) "Utility" means an entity specified in Ohio R.C. 4905.03(A), (C), (D), (E), or (G); (ii) "Utility service vehicle" means a vehicle owned or operated by a utility.

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

## CHAPTER 333 - OVI; WILLFUL MISCONDUCT; SPEED

Footnotes:

--- (7) ---

**Cross reference**— Failure to control vehicle—See § 331.34; Walking on highway while under the influence—See § 371.09.

**State Law reference**— Drug of abuse defined—See ORC 3719.011(A); Alcohol defined—See ORC 4301.01(B)(1); Alteration of prima-facie speed limits—See ORC 4511.21, 4511.22(B), 4511.23.

333.01 - Driving or physical control while under the influence.

(a)

(1)

Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

A.

The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B.

The person has a concentration of eight-hundredths of one percent or more but less than seventeen-hundredths of one percent by weight per unit volume of alcohol in the person's whole blood.

C.

The person has a concentration of ninety-six-thousandths of one percent or more but less than two hundred four-thousandths of one percent by weight per unit volume of alcohol in the person's blood serum or plasma.

D.

The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per 210 liters of the person's breath.

E.

The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per 100 milliliters of



the person's urine.

F.

The person has a concentration of seventeen-hundredths of one percent or more by weight per unit volume of alcohol in the person's whole blood.

G.

The person has a concentration of two hundred four-thousandths of one percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H.

The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

I.

The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.

J.

Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1.

The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

2.

The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

3.

The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration

of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

4.

The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

5.

The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6.

The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7.

The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8.

Either of the following applies:

a.

The person is under the influence of alcohol, a drug of abuse or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b.

The person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9.

The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10.

The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11.

The State Board of Pharmacy has adopted a rule pursuant to Ohio R.C. 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this Municipality, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2)

No person who, within 20 years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) or (B), or any other equivalent offense shall do both of the following:

A.

Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;

B.

Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b)

Operation After Under-Age Consumption. No person under 21 years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

(1)

The person has a concentration of at least two-hundredths of one percent but less than eight-hundredths of one percent by weight per unit volume of alcohol in the person's whole blood.

(2)

The person has a concentration of at least three-hundredths of one percent but less than ninety-six-thousandths of one percent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3)

The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per 210 liters of the person's breath.

(4)

The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per 100 milliliters of the person's urine.

(c)

One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.99)

(d)

Physical Control.

(1)

As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2)

A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

1.

The person is under the influence of alcohol, a drug of abuse, or a combination of them.

2.

The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.

3.

Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.

B.

No person under 21 years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.

(3)

Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:

A.

The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B.

The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(e)

Evidence; Tests.

(1)

A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, that is vehicle-related the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B.

In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense that is vehicle related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood. The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

C.

As used in subsection (e)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as

in Ohio R.C. 4765.01.

(2)

In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense that is vehicle related, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.

(3)

Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. If the person was under arrest as described in Ohio R.C. 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in Ohio R.C. 4511.191(A)(5), the form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4)

A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

B.

In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a

controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

1.

The officer may testify concerning the results of the field sobriety test so administered.

2.

The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3.

If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

C.

Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)

(f)

Forensic Laboratory Reports.

(1)

Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:



A.

The signature, under oath, of any person who performed the analysis;

B.

Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

C.

A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

D.

An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.

(2)

Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3)

A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g)

Immunity From Liability For Withdrawing Blood. Except as otherwise provided in this subsection, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section or Ohio R.C. 4511.191 or

4511.192, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section or Ohio R.C. 4511.191 or 4511.192, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct.

As used in this subsection, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in Ohio R.C. 4765.01.

(h)

General OVI Penalty.

(1)

Whoever violates any provision of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

A.

Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1.

If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means 72 consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 5119.38.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

If the court grants unlimited driving privileges to a first-time offender under Ohio R.C. 4510.022, all penalties imposed upon the offender by the court under subsection (h)(1)A.1. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (h)(1)A.1. of this section upon granting unlimited driving privileges in accordance with Ohio R.C. 4510.022.

2.

If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 5119.38. As used in this subsection, three consecutive days means 72 consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

If the court grants unlimited driving privileges to a first-time offender under Ohio R.C. 4510.022, all penalties imposed upon the offender by the court under subsection (h)(1)A.2. of this section for the offense apply, except that the court shall suspend any mandatory or additional jail term imposed by the court under subsection (h)(1)A.2. of this section upon granting unlimited driving privileges in accordance with Ohio R.C. 4510.022.

The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3.

In all cases, a fine of not less than \$375.00 and not more than \$1,075.00.

4.

In all cases, a suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for a definite period of one to three years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022.

B.

Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

1.

If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

2.

If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of 20 consecutive days. The court shall impose the 20-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a

sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 20-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by a community addiction services provider that is authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

3.

In all cases, notwithstanding the fines set forth in [Section 303.99](#), a fine of not less than \$525.00 and not more than \$1,625.00.

4.

In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of one to seven years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)

5.

In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for 90 days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for 90 days. (ORC 4511.193)

C.

Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:

1.

If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of 30 consecutive days. The court shall impose the 30-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring,

or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 30-day mandatory jail term. Notwithstanding the jail terms set forth in [Section 303.99](#), the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

2.

If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of 60 consecutive days. The court shall impose the 60-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the 60-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in [Section 303.99](#), the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

3.

In all cases, notwithstanding the fines set forth in [Section 303.99](#), a fine of not less than \$850.00 and not more than \$2,750.00.

4.

In all cases, a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of two to 12 years. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)

5.

In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)

6.

In all cases, the court shall order the offender to participate with a community addiction services provider authorized by Ohio R.C. 5119.21, subject to subsection (k) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

D.

Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.

E.

An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

(2)

An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in Ohio R.C. 4511.191(F)(2).

(3)

If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B.1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than 18 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of 20 consecutive days required by subsection (h)(1)B.2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than 36 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive

days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of 30 consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to 15 consecutive days in jail and not less than 55 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the 15 consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The 15 consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of 60 consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to 30 consecutive days in jail and not less than 110 consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the 30 consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The 30 consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4)

If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in Ohio R.C. 4503.231(B).

(5)

If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(6)

In all cases in which an offender is sentenced under subsection (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C.



4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under subsection (h) of this section.

(7)

A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

A.

The offender is convicted of or pleads guilty to a violation of subsection (a) of this section.

B.

The test or tests were of the offender's whole blood, blood serum or plasma, or urine.

C.

The test or tests indicated that the offender had a prohibited concentration of a controlled substance or a metabolite of a controlled substance in the offender's whole blood, blood serum or plasma, or urine at the time of the offense.

(8)

As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i)

Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1)

Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition

interlock device relative to the suspension and may reduce the period of suspension as authorized under Ohio R.C. 4510.022. If the court grants unlimited driving privileges under Ohio R.C. 4510.022, the court shall suspend any jail term imposed under subsection (i)(1) of this section as required under that section.

(2)

If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.

(3)

If the offender also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1416 and if the court imposes a jail term for the violation of subsection (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to Ohio R.C. 2929.24(E).

(4)

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28, in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the violation of subsection (b) of this section. (ORC 4511.19)

(j)

Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). (ORC 4511.194)

(k)

Compliance With Ohio R.C. Chapter 5119 Standards.

(1)

No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 5119 by the Director of Mental Health and Addiction Services.

(2)

An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l)

**Appeal Does Not Stay Operation of License Suspension.** If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m)

Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

(1)

The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2)

The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n)

The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o)

**Conflict of Terms.** All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p)

**Indigent Drivers Alcohol Treatment Fund.** Twenty-five dollars of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q)

**Definitions.** As used in this section:

(1)

"Equivalent offense" means any of the following:

A.

A violation of Ohio R.C. 4511.19(A) or (B);

B.

A violation of a municipal OVI ordinance;

C.

A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

D.

A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

E.

A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

F.

A violation of Ohio R.C. 1547.11(A) or (B);

G.

A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this State with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine;

H.

A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to Ohio R.C. 4511.19(A) or (B) or Ohio R.C. 1547.11(A) or (B);

I.

A violation of a former law of this State that was substantially equivalent to Ohio R.C. 4511.19(A) or (B) or Ohio R.C. 1547.11(A) or (B);

(2)

"Mandatory jail term" means the mandatory term in jail of three, six, ten, 20, 30, or 60 days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof and in relation to which all of the following apply:

A.

Except as specifically authorized under this section, the term must be served in a jail.

B.

Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

(3)

"Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.

(4)

"Community residential sanction", "continuous alcohol monitoring", "jail", "mandatory prison term", "mandatory term of local incarceration", "sanction" and "prison term" have the same meanings as in Ohio R.C. 2929.01.

(5)

"Drug of abuse" has the same meaning as in Ohio R.C. 4506.01.

(6)

"Equivalent offense that is vehicle-related" means an equivalent offense that is any of the following:

A.

A violation described in subsection (q)(1), (2), (3), (4) or (5) hereof;

B.

A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to Ohio R.C. 4511.19(A) or (B);

C.

A violation of a former law of this state that was substantially equivalent to Ohio R.C. 4511.19 (A) or (B). (ORC 4511.181)

333.02 - Operation in willful or wanton disregard of safety.

(a)

No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b)

No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.201)

(d)

Whenever a person is found guilty under this section of operating a motor vehicle in violation of this section relating to reckless operation, the trial court of any court of record, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(5). (ORC 4510.15)

333.03 - Maximum speed limits; assured clear distance ahead.

(a)

No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b)

It is prima-facie lawful, in the absence of a lower limit declared or established pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1)

A.

Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when 20 miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B.

As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of

Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

C.

As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1.

The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;

2.

The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3.

The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

D.

As used in this subsection, "crosswalk" has the meaning given that term in [Section 301.09](#). The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;



(2)

Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;

(3)

Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;

(4)

Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in divisions (b)(8), (9), (10), (11), and (12) of this section;

(5)

Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6)

Fifteen miles per hour on all alleys within the Municipality;

(7)

Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (8);

(8)

Sixty miles per hour for on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (b)(9) and (10) of this section;

(9)

Sixty-five miles per hour on rural expressways without traffic control signals;

(10)

Seventy miles per hour on all rural freeways;

(11)

Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (b)(12) of this section;

(12)

Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urban areas.

(c)

It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(d)

No person shall operate a motor vehicle upon a street or highway as follows:

(1)

At a speed exceeding 55 miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;

(2)

At a speed exceeding 60 miles per hour upon a highway as provided in subsection (b)(8) hereof;

(3)

At a speed exceeding 65 miles per hour upon an expressway as provided in subsection (b)(9) hereof, except upon a freeway as provided in subsection (b)(10) hereof;

(4)

At a speed exceeding 70 miles per hour upon a freeway as provided in subsection (b)(10) hereof;

(5)

At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e)

In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie

lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f)

When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g)

Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h)

Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i)

As used in this section:

(1)

"Interstate system" has the same meaning as in 23 U.S.C. [101](#).

(2)

"Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3)

"Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit

organization.

(4)

"Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

(5)

"Rural" means an area outside urbanized areas, and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

(6)

"Urbanized area" has the same meaning as in 23 U.S.C. [101](#).

(7)

"Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

(j)

(1)

A violation of any provision of this section is one of the following:

A.

Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;

B.

If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

C.

If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2)

If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than 35 miles an hour in a business district of a municipal corporation, faster than 50 miles an hour in other portions of a municipal corporation, or faster than 35 miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3)

Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.

(4)

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.21)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19; [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

333.031 - Approaching a stationary public safety, emergency or road service vehicle.

(a)

The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in [Section 337.16](#), shall do either of the following:

(1)

If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle

inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.

(2)

If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b)

This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c)

No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

(d)

(1)

Except as otherwise provided in this subsection, whoever violates 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.

(2)

Notwithstanding [Section 303.99\(b\)](#), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.

(3)

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991.

(e)

The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

333.04 - Stopping vehicle; slow speed; posted minimum speeds.

(a)

No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b)

Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c)

In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(d)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.22)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 333.05 - Speed limitations over bridges.

(a)

No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b)

Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure

(c)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.23)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 333.06 - Speed exceptions for emergency or safety vehicles.

The prima-facie speed limitations set forth in [Section 333.03](#) do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

### 333.07 - Street racing prohibited.

(a)



As used in this section, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by [Section 333.03](#) or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b)

No person shall participate in street racing upon any public road, street or highway in this Municipality.

(c)

Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this subsection. (ORC 4511.251)

333.08 - Operation without reasonable control.

(a)

No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b)

Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor. (ORC 4511.202)

333.09 - Reckless operation on streets, public or private property.

(a)

No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b)

No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c)

Except as otherwise provided in this subsection, whoever violates 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.

333.10 - Operation in violation of immobilization order.

(a)

No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b)

A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c)

Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

## CHAPTER 335 - LICENSING; ACCIDENTS

Footnotes:

--- (8) ---

**Cross reference**— Glass removal from street after accident—See § 311.01.

**State Law reference**— Deposit of driver's license as bond—See ORC 2937.221; Motor vehicle licensing law—See ORC Ch. 4503; Driver's license law—See ORC Ch. 4507; Power of trial court of record to suspend or revoke license for certain violations—See ORC Ch. 4510; State point system suspension—See. ORC 4510.03.6; State accident reports—

See ORC 4509.01(J), 4509.06, 4509.74, 5502.11; Motorized bicycle operator's license—  
See ORC 4511.521.

335.01 - Driver's license or commercial driver's license required.

(a)

(1)

No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.

(2)

No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(b)

Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of subsection (a)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of subsection (a)(2) of this section. The person charged with a violation of subsection (a)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(c)

Whoever violates this section is guilty of operating a motor vehicle or motorcycle without a valid license and shall be punished as follows:

(1)

If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2)

If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this subsection, the offense is a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(d)

The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(e)

If the offender is sentenced under subsection (c)(2) hereof, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). (ORC 4510.12)

### 335.02 - Permitting operation without valid license; one license permitted.

(a)

No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

(b)

No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have more than one valid license at any time. (ORC 4507.02)

(c)

(1) Except as otherwise provided in this subsection, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00 and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.02 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree.

(2)

Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 4507.02, 4507.99)

### 335.021 - Ohio driver's license required for in state residents.

(a)

Any person who becomes a resident of this State, within 30 days of becoming a resident, shall surrender any driver's license issued by another state to the Registrar of Motor Vehicles or a Deputy Registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a driver's license in this State. If the person fails to apply for a driver's license within 30 days of becoming a resident, the

person shall not operate any motor vehicle in this Municipality under a license issued by another state.

(b)

(1)

Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2)

The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c)

For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

(1)

The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.

(2)

The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4507.213)

335.03 - Driving with temporary instruction permit; curfew.

(a)

No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

(1)

If the permit is issued to a person who is at least 15 years six months of age, but less than 16 years of age:

A.

The permit and identification card are in the holder's immediate possession;

B.

The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C.

The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2)

If the permit is issued to a person who is at least 16 years of age:

A.

The permit and identification card are in the holder's immediate possession;

B.

The holder is accompanied by a licensed operator who is at least 21 years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

C.

The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b)

Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of 18 years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of 18 years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian or

custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in [Section 333.01](#)(a).

(c)

As used in this section:

(1)

"Eligible adult" means any of the following:

A.

An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;

B.

Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:

1.

A parent, guardian or custodian of the permit holder;

2.

A person 21 years of age or older who acts in loco parentis of the permit holder.

(2)

"Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.05)

335.031 - Driving with probationary license; curfew.

(a)

(1)

A.

No holder of a probationary driver's license who has held the license for less than 12 months shall operate a motor vehicle upon a highway or any public or private property



used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.

B.

No holder of a probationary driver's license who has held the license for 12 months or longer shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

(2)

A.

Subject to subsection (c)(1) of this section, subsection (a)(1)A. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1.

Traveling to or from work between the hours of midnight and six a.m. provided that the holder has in the holder's immediate possession written documentation from the holder's employer.

2.

Traveling to or from an official function sponsored by the school the holder attends between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

3.

Traveling to or from an official religious event between the hours of midnight and six a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

B.

Subsection (a)(1)B. of this section does not apply to the holder of a probationary driver's license who is doing either of the following:

1.

Traveling to or from work between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from the holder's employer.

2.

Traveling to or from an official function sponsored by the school the holder attends between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official of the school;

3.

Traveling to or from an official religious event between the hours of one a.m. and five a.m., provided that the holder has in the holder's immediate possession written documentation from an appropriate official affiliated with the event.

(3)

An employer, school official or official affiliated with a religious event is not liable in damages in a civil action for any injury, death or loss to person or property that allegedly arises from, or is related to, the fact that the employer, school official, or official affiliated with a religious event provided the holder of a probationary driver's license with the written documentation described in subsection (a)(2) of this section.

The Registrar of Motor Vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2) of this section, and employers, school officials, officials affiliated with religious events, and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that subsection.

(4)

No holder of a probationary driver's license who has held the license for less than 12 months shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian or custodian.

(b)

It is an affirmative defense to a violation of subsection (a)(1)A. or B. of this section if, at the time of the violation, an emergency existed that required the holder of the probationary driver's license to operate a motor vehicle in violation of subsection (a)(1)A. or B. of this section; or the holder was an emancipated minor.

(c)

(1) If a person is issued a probationary driver's license prior to attaining the age of 17 years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the court with jurisdiction over the violation may order that the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking for a period

not to exceed six months or the date the holder attains the age of 17 years, whichever occurs first.

(2)

Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for driving privileges without being accompanied by the holder's parent or guardian during the period of time determined by the court under that subsection. In granting the driving privileges, the court shall specify the purposes of the privileges and shall issue the person appropriate forms setting forth the privileges granted. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, the court with jurisdiction over the violation may terminate any driving privileges previously granted under this division.

(3)

No person shall violate any operating restriction imposed under subsection (c)(1) or (2) of this section.

(d)

No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e)

Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f)

Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g)

As used in this section:

(1)

"Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(2)

"Family member" of a probationary license holder includes any of the following:

A.

A spouse;

B.

A child or stepchild;

C.

A parent, stepparent, grandparent, or parent-in-law;

D.

An aunt or uncle;

E.

A sibling, whether of the whole or half blood or by adoption, a brother-in-law or a sister-in-law;

F.

A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;

G.

An eligible adult, as defined in Ohio R.C. 4507.05.

(3)

"Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the

parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.071)

335.04 - Certain acts prohibited.

(a)

No person shall do any of the following:

(1)

Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;

(2)

Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(3)

Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(4)

Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(5)

In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b)

Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

### 335.05 - Wrongful entrustment of a motor vehicle.

(a)

No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1)

The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2)

The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.

(3)

The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

(4)

The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(5)

The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

(b)

Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), (4) or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe

that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3), (4) or (5) of this section if any of the following applies:

(1)

Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2)

Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.

(3)

Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c)

Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

(1)

Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A).

(2)

A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of

Ohio R.C. 4511.203(A)(1), (2), or (3) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

B.

Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

(3)

For any violation of this section, in addition to the penalties imposed under [Section 303.99](#), the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7), and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

A.

Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for 30 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

B.

If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for 60 days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.

C.

If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and Ohio R.C. 4503.234(B)(2) or (3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with Ohio R.C. 4503.234(C)(2).

(d)



If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e)

If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f)

This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g)

Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance Shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h)

For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name. (ORC 4511.203)

335.06 - Display of license.

(a)

The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about

the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(b)

(1)

Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R. C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2)

If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 - Driving under suspension or license restriction.

(a)

Except as provided under subsection (b) hereof and Sections [335.072](#) and [335.074](#), no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b)

No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under Ohio R.C. 4506.10(D) or under Ohio R.C. 4507.14.

(c)

Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d)

(1)

Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

(2)

A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with Ohio R.C. 4503.233.

B.

If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with Ohio R.C. 4503.233.

C.

If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the

court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e)

Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f)

Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g)

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

(h)

Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under this section and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a 12-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this subsection. (ORC 4510.037)

335.071 - Driving under OVI suspension.

(a)

No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall

operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b)

Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

(1)

Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A.

A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than 30 consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

B.

A fine of not less than \$250.00 and not more than \$1,000.00.

C.

A license suspension under subsection (e) of this section.

(2)

If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A.

A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than 90 consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.

B.

Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than \$500.00 and not more than \$2,500.00.

C.

A license suspension under subsection (e) of this section.

(3)

If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

A.

A mandatory jail term of 30 consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

B.

Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than \$500.00 and not more than \$2,500.00.

C.

A license suspension under subsection (e) of this section.

(c)

No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within 60 days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the 60-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d)

Fifty percent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or

municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to Ohio R.C. 4511.191(H).

(e)

In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f)

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

(g)

(1)

If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:

A.

If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former Ohio R.C. 4507.02(D)(2), or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for 30 days of the vehicle involved in the offense and the impoundment for 30 days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

B.

If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former Ohio R.C. 4507.02(D)(2), or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for 60 days of the vehicle involved in the offense and the impoundment for 60 days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.

C.

If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former Ohio R.C. 4507.02(D)(2) or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.

(2)

An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(3)

An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.161)

(h)

As used in this section:



(1)

"Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.

(2)

"Equivalent offense" means any of the following:

A.

A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;

B.

A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.

(3)

"Jail" has the same meaning as in Ohio R.C. 2929.01.

(4)

"Mandatory jail term" means the mandatory term in jail of three, ten, or 30 consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:

A.

Except as specifically authorized under this section, the term must be served in a jail.

B.

Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code. (ORC 4510.14)

335.072 - Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.

(a)

No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically

authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b)

No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to Ohio R.C. 4509.37 or 4509.40 for nonpayment of a judgment.

(c)

Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth and social security number of a person charged with a violation of subsection (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of subsection (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of subsection (b) of this section. The person charged with a violation of subsection (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.

(d)

Whoever violates subsection (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in subsection (d) hereof. Whoever violates subsection (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in subsection (d) hereof.

(1)

Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2)

If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3)

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.16)

(e)

No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Whoever violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 - Driving without complying with license reinstatement requirements.

(a)

No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b)

Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c)

Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

(1)

Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2)

If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(3)

In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7). (ORC 4510.21)

335.074 - Driving under license forfeiture or child support suspension.

(a)

No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality whose driver's or commercial driver's license has been suspended pursuant to Ohio R.C. 2151.354, 2151.87, 2935.27, 3123.58, 4301.99, 4510.032, 4510.22 or 4510.33.

(b)

Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into

evidence as prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of subsection (a) of this section. The person charged with a violation of subsection (a) of this section may offer evidence to rebut this prima-facie evidence.

(c)

Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

(1)

Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding Ohio R.C. 2929.28(A)(2)(a), the offender may be fined up to \$1,000.00; and, notwithstanding Ohio R.C. 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under Ohio R.C. 2705.02(A) that may be filed in the underlying case.

(2)

If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations Ohio R.C. 4510.111(A), or any combination of two or more violations of Ohio R.C. 4510.111(A), or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree and the offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during or after committing the offense for which the offender is sentenced under this section. (ORC 4510.111)

335.08 - Operation or sale without certificate of title.

(a)

No person shall do any of the following:

(1)

Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this

Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2)

Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;

(3)

Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

(4)

Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5)

Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;

(6)

Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;

(7)

Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b)

This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c)

Whoever violates this section shall be fined not more than \$200.00 or imprisoned not more than 90 days, or both. (ORC 4505.18)

### 335.09 - Display of license plates.

(a)

(1)

No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, except that a commercial tractor shall display the license plate and validation sticker on the front of the commercial tractor.

(2)

The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3)

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(b)

Whoever violates this section is guilty of a minor misdemeanor.

(c)

The offense established under subsection (a) of this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4503.21)

( [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

### 335.10 - Expired or unlawful license plates.

(a)

No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b)

No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c)

No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(d)

No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e)

No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(f)

(1)

Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(2)

Whoever violates subsection (b) hereof is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(3)

Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor. (ORC 4549.11, 4549.12)

335.11 - Use of illegal license plates; transfer of registration.



(a)

No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

(1)

Is fictitious;

(2)

Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

(3)

Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the 30-day period described in subsection (c) hereof.

(b)

Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (ORC 4549.08)

(c)

Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed 30 days. During that 30-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality.

(d)

Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

335.111 - Registration within thirty days of residency.

(a)

Within 30 days of becoming a resident of this State, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this State. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this Municipality under a license issued by another state.

(b)

(1)

Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.

(2)

The offense established under subsection (b)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of Ohio R.C. 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(c)

For purposes of subsection (a) of this section, "resident" means any person to whom any of the following applies:

(1)

The person maintains their principal residence in this State and does not reside in this State as a result of the person's active service in the United States Armed Forces.

(2)

The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under Ohio R.C. 4507.01. (ORC 4503.111)

335.12 - Stopping after accident upon streets; collision with unattended vehicle.

(a)

(1)

In the case of a motor vehicle accident or collision with persons or property on a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, immediately shall stop the operator's motor vehicle at the scene of the accident or collision. The operator shall remain at the scene of the accident or collision until the operator has given the operator's name and address and, if the operator is not the owner,

the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to all of the following:

A.

Any person injured in the accident or collision;

B.

The operator, occupant, owner or attendant of any motor vehicle damaged in the accident or collision;

C.

The police officer at the scene of the accident or collision.

(2)

In the event an injured person is unable to comprehend and record the information required to be given under subsection (a)(1) of this section, the other operator involved in the accident or collision shall notify the nearest police authority concerning the location of the accident or collision, and the operator's name, address and the registered number of the motor vehicle the operator was operating. The operator shall remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

(3)

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b)

(1)

Whoever violates subsection (a) of this section is guilty of failure to stop after an accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after an accident is a misdemeanor of the first degree.

(2)

If the accident or collision results in serious physical harm to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.

(3)

If the accident or collision results in the death of a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate State law.

(4)

In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

335.13 - Stopping after accident upon property other than street.

(a)

(1)

In the case of a motor vehicle accident or collision resulting in injury or damage to persons or property on any public or private property other than a public road or highway, the operator of the motor vehicle, having knowledge of the accident or collision, shall stop at the scene of the accident or collision. Upon request of any person who is injured or damaged, or any other person, the operator shall give that person the operator's name and address, and, if the operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the operator's driver's or commercial driver's license.

(2)

If the operator of the motor vehicle involved in the accident or collision does not provide the information specified in subsection (a)(1) of this section, the operator shall give that information, within 24 hours after the accident or collision, to the Police Department.

(3)

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required under subsection (a)(1) of this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b)

(1)

Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident. Except as otherwise provided in subsection (b)(2) or (3) of this section, failure to stop after a nonpublic road accident is a misdemeanor of the first degree.

(2)

If the accident or collision results in serious physical harm to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.

(3)

If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate State law.

(4)

In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(5). No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

335.14 - Vehicle accident resulting in damage to realty.

(a)

The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within

24 hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b)

Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding \$5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

## CHAPTER 337 - SAFETY AND EQUIPMENT

Footnotes:

--- (9) ---

**Cross reference**— Use of stop and turn signals—See § 331.14; Wheel protectors for commercial vehicles—See § 339.05; Vehicles transporting explosives—See § 339.06; Towing requirements—See § 339.07; Use of studded tires and chains—See § 339.11; Bicycle equipment—See § 373.05 et seq.

**State Law reference**— Warning devices for commercial vehicles disabled upon freeways — See ORC 4513.28; Slow moving vehicle emblem—See OAC Ch. 4501.13; Motorized bicycle lights and equipment—See ORC 4511.521; Vehicle lighting—OAC 4501-15.

### 337.01 - Driving unsafe vehicles.

(a)

No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b)

Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c)

The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.02 - Lighted lights; measurement of distances and heights.

(a)

Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:

(1)

The time from sunset to sunrise;

(2)

At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of 1,000 feet ahead;

(3)

At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

(b)

Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c)

Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(d)

Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.

(e)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.03)

337.03 - Headlights on motor vehicles and motorcycles.

(a)

Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(b)

Every motorcycle shall be equipped with at least one and not more than two headlights.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.04)

337.04 - Tail light; illumination of rear license plate.

(a)

Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(b)

Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of 50 feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(c)



Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.05)

337.05 - Rear red reflectors.

(a)

Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in [Section 337.06](#) or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to 50 feet from such vehicle.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.06)

337.06 - Safety lighting on commercial vehicles.

(a)

Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in [Section 337.02](#) except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by [Section 337.02](#) to [Section 337.15](#), inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.07)

337.07 - Obscured lights on vehicles in combination.

(a)

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (ORC 4513.08)

#### 337.08 - Red light or red flag on extended loads.

(a)

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in [Section 337.02](#), a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than 16 inches square.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.09)

#### 337.09 - Lights on parked or stopped vehicles.

(a)

Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in [Section 337.02](#), such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed. (ORC 4513.10)

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

#### 337.10 - Lights on slow-moving vehicles; emblem required.

(a)

All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in [Section 337.01\(c\)](#), not specifically required to be equipped with lights or other lighting devices by [Section 337.02](#) to [337.09](#), shall at all times specified in [Section 337.02](#), be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights

displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b)

All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of 25 miles per hour or less shall be operated at a speed not exceeding 25 miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour may be operated on a street or highway at a speed greater than 25 miles per hour provided it is operated in accordance with this section.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c)

The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d)

(1)

No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.

(2)

No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour unless the unit displays a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).

(e)

Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in [Section 337.02](#). When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by [Section 337.16](#), and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f)

Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

(1)

With a slow-moving vehicle emblem complying with subsection (b) hereof;

(2)

With alternate reflective material complying with rules adopted under this subsection (f);

(3)

With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times

specified in [Section 337.02](#), from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g)

Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than 25 miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h)

When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than 25 miles per hour is being operated on a street or highway at a speed greater than 25 miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(i)

As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less.

(j)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.11)

337.11 - Spotlight and auxiliary lights.

(a)

Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the

high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b)

Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.12)

337.12 - Cowl, fender and back-up lights.

(a)

Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b)

Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.13)

337.13 - Display of lighted lights.

(a)

At all times mentioned in [Section 337.02](#) at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b)

However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.14)

337.14 - Use of headlight beams.

(a)

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in [Section 337.02](#), the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.15)

337.15 - Lights of less intensity on slow-moving vehicles.

(a)

Any motor vehicle may be operated under the conditions specified in [Section 337.02](#) when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects 75 feet ahead in lieu of lights required in [Section 337.13](#), provided that such vehicle shall not be operated at a speed in excess of 20 miles per hour.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.16)

337.16 - Number of lights; limitations on flashing, oscillating or rotating lights.

(a)

Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b)

Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(c)

(1)

Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by [Section 337.10](#) to have a flashing red light.

(2)

When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in [Section 337.10](#).

(d)

Except a person operating a public safety vehicle, as defined in [Section 301.27](#), or a school bus, no person shall operate, move or park upon or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e)

This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.17)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)



### 337.17 - Focus and aim of headlights.

(a)

No person shall use any lights mentioned in [Section 337.02](#) to [337.16](#), inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b)

The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.19)

### 337.18 - Motor vehicle and motorcycle brakes.

(a)

The following requirements govern as to brake equipment on vehicles:

(1)

Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2)

Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3)

Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.

(4)

When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold

the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

A.

Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942;

B.

Every manufactured home or travel trailer with an empty weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 2001.

(5)

Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of 3,000 pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.

(6)

In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(7)

Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(8)

The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(9)

Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	From a speed of 20 miles per hour	
	Stopping distance in feet	Deceleration in feet per second
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

(10)

All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (ORC 4513.20)

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.19 - Horn, siren and theft alarm signal.

(a)

Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b)

No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable

of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c)

No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.21)

337.20 - Muffler; muffler cutout; excessive smoke, gas or noise.

(a)

Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b)

No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.22)

337.21 - Rear-view mirror; clear view to front, both sides and rear.

(a)

Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.23)

337.22 - Windshield and windshield wiper; sign or poster thereon.

(a)

No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b)

(1)

No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(2)

Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A.

It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B.

It does not conceal the vehicle identification number.

(3)

Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:

A.

It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.

B.

It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

(c)

The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.24)

337.23 - Limited load extension on left side of passenger vehicle.

(a)

No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.24 - Motor vehicle stop lights.

(a)

Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.071)

337.25 - Air cleaner required.

(a)

No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b)

This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

(c)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

337.26 - Child restraint system usage.

(a)

When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

(1)

A child who is less than four years of age;

(2)

A child who weighs less than 40 pounds.

(b)

When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

(1)

A child who is less than four years of age;

(2)

A child who weighs less than 40 pounds.

(c)

When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d)

When any child who is at least eight years of age but not older than 15 years of age and who is not otherwise required by subsection (a), (b) or (c) hereof to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(e)



Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of subsection (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of subsection (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of subsection (c) or (d) of this section has been or is being committed.

(f)

The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(g)

The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat or an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(h)

This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(i)

Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j)

Whoever violates subsection (a), (b), (c) or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one child in a child restraint system, booster seat, or occupant restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1)

Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than \$25.00 nor more than \$75.00.

(2)

If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree. (ORC 4511.81)

337.27 - Drivers and passengers required to wear seat belts.

(a)

As used in this section:

(1)

"Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.

(2)

"Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

(3)

"Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(4)

"Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.

(5)

"Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in [Chapter 301](#).

(6)

"Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b)

No person shall do either of the following:

(1)

Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2)

Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;

(3)

Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4)

Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c)

(1)

Subsection (b)(3) hereof does not apply to a person who is required by [Section 337.26](#) to be secured in a child restraint device or booster seat.

(2)

Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.

(3)

Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:

A.

That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;

B.

Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;

C.

If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.

(4)

Divisions (b)(1) and (3) of this section do not apply to a person who has registered with the registrar of motor vehicles in accordance with division (c)(5) of this section.

(5)

A person who has received an affidavit under division (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the registrar attesting to that fact. Upon such registration, the registrar shall make that information available in the law enforcement automated data system. A person included in the database under division (c)(5) of this section is not required to have the affidavit obtained in accordance with division (c)(3) of this section in their possession while operating or occupying an automobile.

(6)

A physician or chiropractor who issues an affidavit for the purposes of division (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.

(7)

The registrar shall adopt rules in accordance with Ohio R.C. Chapter 119 establishing a process for a person to be included in the database under division (c)(5) of this section. The information provided and included in the database under division (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. Section 149.43.

(d)

Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e)

All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

(f)

(1)

Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the

person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

(2)

If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

A.

It seeks to recover damages for injury or death to the occupant.

B.

The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.

C.

The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(g)

(1)

Whoever violates subsection (b)(1) of this section shall be fined \$30.00.

(2)

Whoever violates subsection (b)(3) of this section shall be fined \$20.00.

(3)

Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree. (ORC 4513.263)

( [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

### 337.28 - Use of sunscreening, nontransparent and reflectorized materials.

(a)

#### Requirements.

(1)

No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any sunscreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:

A.

Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.

B.

Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than 70 percent plus or minus three percent and is not red or yellow in color.

C.

Any sunscreening material or other product or material applied to the side windows to the immediate right or left of the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than 50 percent plus or minus three percent and is not red or yellow in color.

D.

Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window

and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than 50 percent plus or minus three percent.

E.

Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.

(2)

No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.

(3)

No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.

(4)

No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.

(5)

No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.

(6)

All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying suncreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

(b)

Exemptions. The provisions of this section do not apply to:

(1)



A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;

(2)

The windows to the rear of the driver in chauffeured limousines as defined herein;

(3)

The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and

(4)

The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)

(c)

Definitions. As used in this section, certain terms are defined as follows:

(1)

"Motor vehicle" has the same meaning as specified in [Section 301.20](#).

(2)

"Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.

(3)

"Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.

(4)

"Windshield" means the front exterior viewing device of a motor vehicle.

(5)

"Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.

(6)

"Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(7)

"Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route.

"Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

(d)

Penalty. Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.241)

337.29 - Bumper heights.

(a)

Definitions.

(1)

"Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2)

"Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3)

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

(4)

"Manufacturer" has the same meaning as in Ohio R.C. 4501.01.

(5)

"Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.

(6)

"Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.

(7)

"Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.

(8)

"Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.

(9)

"Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b)

Prohibitions; Application.

(1)

No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.

(2)

No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.

(3)

No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.

(4)

No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.

(5)

Nothing contained in this section shall be construed to prohibit either of the following:

A.

The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;

B.

The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(6)

This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.

(7)

A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway. (OAC

4501-43-03)

(c)

Specifications.

(1)

The horizontal bumper shall be at least four and one-half inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.

(2)

Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(3)

If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.

(4)

For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	Front (inches)	Rear (inches)
Passenger Vehicles	22	22

All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

(5)

The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:

A.

A motor vehicle is not equipped with a front and rear bumper.

B.

The bumper height relative to the frame rails has been altered.

C.

A supplemental bumper has been installed or an addition to the original or replacement has been made. (OAC 4501-43-04)

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

337.30 - Directional signals required.

(a)

(1)

No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

(2)

No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b)

"Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from

both the front and rear.

(c)

All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in [Section 337.02](#).

(d)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.261)

337.31 - Sound amplification devices in motor vehicles.

(a)

Definitions.

(1)

"Sound amplification device" includes, but shall not be limited to, the following: any radio, tape cassette or disc player, such as a "boom box" or other audio sound system, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound.

(b)

Playing of Sound Amplification Devices.

(1)

Noise levels.

A.

No person shall operate any sound amplification device in a motor vehicle while on any street, highway, or property open to the public for vehicular traffic within the City in such a manner as to be plainly audible at a distance of 25 feet or more from the noise source.

B.

No person shall operate any sound amplification device in a public place or while on any street, highway, or property open to the public for vehicular traffic within the City so as to cause a noise level in excess of 80 dB(A). Such noise level limits shall be based on a distance of not less than 15 feet from the noise source.

(2)

This chapter shall not apply to any of the following circumstances:

A.

The sound amplification device is being operated in a motor vehicle to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating, or traffic safety condition.

B.

The sound amplification device is an anti-theft device being operated in a motor vehicle to deter theft or vandalism of the motor vehicle.

C.

The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.

D.

The motor vehicle is owned and operated by the State of Ohio, a political subdivision of the State of Ohio, or by a public utility.

E.

The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.

F.

The sound amplification device is being operated as a requirement of federal or state law.

(3)

Whoever violates this subsection is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for any second offense occurring within six months of a first offense, and a third degree misdemeanor for subsequent offenses occurring within six months of a previous offense. No portion of the fine may be suspended and no imprisonment shall be imposed.

(Ord. 2011-O-1881, Passed 4-25-11)

## CHAPTER 339 - COMMERCIAL AND HEAVY VEHICLES

Footnotes:

--- (10) ---

**Cross reference—** Slower moving vehicles to be driven in right-hand lane—See § 331.01(b).



**State Law reference—** Weighing vehicle; removal of excess load—See ORC 4513.33; Arrest notice of driver—See ORC 5577.14.

339.01 - Oversize or overweight vehicle operation on state routes; state permit.

(a)

No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in [Section 339.02](#). (ORC 4513.34)

(b)

(1)

No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(2)

No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2,000 pounds per axle or group of axles.

(3)

No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.

(c)

Whoever violates any provision of this section for which no other penalty is provided is guilty of a minor misdemeanor. (ORC 4513.99)

339.02 - Use of local streets; local permit and conditions.

(a)

**Use of Local Streets.** No person shall operate a vehicle exceeding a size as specified in [Section 339.03](#) or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

(b)

**Local Permit and Conditions.** Upon application and for good cause, the Police Chief may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in [Section 339.01](#).

The Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Police Chief may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Police Chief shall charge \$10.00, and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of \$25.00 per hour per officer. The charge can be prorated into 15 minute increments.

Signs shall be posted to apprise drivers of the limitations imposed by this section. Such signs shall be in accordance with the standards for traffic control devices of the State Department of Transportation. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by subsection (c) hereof.

(c)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### 339.021 - Load limits on Endicott, Rip Rap and Powell Roads.

(a)

No vehicle, load, object or structure shall be operated or moved over or upon those portions of Endicott, Rip Rap or Powell Roads shown on Exhibit A attached to original Ordinance 98-O-1084 at any time having a gross weight of over 16,000 pounds (exclusive of the vehicle), excepting those vehicles, loads, objects or structures specifically excluded from this section by subsection (c) hereof.

(b)

The City Manager, upon application in writing by the owner or person having charge thereof, may grant a permit for the moving of vehicles, loads, objects or structures across Endicott, Rip Rap or Powell Roads in excess of the limits set forth in subsection (a) hereof where the party shows evidence of a need for such traffic and no reasonable alternative to the route. Such permit shall be in writing and shall include such conditions and restrictions as in the judgment of the City Manager are reasonably necessary for the preservation and protection of the streets. At his/her discretion, the City Manager may require reasonable surety for the cost of restoring any streets that have been damaged or destroyed by such moving. The decision of the City Manager shall be a final appealable order.

(c)

The prohibition contained in subsection (a) hereof shall not apply to:

(1)

Safety and service department vehicles, loads, objects or structures owned by the City or owned and operated by municipalities having a mutual aid agreement in effect with the City which are being used in public service or

(2)

Contractors hauling for the City pursuant to specifications provided by the City wherein the City has provided adequate safeguards in its specifications for protection of its roadways.

(d)

The City Manager or his designee is authorized to install signage and to take other steps necessary to enforce this section.

(e)

Whoever violates any provision of this section is guilty of the following offenses and shall be subject to the following penalties.

(1)

For the first offense, a minor misdemeanor.

(2)

For the second offense, occurring not later than two years after the first offense, a misdemeanor of the fourth degree.

(3)

For the third offense and each subsequent offense, occurring not later than two years after the first offense, a misdemeanor of the third degree.

(Ord. 98-O-1084, Passed 12-14-98)

339.03 - Maximum width, height and length.

(a)

No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

(b)

No such vehicle shall have a width in excess of:

(1)

104 inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2)

102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of 22 feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;

(3)

132 inches for traction engines;

(4)

102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;

(5)

102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of State highways as the Director designates.

(c)

No such vehicle shall have a length in excess of:

(1)

66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;

(2)

45 feet for all other passenger bus type vehicles;

(3)

53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates;

(4)

28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State highways or portions of State highways as the Director designates;

(5)

A.

97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United

States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

B.

75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;

(6)

65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;

(7)

45 feet for recreational vehicles.

(8)

50 feet for all other vehicles except trailers and semitrailers, with or without load.

(d)

No such vehicle shall have a height in excess of 13 feet six inches, with or without load.

(e)

An automobile transporter or boat transporter shall be allowed a length of 65 feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of 75 feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion of any State highway that the Director designates.

(f)

The widths prescribed in subsection (b) shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

The width prescribed in subsection (b)(5) shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than 24 inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semi-trailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g)

This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, that the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h)

As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree. (ORC 5577.99)

339.04 - Route and load information.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any

consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

### 339.05 - Wheel protectors.

(a)

No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle. (ORC 5577.11)

(b)

Whoever violates this section is guilty of a minor misdemeanor.

### 339.06 - Vehicles transporting explosives.

(a)

Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

(1)

Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than 24 inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.

(2)

Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle. (ORC 4513.29)

(b)



Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

### 339.07 - Towing requirements.

(a)

When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed 15 feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b)

When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than 12 inches square.

(c)

In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(d)

Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of 25 miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of 25 miles per hour or less shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

(1)

An agricultural tractor may tow or draw more than one such vehicle;

(2)

A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle. (ORC 4513.32)

(e)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

339.08 - Loads dropping or leaking; removal required; tracking mud.

(a)

No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b)

Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street, highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place. (ORC 4513.31)

(c)

No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place.

(d)

It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed. (ORC 4513.31)

(e)

Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.99)

### 339.09 - Shifting load; loose loads.

(a)

In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b)

No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by [Section 337.08](#).

(c)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### 339.10 - Vehicles with spikes, lugs and chains.

(a)

No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power. (ORC 5589.08)

(b)

Whoever violates this section is guilty of a minor misdemeanor.

(ORC 5589.99)

### 339.11 - Use of studded tires and chains.

(a)

For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meanings as given those terms in [Chapter 301](#).

(b)

(1)

Except as provided in subsection (b)(2) hereof, no person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(2)

A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in subsection (b)(1) hereof.

(c)

This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)

(d)

Whoever violates this section is guilty of a minor misdemeanor.

(ORC 5589.99)

## CHAPTER 341 - COMMERCIAL DRIVERS

Footnotes:

--- (11) ---

**Cross reference**— Load limits—See Ch. 339.

**State Law reference**— Disqualification—See ORC 4506.16; Suspension or revocation of license—See ORC 4507.16; Warning devices when disabled on freeways—See ORC 4513.28; Arrest notice of driver—See ORC 5577.14.

341.01 - Definitions.

As used in this chapter:

Alcohol concentration means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:

(1)

One hundred milliliters of whole blood, blood serum, or blood plasma;

(2)

Two hundred ten liters of breath;

(3)

One hundred milliliters of urine.

Commercial driver's license means a license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.

Commercial motor vehicle means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1)

Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2)

Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;

(3)

Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;

(4)

Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;

(5)

Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6)

Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

Controlled substance means all of the following:

(1)

Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;

(2)

Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;

(3)

Any drug of abuse.

Disqualification means any of the following:

(1)

The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2)

Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3)

A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

Drive means to drive, operate or be in physical control of a motor vehicle.

Driver means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

Driver's license means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.

Drug of abuse means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01 or over-the-counter medication that, when taken in quantities exceeding the

recommended dosage, can result in impairment of judgment or reflexes.

Employer means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

Endorsement means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

Farm truck means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor carrier, as defined in Ohio R.C. 4923.01.

Fatality means the death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of a death.

Felony means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.

Foreign jurisdiction means any jurisdiction other than a state.

Gross vehicle weight rating means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

Hazardous materials means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.

Motor vehicle means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.

Out-of-service order means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

Public safety vehicle has the same meaning as in Ohio R.C. 4511.01(E)(1) and (3).

Recreational vehicle includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.

School bus has the same meaning as in Ohio R.C. 4511.01.

State means a state of the United States and includes the District of Columbia.

Tester means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.

United States means the 50 states and the District of Columbia.

Vehicle has the same meaning as in Ohio R.C. 4511.01. (ORC 4506.01)

341.02 - Exemptions.

[Section 341.02](#) has been deleted from the Codified Ordinances. Former Ohio R.C. 4506.02 from which [Section 341.02](#) was derived was repealed by Am. Sub. H.B. No. 68, effective June 29, 2005. The exemptions are now contained in [Section 341.03](#).

341.03 - Prerequisites to operation of a commercial motor vehicle.

(a)

Except as provided in subsections (b) and (c) of this section, the following shall apply:

(1)

No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, any of the following:

A.

A valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, or by another jurisdiction recognized by this State;

B.

A valid examiner's commercial driving permit issued under Ohio R.C. 4506.13;

C.

A valid restricted commercial driver's license and waiver for farm-related service industries issued under Ohio R.C. 4506.24;

D.



A valid commercial driver's license temporary instruction permit issued by the Registrar, provided that the person is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license and who meets the requirements of Ohio R.C. 4506.06(B).

(2)

No person who has been a resident of this State for 30 days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b)

Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:

(1)

A farm truck;

(2)

Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district or the state fire marshal;

(3)

A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;

(4)

A recreational vehicle;

(5)

A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;

(6)

A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.

(7)

A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4905, 4921, or 4923.

(8)

A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.

(9)

A police SWAT team vehicle.

(10)

A police vehicle used to transport prisoners.

(c)

Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.

(d)

Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.03)

( [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

341.04 - Prohibitions.

(a)

No person shall do any of the following:

(1)

Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any

other state or by a foreign jurisdiction;

(2)

Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;

(3)

Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for 30 days or longer.

(b)

Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.04)

341.05 - Criminal offenses.

(a)

No person who holds a commercial driver's license, or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

(1)

Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;

(2)

Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one percent or more by whole blood or breath;

(3)

Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one percent or more by blood serum or blood plasma;

(4)

Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one percent or more by urine;

(5)

Drive a motor vehicle while under the influence of a controlled substance;

(6)

Drive a motor vehicle in violation of Ohio R.C. 4511.19 or a municipal OVI ordinance as defined in Ohio R.C. 4511.181;

(7)

Use a motor vehicle in the commission of a felony;

(8)

Refuse to submit to a test under Ohio R.C. 4506.17 or 4511.191;

(9)

Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;

(10)

Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(11)

Fail to stop after an accident in violation of Sections [335.12](#) to [335.14](#);

(12)

Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;

(13)

Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.

(b)

Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4506.15)

341.06 - Employment of drivers of commercial vehicles.

(a)

Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

(1)

A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;

(2)

The dates the applicant was employed by these employers;

(3)

The reason for leaving each of these employers.

(b)

No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

(1)

The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;

(2)

The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;

(3)

The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;

(4)

The driver has more than one driver's license.

(c)

No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of [Section 341.05](#).

(d)

No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle if the driver does not hold a valid, current commercial driver's license or commercial driver's license temporary instruction permit bearing the proper class or endorsements for the vehicle. No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's commercial driver's license or commercial driver's license temporary instruction permit.

(e)

(1)

Whoever violates subsection (a), (b) or (d) of this section is guilty of a misdemeanor of the first degree.

(2)

Whoever violates subsection (c) of this section may be assessed a fine not to exceed \$10,000.00. (ORC 4506.20)

## CHAPTER 343 - GOLF CARTS

### 343.01 - Definitions.

A "golf cart" is a motor vehicle as the term is defined under Ohio R.C. 4501.01(B). This section may also apply to other under-speed vehicles at the discretion of the Chief of Police based on the definitions set forth in the Ohio Revised Code, as amended from time to time.

(Ord. No. 2018-O-2332, § 2, 7-23-18)

### 343.02 - Restrictions.

No person shall operate a golf cart on the streets within the City of Huber Heights unless the golf cart has first passed an inspection by the Chief of Police or designee for compliance with the State of Ohio's requirements that are applicable to motor vehicles and such golf cart contains all equipment required by this chapter.

(Ord. No. 2018-O-2332, § 3, 7-23-18)

### 343.03 - Equipment.

A list of equipment required for safe operation by the Ohio R.C. Chapter 4513 shall be maintained at the Police Division, and shall include:

(a)

Two working headlights.

(b)

At least one working taillight and one working brake light.

(c)

Directional signals.

(d)

A rearview mirror.

(e)

A white light illuminating the rear license plate legible from a distance of 50 feet.

(f)

A working horn.

(g)

Windshield made of glass or safety glass.

(h)

Two license plates; one in the front and one in the rear; bracketed to the cart.

(i)

One seat belt per occupant.

(Ord. No. 2018-O-2332, § 4, 7-23-18)

343.04 - Licensing requirements of operator.

(a)

No person who is less than 16 years of age shall operate a golf cart on the streets of the City.

(b)

The operator of a golf cart on permitted streets within the City must hold a valid current motor vehicle driver's license.

(c)

No person who is the owner or operator of a golf cart shall fail to display, in plain view on the front and rear of the golf cart, the distinctive number and registration mark, including any county identification sticker and any validation sticker.

(Ord. No. 2018-O-2332, § 5, 7-23-18)

#### 343.05 - City Inspection.

(a)

No person shall operate a golf cart on the streets within the City unless the golf cart has been inspected for compliance with the State of Ohio statutory requirements that are applicable to motor vehicles and the Codified Ordinances of the City entitling the owner or operator to secure a title and license for the golf cart.

(b)

The owner of the golf cart shall provide proof of insurance at the time of inspection.

(Ord. No. 2018-O-2332, § 6, 7-23-18)

#### 343.06 - Usage and Restrictions; Waiver.

(a)

No golf carts shall be permitted to travel on any City street where the speed limit is greater than 25 mph. Golf carts will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of 25 mph or less.

(b)

Occupants of golf carts shall be seated at all times on the seat of the golf cart buckled by the seat belt when the golf cart is on and in motion. Standing on any portion of the golf cart while it is in motion is prohibited.

(c)

Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a golf cart operated on any City street, right-of-way, or public area in the City of Huber Heights.

(d)

No person shall operate a golf cart on sidewalks.

(e)

Golf carts must be operated in accord with all State of Ohio traffic laws in addition to all applicable sections of the City of Huber Heights Codified Ordinances.



(f)

The provisions of this section may be waived during a limited period of special events for which the operators of golf carts have received prior approval for the use of golf carts from the City's Chief of Police or designee.

(Ord. No. 2018-O-2332, § 7, 7-23-18)

#### 343.99 - Penalty.

Whoever violates the provisions of this Chapter is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and for subsequent offenses within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

(Ord. No. 2018-O-2332, § 8, 7-23-18)

### CHAPTER 344. - OPERATION RESTRICTED FOR LOW-SPEED, MINI-TRUCKS AND UTILITY VEHICLES

#### 344.01 - Definitions.

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 20 miles per hour but not more than 25 miles per hour and with a gross vehicle weight rating less than 3,000 pounds as defined in Ohio R.C. 4501.01(WW).

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, as defined in Ohio R.C. 4501.01(BBB).

Utility vehicle means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities, as defined in Ohio R.C. 4501.01(VV).

Low speed vehicles, mini trucks and utility vehicles do not include under speed vehicles, such as golf carts, as defined in Ohio R.C. 4501.01(XX).

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.02 - Equipment.

(a)

Low speed vehicles and mini-trucks operated on the streets, highways, and public property within the corporate limits of the city, shall have a minimum of the following functional equipment thereon:

(1)

At least one working rear red colored tail light;

(2)

License plates in the front and rear of the low-speed or under-speed vehicle, bracketed to the vehicle;

(3)

At least two working brake lights;

(4)

Two headlights, white or clear in color;

(5)

A rearview mirror;

(6)

A windshield;

(7)

Turn signals;

(8)

A horn;

(9)

Brakes sufficient to stop within 40 feet;

(10)

An emergency brake sufficient to hold the vehicle on any grade;

(11)

A properly working steering mechanism;

(12)

Appropriate tires free of major bumps, bulges, breaks, or other unsafe condition;

(13)

Working exhaust system if the vehicle has an internal combustion engine.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.03 - Licensing Requirements of Operator.

(a)

The operator of a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city shall have a valid driver's license;

(b)

The operator of a low speed vehicle or mini-truck on public roadways or on public property in the city shall be no less than 16 years of age.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.04 - Insurance Requirements of Owner and Operator.

(a)

The owner of a low speed vehicle or mini-truck that is driven on public roadways or on public property within the corporate limits of the city shall maintain proof of financial responsibility thereon as required by the Ohio Revised Code.

(b)

The operator of a low speed vehicle or mini-truck that is driven on public roadways or on public property within the corporate limits of the city shall have in the driver's possession proof of insurance while operating the low speed vehicle, under-speed vehicle, or mini-truck.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.05 - Inspection and Title Requirements.

(a)

No person shall operate a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city without first obtaining an inspection by the Chief of Police of the city, or the law enforcement official of another jurisdiction within the State of Ohio.

(b)

No person shall operate a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city without first obtaining a Certificate of Title from the Clerk of Courts.

(c)

If the Chief of Police of the city, or his designee, or another agent designated and approved by the State of Ohio, determines that the low speed vehicle or mini-truck complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police of the city shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the low speed vehicle or mini-truck on the streets within the corporate limits of the city. The owner or operator shall also show the Chief of Police of the city or his designee, proof of liability insurance for the low speed vehicle or mini-truck before a certificate of compliance is issued. Any certificate issued pursuant to this section by the Chief of Police of the city shall expire upon the transfer or sale of the low speed vehicle or mini-truck. The Chief of Police of the city shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any low speed vehicle or mini-truck shall keep a copy of any certificate issued pursuant to this section inside the low speed vehicle or mini-truck to which it pertains.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.06 - Restrictions.

(a)

No person shall operate a low speed vehicle or mini-truck upon any street within the corporate limits of the city where the posted speed limit exceeds 35 miles per hour, excepting that no low speed vehicle or mini-truck shall be operated on S.R. 201 or S.R. 202. An operator of a low speed vehicle or mini-truck may cross intersections only at such intersections in which the posted speed limit is 35 miles per hour or less. The operator of a low speed vehicle or mini-truck shall comply with all other applicable laws.

(b)

The provisions of this section may be waived during a limited period of special events for which the operators of low speed vehicles or mini-trucks have received prior approval for the use of the vehicle in conjunction with the special events from the City's Chief of Police or designee.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

#### 344.07 - Utility Vehicles.

(a)

A state park or political subdivision employee or volunteer may operate 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.

(b)

A person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in Ohio R.C. 4513.11.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

344.08 - Penalty.

Except as otherwise provided, whoever violates any provision of this chapter 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.

( [Ord. No. 2020-O-2416](#), § 1, passed 2-10-20, eff. 3-11-20)

## TITLE SEVEN - PARKING

### CHAPTER 351 - PARKING GENERALLY

Footnotes:

--- (12) ---

**Cross reference**— Police may remove ignition key from unattended vehicle—See § 303.03; Parking near stopped fire apparatus—See § 331.27; Lights on parked or stopped vehicles—See § 337.09.

**State Law reference**— Owner nonliability, lease defense—See ORC 4511.071.

351.01 - Police may remove unattended vehicle which obstructs traffic.

Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

351.02 - Registered owner prima-facie liable for unlawful parking.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

### 351.03 - Prohibited standing or parking places.

#### (a)

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

#### (1)

On a sidewalk, curb or street lawn area, except as provided in subsection (b) hereof;

#### (2)

In front of a public or private driveway;

#### (3)

Within an intersection;

#### (4)

Within ten feet of a fire hydrant;

#### (5)

On a crosswalk;

#### (6)

Within 20 feet of a crosswalk at an intersection;

#### (7)

Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;

#### (8)

Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a

traffic control device;

(9)

Within 50 feet of the nearest rail of a railroad crossing;

(10)

Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11)

Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;

(12)

Alongside any vehicle stopped or parked at the edge or curb of a street;

(13)

Upon any bridge or other elevated structure upon a street, or within a street tunnel;

(14)

At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;

(15)

Within one foot of another parked vehicle;

(16)

On the roadway portion of a freeway, expressway or thruway.

(b)

A person shall be permitted, without charge or restriction, to stand or park on a sidewalk, a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, bicycle or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of [Section 331.37](#).

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.68)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

351.04 - Parking near curb; handicapped locations on public and private lots and garages.

(a)

Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of such vehicle parallel with and not more than 12 inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b)

(1)

This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than 25 feet is available for free-moving traffic.

(2)

A.

No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least 25 feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space.

B.

Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

(c)

No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.



(d)

Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagperson is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation.

(e)

Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(f)

(1)

A.

No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (e) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (e) hereof, unless one of the following applies:

1.

The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

2.

The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

B.

Any motor vehicle that is parked in a special marked parking location in violation of subsection (f)(1)A. of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

C.

If a person is charged with a violation of subsection (f)(1)A. of this section, it is an affirmative defense to the charge that the person suffered an injury not more than 72 hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(2)

No person shall stop, stand or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under subsection (e) of this section or at a special clearly marked parking location provided in or on a privately owned parking lot, parking garage, or other parking area and designated in accordance with that subsection.

(g)

When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(h)

As used in this section:

(1)

"Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.

(2)

"Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.

(3)

"Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)

(Ord. 2011-O-1892, Passed 6-13-11)

351.05 - Manner of angle parking.

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

351.06 - Selling, washing or repairing vehicle upon roadway.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

(a)

Displaying such vehicle for sale;

(b)

Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

351.07 - Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.

(a)

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle do not apply to any of the following:

(1)

A motor vehicle that is parked on residential property;

(2)

A motor vehicle that is locked, regardless of where it is parked;

(3)

An emergency vehicle;

(4)

A public safety vehicle. (ORC 4511.661)

351.08 - Opening vehicle door on traffic side.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (ORC 4511.70(C))

351.09 - Truck loading zones.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

351.10 - Bus stops and taxicab stands.

(a)

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately posted, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone, and then only for a period not to exceed three minutes, if such stopping is not prohibited therein by posted signs.

(b)

The operator of a bus shall not stop, stand or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(c)

The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d)

The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

#### 351.11 - Parking in alleys and narrow streets; exceptions.

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

#### 351.12 - Prohibition against parking on streets or highways.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to

such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (ORC 4511.66)

### 351.13 - Parking on posted private property.

If an owner of private property posts on the property in a conspicuous manner, prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(a)

Park a vehicle on the property without the owner's consent;

(b)

Park a vehicle on the property in violation of any condition or regulation posted by the owner. (ORC 4511.681)

### 351.14 - Parking disabled vehicles on streets more than 24 hours.

(a)

No person shall park any disabled vehicle on any public street or highway for more than 24 hours. For purposes of this section "disabled vehicle" means any wheeled device made or designed to move people or things that is unable to perform the function for which it was designed or made.

(b)

Whoever violates this section is guilty of parking a disabled vehicle.

(Ord. 81-O-29, Passed 10-19-81)

### 351.15 - Abandoning vehicles on streets.

(a)

No person, being the owner or keeper of any vehicle, shall abandon such vehicle on any street or highway.

(b)

Whoever violates this section is guilty of abandoning a vehicle.

(Ord. 81-O-29, Passed 10-19-81)

### 351.16 - Parking disabled vehicles on private property more than 72 hours.

(a)

No person, having the right to the possession or control of any real property, shall keep a disabled vehicle on such property for more than 72 hours unless such vehicle is stored in a garage or under a carport. This section does not apply to commercially operated vehicle repair shops, service stations, used vehicle dealers, vehicle salvage yards or any real property used for agricultural purposes.

(b)

Whoever violates this section is guilty of keeping a disabled vehicle on private property.

(Ord. 81-O-29, Passed 10-19-81)

### 351.17 - Prohibited parking of large vehicles.

(a)

No person shall park or let stand upon a street any motor vehicle that exceeds any one of the following measurements: 22 feet in length, seven feet in width, or eight feet in height. All such measurements shall include any load being carried on the vehicle.

(b)

This section shall not apply to the following:

(1)

A public safety vehicle being used in the performance of duties.

(2)

A vehicle owned by this City, by Montgomery or Miami Counties, or by the State of Ohio, or any vehicle being used as part of any public installation, construction or maintenance work.

(3)

A vehicle stopped for the purpose of loading or unloading goods, merchandise or passengers, or while its operator is actually engaged in a commercial service call.

(4)

A vehicle parked temporarily (24 hours or less) due to its being disabled. (See [Section 351.14](#) for restrictions against parking of any disabled vehicle, large or small, for more than 24 hours.)

(5)

Parking that is necessary in connection with construction, development or repair work for which any required permits have been obtained.

(6)

Recreational vehicles parked for purposes of loading, unloading and related activities for up to eight hours in any 24 hour period.

(Ord. 2017-O-2275, Passed 6-26-17)

351.18 - Nonmotorized vehicles not to be parked on streets.

(a)

No vehicle intended to be towed behind a motor vehicle may be parked upon a street unless it is attached to such motor vehicle.

(b)

Even while attached to a motor vehicle, no vehicle intended to be towed may be parked upon a street for more than four consecutive hours.

(c)

This section shall not apply to the following:

(1)

A vehicle owned by this City, by Montgomery or Miami Counties, or by the State of Ohio or any vehicle being used as part of any public installation, construction or maintenance work.

(2)

A vehicle parked temporarily (24 hours or less) due to its being disabled. (See [Section 351.14](#) for restrictions against parking of any disabled vehicle, with or without a motor, for more than 24 hours.)

(3)

Parking that is necessary in connection with construction, development or repair work for which any required permits have been obtained.

(Ord. 87-O-235, Passed 4-20-87)

351.19 - Wheels of parked commercial vehicles to be chocked.

(a)

Any vehicle of the type described in this section, while parked on a public street, shall have at least one wheel on each side chocked both in front and behind such wheel.

(b)



While parked on private property, every such vehicle shall also have at least one wheel on each side chocked both in front and behind such wheel, so as to keep the vehicle from rolling toward the adjoining street or toward any adjoining property.

(c)

These requirements shall apply to every commercial tractor, semitrailer, truck, or any other vehicle required to be commercially licensed.

(Ord. 86-O-224, Passed 12-22-86)

351.20 - Fire lanes and fire hydrants.

(a)

The marking of fire lanes on private property devoted to public use shall be designated and approved by the Fire Chief or his designee.

(1)

The stopping by a motor vehicle in a fire lane is prohibited at all times except for public safety vehicles. Any vehicles stopping in a fire lane as provided in this section may be impounded by a police officer or a fire official of the City in accordance with the Traffic Code. If the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.

(2)

"Stopping by a vehicle" for the purpose of this section is defined as to mean the stopping, obstructing, parking, standing or any arrest of motion of a vehicle irrespective of whether such vehicle is occupied or not and irrespective of the duration of time.

(3)

Traffic signs prohibiting the parking in fire lanes shall consist of such wording as established by the Fire Code, which signs shall be spaced not less than 50 feet nor more than 70 feet apart in the area designated as a fire lane by the Fire Chief. The signs shall be mounted so as to be visible from both directions of travel and shall be installed by the property owner or his designee. If such signs are not posted, the City may at its option install the signs itself and assess the cost of installation against the property owner. Such assessment shall be made by giving notice and requesting payment within 30 days from the receipt of the bill for the installation by the City and if payment is not received within the time, the amount uncollected may be certified to the County Auditor as an assessment against the property. Any signs prohibiting parking within fire lanes which do not conform to the standard design legend as established by the Fire Code shall be removed upon posting of the signs heretofore designated.

(b)

No person shall obstruct the view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets, in access lanes or on private property.

(1)

If on the expiration of the compliance time stated in the notice of violation, obstruction or encroachments are not removed the City may, at its option, remove the obstruction and assess the costs against the property owner. Such assessment shall be made by giving notice requesting payment within 30 days from the receipt of the bill and if payment is not received within that time the amount uncollected may be certified to the County Auditor as an assessment against the property.

(c)

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty shall not be held to prevent other additional remedies as provided by law.

(Ord. 91-O-473, Passed 4-8-91)

351.21 - Removal of vehicles from streets during periods of emergency.

Whenever, in the opinion of the City Manager, there is an actual or threatened local emergency, such as a riot, fire, flood, excessive snowfall, other acts of God, common disaster, or acts of the enemy, the City Manager may require the removal of motor vehicles parked upon affected streets of the City. The City Manager shall inform the public of the aforementioned conditions through reasonable and usual methods of communication. If the owner or operator of the vehicle does not remove it within a reasonable time, the vehicle may be removed by the Police Department.

(Ord. 96-O-933, Passed 11-25-96)

351.22 - Reserved.

**Editor's note—** Ord. No. 2014-O-2095, passed Feb. 24, 2014, repealed [§ 351.22](#), which pertained to snow emergency routes.

351.23 - Leaving motor vehicles on private or public property.

(a)

No person shall leave any motor vehicle, on private residential property for more than four hours without the permission of the person having the right to the possession of the property. For purposes of this section, "private residential property" means private property

on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b)

No person shall leave any motor vehicle on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 72 hours or longer, without permission of the Chief of Police or his designee. The Chief of Police or his designee may grant such permission unless the parking of such vehicle shall be in violation of another provision of [Chapter 351](#), or in the event of [Section 351.22](#) unless the parking of such vehicle may reasonably become in violation of [Section 351.22](#). For purposes of this section, "motor vehicle" shall not include motor vehicles defined as large vehicles under [Section 351.17](#).

(c)

No person shall leave a vehicle at a repair garage or place of storage for a longer period than that agreed upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(d)

Subsection (a) hereof does not apply to any private residential property that is established as a private tow-away zone in accordance with Ohio R.C. 4511.681.

(e)

Nothing contained in this section shall limit the City rights to remove or restrict abandoned junk motor vehicles pursuant to the Ohio Revised Code.

(f)

Whoever violates this section is guilty of a minor misdemeanor. Any motor vehicle in violation of this section may be towed or otherwise removed by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.

(Ord. 2010-O-1854, Passed 12-22-10)

351.99 - Reserved.

**Editor's note—** Former [§ 351.99](#), which pertained to penalty, was repealed in [§ 353.10](#), codified from Ordinance 2011-O-1891, passed June 13, 2011.

## CHAPTER 353 - CIVIL INFRACTIONS VIOLATIONS BUREAU

### 353.01 - Created.

The City Manager is hereby authorized and directed to create within the City of Huber Heights the "The Huber Heights Civil Infractions Violations Bureau" which shall have the jurisdiction over any parking infraction that is in violation of any City parking ordinance and any other civil infractions. The City Manager may create rules and procedures for such Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

### 353.02 - Parking violations as civil infractions.

All parking infractions that are a violation under City Code [Chapter 351](#) and that occur within the City limits of Huber Heights shall be civil infractions handled pursuant to and be governed by this chapter and Ohio R.C. Chapter 4521, when applicable. The provisions of this chapter and all actions taken pursuant to this chapter are civil and remedial in nature and not designed to punish the offender and are not criminal offenses. No violation shall be considered a misdemeanor of any class, and no person shall be arrested for a violation of a parking violation.

(Ord. 2011-O-1891, Passed 6-13-11)

### 353.03 Parking - tickets.

A parking ticket shall be the summons and complaint for purposes of issuing parking ticket citations. Each parking ticket issued shall contain the following information:

(a)

That the person upon whom it is served must answer in relation to the parking infraction charged in the ticket;

(b)

The allowable answers that may be made and that the person will be afforded a hearing if he/she denies committing the parking infraction;

(c)

That any answer must be made to Huber Heights Civil Infractions Violations Bureau, the address for the Bureau, and the time within which an answer is to be made;

(d)

The penalties that may result from failure to timely answer and the fine that arises from the parking infraction; and

(e)

A warning that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking infraction, and that a default civil judgment potentially may be entered against the person and, if different, the owner of the vehicle if the person fails to timely answer or to appear at a requested hearing.

(Ord. 2011-O-1891, Passed 6-13-11)

353.04 - Procedures relative to parking tickets.

(a)

The Officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The Officer shall sign the ticket and affirm the facts it contains. If the operator of the vehicle is present, the Officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the Officer shall insert the word "owner" in the space provided on the ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in subsection (e) hereof, has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission results in the parking infraction, if different, to the same fine and the same penalties for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(b)

The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(c)

An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section, and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner for purposes of this chapter. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction shall not be

considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Ohio R.C. 4521.09.

(d)

Except as provided in Ohio R.C. 4521.09, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine or penalty arising out of the parking infraction.

(Ord. 2011-O-1891, Passed 6-13-11)

353.05 - Answer to charges.

(a)

A person who is served with a parking ticket charging the commission of a parking infraction may answer the charge by personal appearance at the Huber Heights Police Department during normal business hours or by mail. The answer shall be made within ten days of the issuance of the parking ticket (the mailing must be postmarked within ten days of the issuance of the ticket) and shall be:

(1)

An admission that the person committed the parking infraction by payment of the fine or

(2)

A denial that the infraction occurred and a request for a hearing. A denial must be written on the back of the ticket when a denial is entered. Otherwise, the person need only pay the fine to the Clerk.

(b)

When a person denies that he has committed a parking violation, he shall be granted a hearing which shall be civil in nature. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time and place of the hearing. The hearing shall be conducted by the Hearing Examiner in accordance with Ohio R.C. 4521.08 which, in its entirety, is incorporated herein by reference.

(c)

A person who admits that he committed a parking infraction shall pay the fine to the violations clerk of the Bureau to which the answer is made.

(Ord. 2011-O-1891, Passed 6-13-11)

## 353.06 - Failure to answer; procedures.

### (a)

When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and the person fails to answer the charge within the time specified by the local authority, the Huber Heights Civil Infractions Violations Bureau shall issue a notice of infraction and send such notification of infraction as follows:

#### (1)

If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

#### (2)

If the person was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

### (b)

A notification of infraction shall be sent within 12 months after the expiration of the time specified in [Section 353.05](#) for the making of answer, shall be sent by first class mail, and shall contain all of the following:

#### (1)

An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;

#### (2)

An identification of the amount of the fine, penalties, and costs arising out of the parking infraction that are due;

#### (3)

A warning that the person must answer the parking infraction charged in the ticket within 30 days or a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(4)

A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau Hearing Examiner if he denies in his answer that he committed the parking infraction;

(5)

An identification of the manners in which and the entity to which an answer may be made;

(6)

A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(7)

A warning that the registration of the vehicle involved in the parking infraction, if the vehicle is registered in this State, may not be renewed or transferred if a civil judgment or a default civil judgment is entered against the person until the judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.

(c)

A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in [Section 353.05](#). An answer under this section shall be made within 30 days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in [Section 353.05](#) for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provisions of [Section 353.05](#) for answers relative to parking infractions charged in a parking ticket.

(d)

If a person who is issued a notification of infraction fails to timely answer, as provided in subsection (c) hereof, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of the additional penalties prescribed by City Ordinance.

(e)

The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any



other relevant information shall be entered in the records of the Huber Heights Civil Infractions Violations Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

### 353.07 - Proceeds against registration of motor vehicle.

In addition to any other penalty otherwise provided by law, if three or more judgments or default judgments have been entered against a person and the person has not paid the judgments or default judgments within ten days of the date of entry of the third judgment, the Huber Heights Civil Infractions Violations Bureau may give notice of that fact to the Registrar of Motor Vehicles. The notice, if given, shall be given not earlier than 16 days nor later than three years after the date of entry of the third judgment, and shall be in a form and manner, and contain such information, as the Registrar of Motor Vehicles prescribes. The provisions of Ohio R.C. 4521.10 shall govern the vehicular registration issuance.

(Ord. 2011-O-1891, Passed 6-13-11)

### 353.08 - Personnel.

(a)

The Finance Director is hereby appointed Clerk of the Huber Heights Civil Infractions Violations Bureau.

(b)

The City Manager shall have the authority to appoint a Hearing Examiner who shall hear challenges to parking tickets at hearings set by the Huber Heights Civil Infractions Violations Bureau. The Hearing Officer shall be an attorney admitted to the practice of law in Ohio, or formerly employed as a law enforcement officer. At such hearing the rules of evidence need not be strictly followed. The City Manager shall assign such other duties to city personnel as is necessary to properly operate the Civil Infractions Violations Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

### 353.09 - Fines, penalties and costs.

(a)

The City Manager shall adopt a fine schedule for a violation of civil infractions and prescribe an additional penalty or penalties for failure to answer any charges of the violation in a timely manner, provided the fine adopted or additional penalty prescribed does not exceed the fine established by the municipal or county court having territorial jurisdiction over a majority of the City, and provided further that no fine adopted or additional penalty prescribed exceed \$100.00, plus costs and other administrative charges, per violation; unless the fine is for a violation of an ordinance that regulates the standing or

parking of a vehicle in a disability parking space, in which case the fine shall be an amount not less than \$250.00 but not more than \$500.00.

(b)

All fines and penalties established for a parking infraction shall be collected by the Finance Director and paid into the City Treasury.

(c)

The costs of proceedings shall be administratively determined by the City Manager.

(Ord. 2011-O-1891, Passed 6-13-11)

353.10 - Repeal of Section 351.99.

[Section 351.99](#) of the Huber Heights Code is hereby repealed. Provided, however, any parking violation citation issued under [Chapter 351](#) of the Huber Heights Code before the effective date of this section shall remain subject to and governed by the Penalty provisions of [Section 351.99](#).

(Ord. 2011-O-1891, Passed 6-13-11)

## TITLE NINE - PEDESTRIANS, BICYCLES AND MOTORCYCLES

### CHAPTER 371 - PEDESTRIANS

Footnotes:

--- (13) ---

**Cross reference**— Pedestrian defined—See § 301.22; Pedestrian prohibited on freeways—See § 303.06; Obedience to traffic control devices—See § 313.01, 313.03; Pedestrian control signals—See § 313.05.

371.01 - Right-of-way in crosswalk.

(a)

When traffic control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by [Section 313.09](#), to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b)

No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c)

Subsection (a) hereof does not apply under the conditions stated in [Section 371.03\(b\)](#).

(d)

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.46)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

371.02 - Right-of-way of blind person.

(a)

As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

The driver of every vehicle shall yield the right-of-way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b)

No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.47)

### 371.03 - Crossing roadway outside crosswalk; diagonal crossings at intersections.

(a)

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b)

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c)

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d)

No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e)

This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.48)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

371.04 - Moving upon right half of crosswalk.

(a)

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.49)

371.05 - Walking along highways.

(a)

Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b)

Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c)

Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d)

Except as otherwise provided in [Section 313.03](#) and [371.01](#), any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(e)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.50)

### 371.06 - Use of highway for soliciting; riding on outside of vehicles.

(a)

No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b)

(1)

Except as provided in subsection (b)(2) hereof, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(2)

Council, by ordinance, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway, as provided in Ohio R.C. 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only one period or time, which shall be specified in the permit, in any calendar year. Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that Council considers advisable.

(3)

As used herein, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to [Section 501\(c\)\(3\)](#) of the "Internal Revenue Code."

(c)

No person shall hang onto, or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d)

No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e)

No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of 16 years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than 25 miles per hour, unless either of the following applies:

(1)

The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in Ohio R.C. 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2)

An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f)

No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(g)

(1)

Except as otherwise provided in this subsection, whoever violates any provision of subsections (a) to (d) 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 any provision of subsections (a) to (d) of 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 any provision of subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2)

Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

### 371.07 - Right-of-way on sidewalk.

(a)

The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

(b)

Except as otherwise provided in this subsection, whoever violates 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.

If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Ohio R.C. 4511.991. (ORC 4511.441)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

### 371.08 - Yielding to public safety vehicle.

(a)

Upon the immediate approach of a public safety vehicle as stated in [Section 331.21](#), every pedestrian shall yield the right-of-way to the public safety vehicle.

(b)

This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.452)

### 371.09 - Walking on highway while under the influence.



(a)

A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.481)

371.10 - On bridges or railroad crossings.

(a)

No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b)

No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.511)

371.11 - Persons operating motorized wheelchairs.

(a)

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application. (ORC 4511.491)

(b)

Except as otherwise provided in this subsection, whoever violates 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. (ORC 4511.99)

### 371.12 - Electric personal assistive mobility devices.

(a)

(1)

Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2)

Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.

(b)

No operator of an electric personal assistive mobility device shall do any of the following:

(1)

Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;

(2)

Fail to give an audible signal before overtaking and passing a pedestrian;

(3)

Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

A.

A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

B.

A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4)

Operate the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more;

(5)

Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;

(6)

If under 18 years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;

(7)

If under 16 years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is 18 years of age or older and is responsible for the immediate care of the person under 16 years of age.

(c)

No person who is under 14 years of age shall operate an electric personal assistive mobility device.

(d)

No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)

(e)

"Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds has a maximum speed of less than 20 miles per hour. (ORC 4501.01)

(f)

Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:

(1)

The offender shall be fined \$10.00.

(2)

If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.512(B) or (C) or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:

A.

Order the impoundment for not less than one day but not more than 30 days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than \$5.00 per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed \$50.00.

B.

If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than 30 days.

(g)

Whoever violates subsection (d) hereof is guilty of a minor misdemeanor. (ORC 4511.512)

## CHAPTER 373 - MOPEDS AND MOTORCYCLES

Footnotes:

--- (14) ---

**Cross reference**— Motorcycle defined—See § 301.19; Motorcycle operator's license required—See § 335.01(a); Motorcycle headlight—See § 337.03; Motorcycle brakes—See § 337.18(b).

**State Law reference**— Motorcycle protective equipment—See OAC Ch. 4501-17; Moped equipment—See OAC Ch. 4501-23.

373.01 - Code application and definitions.

(a)

The provisions of this Traffic Code which are applicable to mopeds apply whenever a bicycle or electric bicycle, or moped is operated upon any street or upon any path set aside for the exclusive use of bicycles, or mopeds. (ORC 4511.52)

(b)

Every person riding a moped upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle under the provisions of this Traffic Code, except as to special regulations in this chapter and except as to those provisions of this Traffic Code which by their nature can have no application.

(c)

"Motorcycle" has the same meaning as provided in [Section 301.19](#).

(d)

"Moped" has the same meaning as motorized bicycle as provided in [Section 301.04](#)(b).

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

373.02 - Riding upon seats; carrying packages; handle bars; helmets and glasses.

(a)

A person operating a moped or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such moped or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a moped or motorcycle other than upon such a firmly attached and regular seat.

(b)

A person shall ride upon a moped or motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the moped or motorcycle.

(c)

No person operating a moped or motorcycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(d)

No moped or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any moped or motorcycle be operated on a highway when the handle bars or grips are more than 15 inches higher than the seat or saddle for the operator.

(e)

No person shall operate or be a passenger on a motorcycle or operate a moped without using safety glasses or other protective eye device. No person who is under the age of 18 years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a moped or motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action. (ORC 4511.53)

(Ord. 83-O-109, Passed 3-14-83)

### 373.03 - Attaching motorcycle, moped or other device to vehicle.

No person riding upon any motorcycle, moped, coaster, roller skates, sled, skateboard, or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, moped, coaster, roller skates, sled, skateboard, or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle. (ORC 4511.54)

(Ord. 83-O-109, Passed 3-14-83; [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

### 373.04 - Riding mopeds and motorcycles on right side of roadway and abreast.

(a)

Every person operating a moped upon a roadway shall ride as near to the right side of the roadway as practicable, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b)

Persons riding mopeds or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of mopeds or motorcycles. (ORC 4511.55)

(Ord. 83-O-109, Passed 3-14-83)

### 373.05 - Lights, signal devices, brakes on mopeds.

(a)

Every moped when in use at the times specified in [Section 337.02](#) shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Ohio Director of Public Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle and a lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector.

(b)

Every moped shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56)

(Ord. 83-O-109, Passed 3-14-83)

373.06 - Safe riding regulations for mopeds.

(a)

No person operating a moped shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the streets or public places in the City.

(b)

The operator of a moped emerging from an alley, driveway or building, shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(c)

No person shall ride a moped upon a sidewalk within a business district where such sidewalk extends from store front to curb.

(d)

Whenever any person is riding a moped upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

(e)

No person shall operate a moped:

(1)

Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the

lawful use of the streets or sidewalks or any other public or private property.

(2)

Without exercising reasonable and ordinary control over such moped.

(3)

In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(4)

Without both hands upon the handle grips except when necessary to give the required hand and arm signals.

(5)

At a speed greater than is reasonable and prudent under the conditions then existing.

(Ord. 83-O-109, Passed 3-14-83)

373.07 - Parking of moped.

No person shall park a moped upon a street or sidewalk in such a manner so as to obstruct pedestrian or vehicular traffic.

(Ord. 83-O-109, Passed 3-14-83)

373.08 - Impounding of moped.

Members of the Police Department are hereby authorized to seize and impound any moped which is parked in violation of [Section 373.07](#). Any moped so seized and impounded shall be held by the Department until the owner thereof, or, if the owner is a minor, the owner and such owner's parent or guardian, shall appear at the Department and give assurance that such violation shall not be repeated.

(Ord. 83-O-109, Passed 3-14-83)

373.09 - Moped operation, equipment and license.

(a)

No person shall operate a moped upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

(1)



The person possesses a valid license or permit authorizing such operation and which is issued by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4506 or 4507 or Ohio R.C. 4511.521;

(2)

The moped is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;

(3)

The person, if he is under 18 years of age, is wearing a protective helmet on his head with the chin strap properly fastened, and the moped is equipped with a rear-view mirror;

(4)

The person operates the moped when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and

(5)

The moped displays on the rear of such moped the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

(b)

No person operating a moped shall carry another person upon the moped. (ORC 4511.521)

( [Ord. No. 2020-O-2424](#), § 1(Exh. A), 5-11-20)

373.99 - Penalty.

**Editor's note**— See [Section 303.99](#) for misdemeanor classifications and penalties.

## CHAPTER 375 - SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL PURPOSE VEHICLES

Footnotes:

--- (15) ---

**Cross reference**— Street or highway defined—See § 301.42; Required usage of helmets and safety glasses—See § 373.02(f).

**State Law reference**— Lights, brakes and muffler—See OAC Ch. 4501.29; Power of trial court of record to impound registration certificate for certain violations—See Ohio R.C. 4519.47; Power to regulate; municipal licensing prohibited—See Ohio R.C. 4519.48.

## 375.01 - Definitions.

As used in this chapter:

Snowmobile means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.

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. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or 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 301.20](#) of this Traffic Code.

Owner means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

Operator means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.

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)

Interstate highway means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. [103](#), and amendments thereof.

Off-highway motorcycle means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

## 375.02 - Equipment.

(a)

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

(1)

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.

(2)

At least one red taillight 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.

(3)

Adequate brakes. Every snowmobile, while traveling on packed snow, shall 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 40 feet from an initial steady speed of 20 miles per hour, or locking its traction belt.

(4)

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 82 decibels on the "A" scale at 50 feet as measured according to SAE J192 (September 1970).

(b)

No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.

(c)

Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than \$50.00. If the offender within the preceding year previously has committed a violation of subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than \$15.00 nor more than \$100.00, imprisoned not more than three days, or both. (ORC 4519.20)

375.03 - Code application; prohibited operation.

(a)

The applicable provisions of this Traffic Code apply to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no person shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

(1)

On any state highway, including a street or highway except for emergency travel during such time and in such manner as the state or local authority having jurisdiction over such

street or highway designates or except as authorized by Ohio R.C. 4519.41(F), and except as provided in [Section 375.04](#);

(2)

Upon any property owned or leased by the Municipality except in areas designated for such purposes;

(3)

On any 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;

(4)

On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;

(5)

On tracks or right-of-way of any operating railroad;

(6)

While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;

(7)

For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;

(8)

During the time from sunset to sunrise, unless displaying lighted lights as required by [Section 375.02](#).

(b)

Whoever violates this section shall be fined not less than \$50.00 nor more than \$500.00, imprisoned not less than three nor more than 30 days, or both. (ORC 4519.40)

(Ord. No. [2019-O-2382](#), § 1(Exh. A), 7-8-19)

375.04 - Permitted operation.

Snowmobiles, off-highway motorcycles, and all purpose vehicles may be operated as follows:

(a)

To make a crossing of a highway, other than a freeway or limited access highway, 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 whenever the local authority having jurisdiction over such highway 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, off-highway motorcycle, 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 Ohio R.C. 4519.40(A), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;

(e)

On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area. (ORC 4519.41)

375.05 - Licensing requirements of operator.

(a)

No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, or a valid, current driver's license issued by another jurisdiction, shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any street or highway, on any portion of the right-of-way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile, off-highway motorcycle, or all purpose vehicle in violation of [Section 375.03](#).

(b)

No person who is less than 16 years of age shall operate a snowmobile, off-highway motorcycle, 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 18 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 16 years of age and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older.

(c)

Whoever violates this section shall be fined not less than \$50.00 nor more than \$500.00, imprisoned not less than three nor more than 30 days, or both. (ORC 4519.44)

#### 375.06 - Registration of vehicles.

(a)

Except as provided in Ohio R.C 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04.

(b)

Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than \$25.00. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than \$25.00 nor more than \$50.00. (ORC 4519.02)

#### 375.07 - Accident reports.

(a)

The operator of a snowmobile, off-highway motorcycle, 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 \$100.00 shall report the accident within 48 hours to the Chief of Police, and, within 30 days, shall 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, the participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall 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, off-highway motorcycle, or all purpose vehicle shall forward to the Registrar a written report of the accident within 48 hours. (ORC 4519.46)

(b)

Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### 375.08 - Certificate of title.

(a)

No person shall do any of the following:

(1)

Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by Ohio R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2)

Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;

(3)

Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4519;

(4)

Fail to surrender the certificate of title to a clerk of the court of common pleas as provided in Ohio R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;

(5)

Violate any provision of Ohio R.C. 4519.51 to 4519.70 or any lawful rules adopted pursuant to those sections;

(6)

Operate in this Municipality an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(b)

Whoever violates this section shall be fined not more than \$200.00 or imprisoned not more than 90 days, or both. (ORC 4519.66)



## **CHAPTER 303**

### **303.07 - Application to drivers of government vehicles.**

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

### **303.08 - Impounding of vehicles; notice and redemption.**

(a) Whenever any police officer finds a vehicle upon any street, whether or not attended and whether or not being operated, that is owned by someone to whom a traffic ticket (summons) has been issued previously for a violation in this City of State law or any ordinance of this City, and if ten days has passed from the issuance of the ticket with payment of the ticket or posting of bail still being in default or if the owner is in default for failure to appear in court to answer the ticket, such officer may provide for the removal of the vehicle and for its impoundment and storage at an approved garage or other storage location.

(b) Whenever any police officer finds a vehicle unattended and parked in violation of law or any ordinance of this City, such officer may provide for the removal of the vehicle and for its impoundment and storage at an approved garage or other storage location.

(c) To accomplish the purposes of this section, a police officer may secure the services of a private tow truck and operator to remove the vehicle. Any vehicle that has been removed under this section through the direction of a police officer shall be deemed to have been impounded and shall be stored at such locations as may be designated from time to time by the City Manager.

(d) If the owner of the vehicle was not present so as to have personal knowledge of the removal and impounding, notice of such fact shall be mailed to the owner by the Police Department within 24 hours after the vehicle is removed or within eight hours after the Police Department discovers the name and address of the owner, whichever occurs later.

(e) The City shall not be obligated to guard, protect or in any way to care for vehicles or their contents that have been removed and impounded. The City shall have no liability or responsibility whatsoever for any damage inflicted upon, or theft of, any such vehicle or its parts, accessories or contents, by any persons other than employees or agents of the City.

(f) Upon payment of the costs of the tow truck and operator and upon posting of bail in an amount equal to the maximum fine for the traffic violation(s) charged against the vehicle or its owner, the vehicle shall be released to the owner. (Ord. 87-O-237, Passed 4-27-87)

## **CHAPTER 305 - TRAFFIC CONTROL**

### **305.01 - Rules and regulations.**

The Director of Public Safety is hereby authorized to make and issue traffic rules and regulations within the limits of the terms and conditions set forth in Ohio R.C. 737.022 which is incorporated herein by reference.

(Ord. 81-O-20, Passed 9-14-81)

### **305.02 - Authority and considerations for placement of devices.**

The Director of Public Safety is hereby authorized to place and maintain traffic control devices upon any street or highway under his jurisdiction as are necessary to effectuate the provisions of this Traffic Code, or to regulate, warn or guide traffic, and such other traffic control devices as he shall deem necessary for the proper control of traffic. The Director of Public Safety shall determine the location, timing and coordination of such traffic control devices upon the basis of an applicable engineering or traffic investigation and shall consider the following:

- (a) The maximum safety and protection of vehicular and pedestrian traffic from physical injury or property damage.
- (b) The existing and potential traffic movement, volume and conditions.
- (c) The location and frequency of accidents, including studies of remedial measures.
- (d) The recommendations of the Police and Fire Chiefs.
- (e) The acceleration of transportation of persons and property by vehicles so as to expedite travel and promote public safety.
- (f) The convenience and welfare of the general public in parking, standing, loading and unloading, and the use of the streets as affecting business concerns and places of assembly.
- (g) Economy in the expenditure of money.

### **305.03 - Conformity with state manual.**

All traffic control devices placed pursuant to the provisions of this Traffic Code shall conform to the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways, as set forth in Ohio R.C. 4511.09.

### **305.04 - Powers of public safety director.**

The Director of Public Safety is hereby empowered to:

- (a) Designate any street or highway as a through street or highway and require that all vehicles stop or yield the right-of-way as may be required before entering the same; or in residence districts designate certain streets or highways or portions thereof not to be through streets or highways despite the erection of stop signs or other official traffic control devices at intersecting streets.
- (b) Designate any intersection as a stop intersection and require all vehicles to stop at one or more entrances to such intersection.
- (c) Designate any intersection as a yield intersection and require all vehicles to yield the right-of-way as required.

- (d) Designate any street as a one-way street and require that all vehicles thereon be moved in one specific direction.
- (e) Designate and mark lanes to be used by traffic moving in a particular direction regardless of the center line of the roadway.
- (f) Erect signs directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction.
- (g) Designate those portions of any street, where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, by appropriate signs or markings on the street to indicate the beginning and end of such zones. Such zones may be marked by an auxiliary yellow line placed parallel and to the right of the normal center line or offset marked lane line.
- (h) Place markers, buttons or signs within or adjacent to intersections and require that a specific course of direction be traveled by vehicles proceeding in lanes by either permitting, prohibiting or requiring turns at such intersections.
- (i) Install traffic control devices, signals and signs at any location to regulate traffic.
- (j) Establish safety zones, crosswalks, zones of quiet and play streets.
- (k) Close any street or portion thereof to vehicular traffic which is in the process of construction, reconstruction or repair.
- (l) Determine the location of any necessary bus stops and taxicab stands.
- (m) Determine the location and limiting hours of truck loading zones.
- (n) Designate dangerous railroad crossings and erect stop signs thereat.
- (o) Erect "No U Turn" signs at any location to prohibit a vehicle from being turned so as to proceed in the opposite direction.
- (p) Regulate or prohibit the stopping, standing and parking of vehicles on streets, alleys or public property by erecting signs plainly indicating the prohibitions, restrictions or limitations.
- (q) Designate individual parking spaces by markings, which may either be parallel or at a prescribed angle to the curb or edge of the roadway.
- (r) Designate truck routes and streets or parts thereof where either a weight limit restriction or truck exclusion has been imposed by rule or regulation provided such is not in conflict with any legislation.
- (s) Erect signs to prohibit a right or left turn against a steady red signal at any intersection.

### **305.05 - Posting of signs and signals required.**

No provision of this chapter shall be effective until signs, signals, markings or other devices giving notice of such local traffic regulations are posted upon or at the entrance to the street or part thereof affected, as may be most appropriate, so that in a proper position they are sufficiently legible to be seen by an ordinarily observant person.

### **305.06 - Director's powers not limited.**

The powers of the Director of Public Safety shall not be limited by the specific enumeration of subjects contained in this chapter.

### **305.07 - Records of director.**

The Director of Public Safety shall keep a record of all rules, regulations and proceedings promulgated in connection with this chapter.

### **305.08 - Reservation of power to council.**

Notwithstanding the provisions of this chapter, Council may override any decision of the Director of Public Safety and may assume any of the powers delegated to the Director, by legislation adopted by a vote of a majority of the members duly elected thereto. Upon the adoption of any such legislation, the same may be changed only by amending or repealing legislation adopted by Council.

### **305.09 - Violations subject to misdemeanor classification.**

Except as otherwise provided, any person violating the rules and regulations promulgated in connection with this chapter is guilty of a misdemeanor which shall be classified as provided in [Section 303.99](#).

## **CHAPTER 311**

### **311.02 - Parades and assemblages.**

(a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the Police Chief.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if:

(1) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.

(2) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.

(3) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.

(4) The parade would unreasonably interfere with another parade for which a permit has been issued.

(5) The information contained in the application is found to be false, misleading or incomplete in any material detail.

(6) An emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **311.03 - Toy vehicles on streets.**

(a) No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk and except on streets set aside as play streets.

(b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

## **CHAPTER 331**

### **331.34 - Failure to control; weaving; full time and attention.**

- (a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.
- (b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.
- (c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.
- (d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **331.36 - Squealing tires, "peeling," cracking exhaust noises.**

- (a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".
- (b) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### **331.41 - Shortcutting; avoiding traffic control devices.**

- (a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.
- (b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.
- (c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.
- (d) Except as otherwise provided in this subsection, whoever violates 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.

### **331.44 - Driving on Brandt Pike Busway.**

- (a) The busway between Brandt Pike and the Brandt Pike Access Road 300 feet south of Stonehurst Drive ("Brandt Pike Busway") is hereby declared to be restricted to travel by RTA buses, public safety vehicles and other vehicles described in [Section 303.04](#). No person shall operate any other vehicle over this Brandt Pike Busway.
- (b) Whoever violates this section is guilty of operating an unauthorized vehicle on the Brandt Pike Busway.
- (c) Whoever violates this section is guilty of a misdemeanor of the first degree.

(Ord. 92-O-532, Passed 2-24-92)

## CHAPTER 337

### 337.25 - Air cleaner required.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

(c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.

### 337.31 - Sound amplification devices in motor vehicles.

(a) *Definitions.*(1) "Sound amplification device" includes, but shall not be limited to, the following: any radio, tape cassette or disc player, such as a "boom box" or other audio sound system, receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproducing of sound.

(b) *Playing of Sound Amplification Devices.*

(1) Noise levels.

A. No person shall operate any sound amplification device in a motor vehicle while on any street, highway, or property open to the public for vehicular traffic within the City in such a manner as to be plainly audible at a distance of 25 feet or more from the noise source.

B. No person shall operate any sound amplification device in a public place or while on any street, highway, or property open to the public for vehicular traffic within the City so as to cause a noise level in excess of 80 dB(A). Such noise level limits shall be based on a distance of not less than 15 feet from the noise source.

(2) This chapter shall not apply to any of the following circumstances:

A. The sound amplification device is being operated in a motor vehicle to request medical or vehicular assistance or to warn others of a hazardous road, vehicle operating, or traffic safety condition.

B. The sound amplification device is an anti-theft device being operated in a motor vehicle to deter theft or vandalism of the motor vehicle.

C. The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run.

D. The motor vehicle is owned and operated by the State of Ohio, a political subdivision of the State of Ohio, or by a public utility.

E. The motor vehicle is participating in a parade for which the sponsors of the parade have obtained the proper permits.

F. The sound amplification device is being operated as a requirement of federal or state law.

(3) Whoever violates this subsection is guilty of a minor misdemeanor for the first offense, a fourth degree misdemeanor for any second offense occurring within six months of a first offense, and a third degree misdemeanor for subsequent offenses occurring within six months of a previous offense. No portion of the fine may be suspended and no imprisonment shall be imposed.(Ord. 2011-O-1881, Passed 4-25-11)



## CHAPTER 339

### **339.021 - Load limits on Endicott, Rip Rap and Powell Roads.**

(a) No vehicle, load, object or structure shall be operated or moved over or upon those portions of Endicott, Rip Rap or Powell Roads shown on Exhibit A attached to original Ordinance 98-O-1084 at any time having a gross weight of over 16,000 pounds (exclusive of the vehicle), excepting those vehicles, loads, objects or structures specifically excluded from this section by subsection (c) hereof.

(b) The City Manager, upon application in writing by the owner or person having charge thereof, may grant a permit for the moving of vehicles, loads, objects or structures across Endicott, Rip Rap or Powell Roads in excess of the limits set forth in subsection (a) hereof where the party shows evidence of a need for such traffic and no reasonable alternative to the route. Such permit shall be in writing and shall include such conditions and restrictions as in the judgment of the City Manager are reasonably necessary for the preservation and protection of the streets. At his/her discretion, the City Manager may require reasonable surety for the cost of restoring any streets that have been damaged or destroyed by such moving. The decision of the City Manager shall be a final appealable order.

(c) The prohibition contained in subsection (a) hereof shall not apply to:

(1) Safety and service department vehicles, loads, objects or structures owned by the City or owned and operated by municipalities having a mutual aid agreement in effect with the City which are being used in public service or

(2) Contractors hauling for the City pursuant to specifications provided by the City wherein the City has provided adequate safeguards in its specifications for protection of its roadways.

(d) The City Manager or his designee is authorized to install signage and to take other steps necessary to enforce this section.

(e) Whoever violates any provision of this section is guilty of the following offenses and shall be subject to the following penalties.

(1) For the first offense, a minor misdemeanor.

(2) For the second offense, occurring not later than two years after the first offense, a misdemeanor of the fourth degree.

(3) For the third offense and each subsequent offense, occurring not later than two years after the first offense, a misdemeanor of the third degree.

(Ord. 98-O-1084, Passed 12-14-98)

### **339.09 - Shifting load; loose loads.**

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by [Section 337.08](#).

(c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.



## CHAPTER 343 - GOLF CARTS

### 343.01 - Definitions.

A "golf cart" is a motor vehicle as the term is defined under Ohio R.C. 4501.01(B). This section may also apply to other under-speed vehicles at the discretion of the Chief of Police based on the definitions set forth in the Ohio Revised Code, as amended from time to time. (Ord. No. 2018-O-2332, § 2, 7-23-18)

### 343.02 - Restrictions.

No person shall operate a golf cart on the streets within the City of Huber Heights unless the golf cart has first passed an inspection by the Chief of Police or designee for compliance with the State of Ohio's requirements that are applicable to motor vehicles and such golf cart contains all equipment required by this chapter. (Ord. No. 2018-O-2332, § 3, 7-23-18)

### 343.03 - Equipment.

A list of equipment required for safe operation by the Ohio R.C. Chapter 4513 shall be maintained at the Police Division, and shall include:

(a) Two working headlights. (b) At least one working taillight and one working brake light. (c) Directional signals. (d) A rearview mirror. (e) A white light illuminating the rear license plate legible from a distance of 50 feet. (f) A working horn. (g) Windshield made of glass or safety glass. (h) Two license plates; one in the front and one in the rear; bracketed to the cart. (i) One seat belt per occupant. (Ord. No. 2018-O-2332, § 4, 7-23-18)

### 343.04 - Licensing requirements of operator.

(a) No person who is less than 16 years of age shall operate a golf cart on the streets of the City. (b) The operator of a golf cart on permitted streets within the City must hold a valid current motor vehicle driver's license. (c) No person who is the owner or operator of a golf cart shall fail to display, in plain view on the front and rear of the golf cart, the distinctive number and registration mark, including any county identification sticker and any validation sticker. (Ord. No. 2018-O-2332, § 5, 7-23-18)

### 343.05 - City Inspection.

(a) No person shall operate a golf cart on the streets within the City unless the golf cart has been inspected for compliance with the State of Ohio statutory requirements that are applicable to motor vehicles and the Codified Ordinances of the City entitling the owner or operator to secure a title and license for the golf cart. (b) The owner of the golf cart shall provide proof of insurance at the time of inspection. (Ord. No. 2018-O-2332, § 6, 7-23-18)

### 343.06 - Usage and Restrictions; Waiver.

(a) No golf carts shall be permitted to travel on any City street where the speed limit is greater than 25 mph. Golf carts will be permitted to cross intersections with higher speeds, so long as they remain on a street that has a posted speed limit of 25 mph or less. (b) Occupants of golf carts shall be seated at all times on the seat of the golf cart buckled by the seat belt when the golf cart is on and in motion. Standing on any portion of the golf cart while it is in motion is prohibited. (c) Any child who falls under the child restraint criteria set by Ohio R.C. 4511.81 is prohibited from being a passenger in a golf cart operated on any City street, right-of-way, or public area in the City of Huber Heights. (d) No person shall operate a golf cart on sidewalks. (e) Golf carts must be operated in accord with all State of Ohio traffic laws in addition to all applicable sections of the City of Huber Heights Codified Ordinances. (f) The provisions of this section may be waived during a limited period of special events for which the operators of golf carts have received prior approval for the use of golf carts from the City's Chief of Police or designee. (Ord. No. 2018-O-2332, § 7, 7-23-18)

### 343.99 - Penalty.

Whoever violates the provisions of this Chapter is guilty of a minor misdemeanor on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; and for subsequent offenses within one year after the first offense, the person is guilty of a misdemeanor of the third degree. (Ord. No. 2018-O-2332, § 8, 7-23-18)

## **CHAPTER 344. - OPERATION RESTRICTED FOR LOW-SPEED, MINI-TRUCKS AND UTILITY VEHICLES**

### **344.01 - Definitions.**

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 20 miles per hour but not more than 25 miles per hour and with a gross vehicle weight rating less than 3,000 pounds as defined in Ohio R.C. 4501.01(WW).

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, as defined in Ohio R.C. 4501.01(BBB).

Utility vehicle means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities, as defined in Ohio R.C. 4501.01(VV).

Low speed vehicles, mini trucks and utility vehicles do not include under speed vehicles, such as golf carts, as defined in Ohio R.C. 4501.01(XX).

( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

### **344.02 - Equipment.**

(a)Low speed vehicles and mini-trucks operated on the streets, highways, and public property within the corporate limits of the city, shall have a minimum of the following functional equipment thereon:

- (1) At least one working rear red colored tail light;
- (2) License plates in the front and rear of the low-speed or under-speed vehicle, bracketed to the vehicle;
- (3) At least two working brake lights;
- (4) Two headlights, white or clear in color;
- (5) A rearview mirror;
- (6) A windshield;
- (7) Turn signals;
- (8) A horn;
- (9) Brakes sufficient to stop within 40 feet;
- (10) An emergency brake sufficient to hold the vehicle on any grade;
- (11) A properly working steering mechanism;
- (12) Appropriate tires free of major bumps, bulges, breaks, or other unsafe condition;
- (13) Working exhaust system if the vehicle has an internal combustion engine. ( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

### **344.03 - Licensing Requirements of Operator.**

(a)The operator of a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city shall have a valid driver's license;

(b)The operator of a low speed vehicle or mini-truck on public roadways or on public property in the city shall be no less than 16 years of age. ( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

### **344.04 - Insurance Requirements of Owner and Operator.**

(a)The owner of a low speed vehicle or mini-truck that is driven on public roadways or on public property within the corporate limits of the city shall maintain proof of financial responsibility thereon as required by the Ohio Revised Code.

(b)The operator of a low speed vehicle or mini-truck that is driven on public roadways or on public property within the corporate limits of the city shall have in the driver's possession proof of insurance while operating the

low speed vehicle, under-speed vehicle, or mini-truck. (Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

#### 344.05 - Inspection and Title Requirements.

(a) No person shall operate a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city without first obtaining an inspection by the Chief of Police of the city, or the law enforcement official of another jurisdiction within the State of Ohio.

(b) No person shall operate a low speed vehicle or mini-truck on public roadways or on public property within the corporate limits of the city without first obtaining a Certificate of Title from the Clerk of Courts.

(c) If the Chief of Police of the city, or his designee, or another agent designated and approved by the State of Ohio, determines that the low speed vehicle or mini-truck complies with the State of Ohio's statutory requirements that are applicable to motor vehicles, the Chief of Police of the city shall issue the owner or operator a certificate of compliance entitling the owner or operator to operate the low speed vehicle or mini-truck on the streets within the corporate limits of the city. The owner or operator shall also show the Chief of Police of the city or his designee, proof of liability insurance for the low speed vehicle or mini-truck before a certificate of compliance is issued. Any certificate issued pursuant to this section by the Chief of Police of the city shall expire upon the transfer or sale of the low speed vehicle or mini-truck. The Chief of Police of the city shall keep a copy of each certificate issued pursuant to this section. The owner or operator of any low speed vehicle or mini-truck shall keep a copy of any certificate issued pursuant to this section inside the low speed vehicle or mini-truck to which it pertains. ( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

#### 344.06 - Restrictions.

(a) No person shall operate a low speed vehicle or mini-truck upon any street within the corporate limits of the city where the posted speed limit exceeds 35 miles per hour, excepting that no low speed vehicle or mini-truck shall be operated on S.R. 201 or S.R. 202. An operator of a low speed vehicle or mini-truck may cross intersections only at such intersections in which the posted speed limit is 35 miles per hour or less. The operator of a low speed vehicle or mini-truck shall comply with all other applicable laws.

(b) The provisions of this section may be waived during a limited period of special events for which the operators of low speed vehicles or mini-trucks have received prior approval for the use of the vehicle in conjunction with the special events from the City's Chief of Police or designee. ( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

#### 344.07 - Utility Vehicles.

(a) A state park or political subdivision employee or volunteer may operate 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.

(b) A person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in Ohio R.C. 4513.11. ( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

#### 344.08 - Penalty.

Except as otherwise provided, whoever violates any provision of this chapter 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.

( Ord. No. 2020-O-2416 , § 1, passed 2-10-20, eff. 3-11-20)

## CHAPTER 351

### **351.05 - Manner of angle parking.**

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

### **351.06 - Selling, washing or repairing vehicle upon roadway.**

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

### **351.07 - Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels.**

(a) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway. The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle do not apply to any of the following:

- (1) A motor vehicle that is parked on residential property;
- (2) A motor vehicle that is locked, regardless of where it is parked;
- (3) An emergency vehicle;
- (4) A public safety vehicle. (ORC 4511.661)

### **351.11 - Parking in alleys and narrow streets; exceptions.**

No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when directed to by a police officer or traffic control signal.

Except as otherwise provided by law, no person shall stop, stand or park a vehicle within an alley except while actually loading and unloading, and then only for a period not to exceed 30 minutes.

### **351.14 - Parking disabled vehicles on streets more than 24 hours.**

(a) No person shall park any disabled vehicle on any public street or highway for more than 24 hours. For purposes of this section "disabled vehicle" means any wheeled device made or designed to move people or things that is unable to perform the function for which it was designed or made.

- (b) Whoever violates this section is guilty of parking a disabled vehicle.  
(Ord. 81-O-29, Passed 10-19-81)

### **351.15 - Abandoning vehicles on streets.**

(a) No person, being the owner or keeper of any vehicle, shall abandon such vehicle on any street or highway.

- (b) Whoever violates this section is guilty of abandoning a vehicle.  
(Ord. 81-O-29, Passed 10-19-81)

### **351.16 - Parking disabled vehicles on private property more than 72 hours.**

(a) No person, having the right to the possession or control of any real property, shall keep a disabled vehicle on such property for more than 72 hours unless such vehicle is stored in a garage or under a carport. This section does not apply to commercially operated vehicle repair shops, service stations, used vehicle dealers, vehicle salvage yards or any real property used for agricultural purposes.

- (b) Whoever violates this section is guilty of keeping a disabled vehicle on private property.  
(Ord. 81-O-29, Passed 10-19-81)

### **351.17 - Prohibited parking of large vehicles.**

(a) No person shall park or let stand upon a street any motor vehicle that exceeds any one of the following measurements: 22 feet in length, seven feet in width, or eight feet in height. All such measurements shall include any load being carried on the vehicle.

- (b) This section shall not apply to the following:

- (1) A public safety vehicle being used in the performance of duties.

- (2) A vehicle owned by this City, by Montgomery or Miami Counties, or by the State of Ohio, or any vehicle being used as part of any public installation, construction or maintenance work.
- (3) A vehicle stopped for the purpose of loading or unloading goods, merchandise or passengers, or while its operator is actually engaged in a commercial service call.
- (4) A vehicle parked temporarily (24 hours or less) due to its being disabled. (See [Section 351.14](#) for restrictions against parking of any disabled vehicle, large or small, for more than 24 hours.)
- (5) Parking that is necessary in connection with construction, development or repair work for which any required permits have been obtained.
- (6) Recreational vehicles parked for purposes of loading, unloading and related activities for up to eight hours in any 24 hour period.(Ord. 2017-O-2275, Passed 6-26-17)

**351.18 - Nonmotorized vehicles not to be parked on streets.**

- (a) No vehicle intended to be towed behind a motor vehicle may be parked upon a street unless it is attached to such motor vehicle.
- (b) Even while attached to a motor vehicle, no vehicle intended to be towed may be parked upon a street for more than four consecutive hours.
- (c) This section shall not apply to the following:
  - (1) A vehicle owned by this City, by Montgomery or Miami Counties, or by the State of Ohio or any vehicle being used as part of any public installation, construction or maintenance work.
  - (2) A vehicle parked temporarily (24 hours or less) due to its being disabled. (See [Section 351.14](#) for restrictions against parking of any disabled vehicle, with or without a motor, for more than 24 hours.)
  - (3) Parking that is necessary in connection with construction, development or repair work for which any required permits have been obtained.(Ord. 87-O-235, Passed 4-20-87)

**351.19 - Wheels of parked commercial vehicles to be chocked.**

- (a) Any vehicle of the type described in this section, while parked on a public street, shall have at least one wheel on each side chocked both in front and behind such wheel.
- (b) While parked on private property, every such vehicle shall also have at least one wheel on each side chocked both in front and behind such wheel, so as to keep the vehicle from rolling toward the adjoining street or toward any adjoining property.
- (c) These requirements shall apply to every commercial tractor, semitrailer, truck, or any other vehicle required to be commercially licensed.(Ord. 86-O-224, Passed 12-22-86)

**351.20 - Fire lanes and fire hydrants.**

- (a) The marking of fire lanes on private property devoted to public use shall be designated and approved by the Fire Chief or his designee.
  - (1) The stopping by a motor vehicle in a fire lane is prohibited at all times except for public safety vehicles. Any vehicles stopping in a fire lane as provided in this section may be impounded by a police officer or a fire official of the City in accordance with the Traffic Code. If the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.
  - (2) "Stopping by a vehicle" for the purpose of this section is defined as to mean the stopping, obstructing, parking, standing or any arrest of motion of a vehicle irrespective of whether such vehicle is occupied or not and irrespective of the duration of time.
  - (3) Traffic signs prohibiting the parking in fire lanes shall consist of such wording as established by the Fire Code, which signs shall be spaced not less than 50 feet nor more than 70 feet apart in the area designated as a fire lane by the Fire Chief. The signs shall be mounted so as to be visible from both directions of travel and shall be installed by the property owner or his designee. If such signs are not posted, the City may at its option install the signs itself and assess the cost of installation against the property owner. Such assessment shall be made by giving notice and requesting payment within 30 days from the receipt of the bill for the installation by the City and if payment is not received within the time, the amount uncollected may be certified to the County Auditor as an assessment against the property. Any signs prohibiting parking within fire lanes which do not conform to the standard design legend as established by the Fire Code shall be removed upon posting of the signs heretofore designated.
- (b) No person shall obstruct the view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets, in access lanes or on private property.

(1)

If on the expiration of the compliance time stated in the notice of violation, obstruction or encroachments are not removed the City may, at its option, remove the obstruction and assess the costs against the property owner. Such assessment shall be made by giving notice requesting payment within 30 days from the receipt of the bill and if payment is not received within that time the amount uncollected may be certified to the County Auditor as an assessment against the property.

(c) The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified each day that prohibited conditions are maintained shall constitute a separate offense. The application of any penalty shall not be held to prevent other additional remedies as provided by law. (Ord. 91-O-473, Passed 4-8-91)

### **351.21 - Removal of vehicles from streets during periods of emergency.**

Whenever, in the opinion of the City Manager, there is an actual or threatened local emergency, such as a riot, fire, flood, excessive snowfall, other acts of God, common disaster, or acts of the enemy, the City Manager may require the removal of motor vehicles parked upon affected streets of the City. The City Manager shall inform the public of the aforementioned conditions through reasonable and usual methods of communication. If the owner or operator of the vehicle does not remove it within a reasonable time, the vehicle may be removed by the Police Department. (Ord. 96-O-933, Passed 11-25-96)

### **351.22 - Reserved.**

**Editor's note**— Ord. No. 2014-O-2095, passed Feb. 24, 2014, repealed [§ 351.22](#), which pertained to snow emergency routes.

### **351.23 - Leaving motor vehicles on private or public property.**

(a) No person shall leave any motor vehicle, on private residential property for more than four hours without the permission of the person having the right to the possession of the property. For purposes of this section, "private residential property" means private property on which is located one or more structures that are used as a home, residence, or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence, or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(b) No person shall leave any motor vehicle on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 72 hours or longer, without permission of the Chief of Police or his designee. The Chief of Police or his designee may grant such permission unless the parking of such vehicle shall be in violation of another provision of [Chapter 351](#), or in the event of [Section 351.22](#) unless the parking of such vehicle may reasonably become in violation of [Section 351.22](#). For purposes of this section, "motor vehicle" shall not include motor vehicles defined as large vehicles under [Section 351.17](#).

(c) No person shall leave a vehicle at a repair garage or place of storage for a longer period than that agreed upon by the owner of such garage or place of storage and the owner or person in custody or control of such vehicle.

(d) Subsection (a) hereof does not apply to any private residential property that is established as a private tow-away zone in accordance with Ohio R.C. 4511.681.

(e) Nothing contained in this section shall limit the City rights to remove or restrict abandoned junk motor vehicles pursuant to the Ohio Revised Code.

(f) Whoever violates this section is guilty of a minor misdemeanor. Any motor vehicle in violation of this section may be towed or otherwise removed by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. (Ord. 2010-O-1854, Passed 12-22-10)

### **351.99 - Reserved.**



## CHAPTER 353

### CHAPTER 353 - CIVIL INFRACTIONS VIOLATIONS BUREAU

#### **353.01 - Created.**

The City Manager is hereby authorized and directed to create within the City of Huber Heights the "The Huber Heights Civil Infractions Violations Bureau" which shall have the jurisdiction over any parking infraction that is in violation of any City parking ordinance and any other civil infractions. The City Manager may create rules and procedures for such Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

#### **353.02 - Parking violations as civil infractions.**

All parking infractions that are a violation under City Code [Chapter 351](#) and that occur within the City limits of Huber Heights shall be civil infractions handled pursuant to and be governed by this chapter and Ohio R.C. Chapter 4521, when applicable. The provisions of this chapter and all actions taken pursuant to this chapter are civil and remedial in nature and not designed to punish the offender and are not criminal offenses. No violation shall be considered a misdemeanor of any class, and no person shall be arrested for a violation of a parking violation.

(Ord. 2011-O-1891, Passed 6-13-11)

#### **353.03 Parking - tickets.**

A parking ticket shall be the summons and complaint for purposes of issuing parking ticket citations. Each parking ticket issued shall contain the following information:

(a)

That the person upon whom it is served must answer in relation to the parking infraction charged in the ticket;

(b)

The allowable answers that may be made and that the person will be afforded a hearing if he/she denies committing the parking infraction;

(c)

That any answer must be made to Huber Heights Civil Infractions Violations Bureau, the address for the Bureau, and the time within which an answer is to be made;

(d)

The penalties that may result from failure to timely answer and the fine that arises from the parking infraction; and

(e)

A warning that failure to timely answer or to appear at a requested hearing will be considered an admission of the parking infraction, and that a default civil judgment potentially may be entered against the person and, if different, the owner of the vehicle if the person fails to timely answer or to appear at a requested hearing.

(Ord. 2011-O-1891, Passed 6-13-11)

#### **353.04 - Procedures relative to parking tickets.**

(a)

The Officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The Officer shall sign the ticket and affirm the facts it contains. If the operator of the vehicle is present, the Officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the Officer shall insert the word "owner" in the space provided on the ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place. Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in subsection (e) hereof, has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission results in the parking infraction, if different, to the same fine and the same penalties for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(b)

The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(c)

An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section, and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner for purposes of this chapter. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Ohio R.C. 4521.09.

(d)

Except as provided in Ohio R.C. 4521.09, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine or penalty arising out of the parking infraction.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.05 - Answer to charges.**

(a)

A person who is served with a parking ticket charging the commission of a parking infraction may answer the charge by personal appearance at the Huber Heights Police Department during normal business hours or by mail. The answer shall be made within ten days of the issuance of the parking ticket (the mailing must be postmarked within ten days of the issuance of the ticket) and shall be:

(1)

An admission that the person committed the parking infraction by payment of the fine or

(2)

A denial that the infraction occurred and a request for a hearing. A denial must be written on the back of the ticket when a denial is entered. Otherwise, the person need only pay the fine to the Clerk.

(b)

When a person denies that he has committed a parking violation, he shall be granted a hearing which shall be civil in nature. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time and place of the hearing. The hearing shall be conducted by the Hearing Examiner in accordance with Ohio R.C. 4521.08 which, in its entirety, is incorporated herein by reference.

(c)

A person who admits that he committed a parking infraction shall pay the fine to the violations clerk of the Bureau to which the answer is made.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.06 - Failure to answer; procedures.**

(a)

When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and the person fails to answer the charge within the time specified by the local authority, the Huber Heights Civil Infractions Violations Bureau shall issue a notice of infraction and send such notification of infraction as follows:

(1)

If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2)

If the person was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(b)



A notification of infraction shall be sent within 12 months after the expiration of the time specified in [Section 353.05](#) for the making of answer, shall be sent by first class mail, and shall contain all of the following:

(1)

An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;

(2)

An identification of the amount of the fine, penalties, and costs arising out of the parking infraction that are due;

(3)

A warning that the person must answer the parking infraction charged in the ticket within 30 days or a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(4)

A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau Hearing Examiner if he denies in his answer that he committed the parking infraction;

(5)

An identification of the manners in which and the entity to which an answer may be made;

(6)

A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(7)

A warning that the registration of the vehicle involved in the parking infraction, if the vehicle is registered in this State, may not be renewed or transferred if a civil judgment or a default civil judgment is entered against the person until the judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.

(c)

A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in [Section 353.05](#). An answer under this section shall be made within 30 days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in [Section 353.05](#) for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provisions of [Section 353.05](#) for answers relative to parking infractions charged in a parking ticket.

(d)

If a person who is issued a notification of infraction fails to timely answer, as provided in subsection (c) hereof, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of the additional penalties prescribed by City Ordinance.

(e)

The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the Huber Heights Civil Infractions Violations Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.07 - Proceeds against registration of motor vehicle.**

In addition to any other penalty otherwise provided by law, if three or more judgments or default judgments have been entered against a person and the person has not paid the judgments or default judgments within ten days of the date of entry of the third judgment, the Huber Heights Civil Infractions Violations Bureau may give notice of that fact to the Registrar of Motor Vehicles. The notice, if given, shall be given not earlier than 16 days nor later than three years after the date of entry of the third judgment, and shall be in a form and manner, and contain such information, as the Registrar of Motor Vehicles prescribes. The provisions of Ohio R.C. 4521.10 shall govern the vehicular registration issuance.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.08 - Personnel.**

(a)

The Finance Director is hereby appointed Clerk of the Huber Heights Civil Infractions Violations Bureau.

(b)

The City Manager shall have the authority to appoint a Hearing Examiner who shall hear challenges to parking tickets at hearings set by the Huber Heights Civil Infractions Violations Bureau. The Hearing Officer shall be an attorney admitted to the practice of law in Ohio, or formerly employed as a law enforcement officer. At such hearing the rules of evidence need not be strictly followed. The City Manager shall assign such other duties to city personnel as is necessary to properly operate the Civil Infractions Violations Bureau.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.09 - Fines, penalties and costs.**

(a)

The City Manager shall adopt a fine schedule for a violation of civil infractions and prescribe an additional penalty or penalties for failure to answer any charges of the violation in a timely manner, provided the fine adopted or additional penalty prescribed does not exceed the fine established by the municipal or county court having territorial jurisdiction over a majority of the City, and provided further that no fine adopted or additional penalty prescribed exceed \$100.00, plus costs and other administrative charges, per violation; unless the fine is for a violation of an ordinance that regulates the standing or parking of a vehicle in a disability parking space, in which case the fine shall be an amount not less than \$250.00 but not more than \$500.00.

(b)

All fines and penalties established for a parking infraction shall be collected by the Finance Director and paid into the City Treasury.

(c)

The costs of proceedings shall be administratively determined by the City Manager.

(Ord. 2011-O-1891, Passed 6-13-11)

### **353.10 - Repeal of Section 351.99.**

[Section 351.99](#) of the Huber Heights Code is hereby repealed. Provided, however, any parking violation citation issued under [Chapter 351](#) of the Huber Heights Code before the effective date of this section shall remain subject to and governed by the Penalty provisions of [Section 351.99](#).

(Ord. 2011-O-1891, Passed 6-13-11)

## CHAPTER 373

### **373.06 - Safe riding regulations for mopeds.**

(a)

No person operating a moped shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the streets or public places in the City.

(b)

The operator of a moped emerging from an alley, driveway or building, shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on such sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(c)

No person shall ride a moped upon a sidewalk within a business district where such sidewalk extends from store front to curb.

(d)

Whenever any person is riding a moped upon a sidewalk, such person shall yield the right-of-way to any pedestrian.

(e)

No person shall operate a moped:

(1)

Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property.

(2)

Without exercising reasonable and ordinary control over such moped.

(3)

In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(4)

Without both hands upon the handle grips except when necessary to give the required hand and arm signals.

(5)

At a speed greater than is reasonable and prudent under the conditions then existing.

(Ord. 83-O-109, Passed 3-14-83)

### **373.07 - Parking of moped.**

No person shall park a moped upon a street or sidewalk in such a manner so as to obstruct pedestrian or vehicular traffic.

(Ord. 83-O-109, Passed 3-14-83)

### **373.08 - Impounding of moped.**

Members of the Police Department are hereby authorized to seize and impound any moped which is parked in violation of [Section 373.07](#). Any moped so seized and impounded shall be held by the Department until the owner thereof, or, if the owner is a minor, the owner and such owner's parent or guardian, shall appear at the Department and give assurance that such violation shall not be repeated.

**CITY OF HUBER HEIGHTS ORDINANCE REVIEW COMMISSION**  
**2020-2021 MEETING DATES AND TOPICS**

<b>MEETING DATE</b>	<b>TOPIC(S)</b>
October 21, 2020	Organizational Meeting
November 18, 2020	Part 1 – Administrative Code
December 16, 2020	Part 1 – Administrative Code
January 20, 2021	Part 3 – Traffic Code
February 17, 2021	Part 5 – General Offense Code Part 7 – Business Regulation Code
March 17, 2021	Part 9 – Streets and Public Services Code
April 21, 2021	Part 9 – Streets and Public Services Code
May 19, 2021	Part 11 – Planning and Zoning Code
June 16, 2021	Part 11 – Planning and Zoning Code
July 21, 2021	Part 13 – Building Code
August 18, 2021	Part 15 – Fire Prevention Code
September 15, 2021	City Ordinance/Resolution Logs
October 20, 2021	Ordinance Review Commission Final Report