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CHAPTER 301: DEFINITIONS

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§ 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. ('70 Code, § 301.01)

§ 301.02 AGRICULTURAL TRACTOR. 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. (R.C. § 4511.01(J)) ('70 Code, § 301.02)

§ 301.03 ALLEY. 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. (R.C. § 4511.01(XX)) ('70 Code, § 301.03)

§ 301.04 BICYCLE. Every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride, having either two tandem wheels or one wheel in the front and two wheels in the rear, any of which is more than 14 inches in diameter. (R.C. § 4511.01(G)) ('70 Code, § 301.04)

§ 301.05 BUS. Every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement 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. (R.C. § 4511.01(L)) ('70 Code, § 301.05)

§ 301.06 BUSINESS DISTRICT; DOWNTOWN BUSINESS DISTRICT.

(A) ***BUSINESS DISTRICT.*** The territory fronting upon a street or highway, including the street or highway, between successive intersections where 50% or more of the frontage between such successive intersections is occupied by buildings in use for business, or where 50% 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. (R.C. § 4511.01(NN))

(B) ***DOWNTOWN BUSINESS DISTRICT.*** Those streets delineated on the Marion City Map attached as Exhibit A of Ord. 1990-120 upon which this section is based. (Ord. 1990-120, passed 11-26-90) ('70 Code, § 301.06)

§ 301.07 COMMERCIAL TRACTOR. 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. (R.C. § 4511.01(I)) ('70 Code, § 301.07)

§ 301.08 CONTROLLED-ACCESS HIGHWAY. 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. (R.C. § 4511.01(CC)) ('70 Code, § 301.08)

§ 301.09 CROSSWALK.

(1) 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;

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

(3) Notwithstanding subsections (1) and (2) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (R.C. § 4511.01(LL)) ('70 Code, § 301.09)

§ 301.10 DRIVER OR OPERATOR. Every person who drives or is in actual physical control of a vehicle. (R.C. § 4511.01(Y)) ('70 Code, § 301.10)

§ 301.11 EMERGENCY VEHICLE. Emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Director of Highway Safety or local authorities, and motor vehicles when commandeered by a police officer. (R.C. § 4511.01(D)) ('70 Code, § 301.11)

§ 301.12 EXPLOSIVES. 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. (R.C. § 4511.01(T)) ('70 Code, § 301.12)

§ 301.13 EXPRESSWAY. A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade. (R.C. § 4511.01(ZZ)) ('70 Code, § 301.13)

§ 301.14 FLAMMABLE LIQUID. Any liquid which has a flash point of 70° F., or less, as determined by a tagliabue or equivalent closed cup test device. (R.C. § 4511.01(U)) ('70 Code, § 301.14)

§ 301.15 FREEWAY. A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. (R.C. § 4511.01 (YY)) ('70 Code, § 301.15)

§ 301.16 GROSS WEIGHT. The weight of a vehicle plus the weight of any load thereon. (R.C. § 4511.01(V)) ('70 Code, § 301.16)

§ 301.17 INTERSECTION. (1) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(2) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an

intersection. (R.C. § 4511.01(KK)) ('70 Code, § 301.17)

§ 301.18 LANED STREET OR HIGHWAY. A street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic. (R.C. § 4511.01(GG)) ('70 Code, § 301.18)

§ 301.19 MOTORCYCLE. Every motor vehicle, other than a tractor, having a 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* or *MOTORCYCLE* without regard to weight or brake horsepower. (R.C. § 4511.01(C)) ('70 Code, § 301.19)

§ 301.20 MOTOR VEHICLE. Every vehicle propelled or drawn by power other than muscular power, except motorized 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, ditch-digging machinery, well-drilling machinery, farm machinery, trailers 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 public street or highway at a speed of 25 miles per hour or less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products, 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 at a speed of 25 miles per hour or less. (R.C. § 4511.01(B)) ('70 Code, § 301.20)

§ 301.205 MOTORIZED BICYCLE. Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and 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. (R.C. § 4511.01(H)) ('70 Code, § 301.205)

§ 301.206 MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a handicapped person that is incapable of a speed in excess of eight miles per hour. (R.C. § 4511.01(EEE))

§ 301.21 PARKING. (when prohibited). 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. ('70 Code, § 301.21)

§ 301.22 PEDESTRIAN. Any natural person afoot. (R.C. § 4511.01(X)) ('70 Code, § 301.22)

§ 301.23 PERSON. Every natural person, firm, co-partnership, association or corporation. (R.C. § 4511.01(W)) ('70 Code, § 301.23)

§ 301.24 POLE TRAILER. 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 connections. (R.C. § 4511.01(O)) ('70 Code, § 301.24)

§ 301.25 POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations. (R.C. § 4511.01(Z)) ('70 Code, § 301.25)

§ 301.26 PRIVATE ROAD OR DRIVEWAY. 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 the other persons. (R.C. § 4511.01(DD)) ('70 Code, § 301.26)

§ 301.27 PUBLIC SAFETY VEHICLE. Any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;

(3) Any motor vehicle when properly identified as required by the state Director of Highway 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 state fire marshal shall be designated by the Director of Highway Safety as the certifying agency for all public safety vehicles described in this subsection.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the Fire Department service when identified as required by the state Director of Highway Safety.

(5) 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. (R.C. § 4511.01(E)) ('70 Code, § 301.27)

§ 301.28 RAILROAD. A carrier of persons or property operating upon rails placed principally on a private right-of-way. (R.C. § 4511.01(P)) ('70 Code, § 301.28)

§ 301.29 RAILROAD SIGN OR SIGNAL. 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. (R.C. § 4511.01(SS)) ('70 Code, § 301.29)

§ 301.30 RAILROAD TRAIN. A steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (R.C. § 4511.01(Q)) ('70 Code, § 301.30)

§ 301.31 RESIDENCE DISTRICT. 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. (R.C. § 4511.01(OO)) ('70 Code, § 301.31)

§ 301.315 RIDESHARING ARRANGEMENT. The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and bus pools. (R.C. § 4511.01(DDD))

§ 301.32 RIGHT OF WAY. Either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterrupted in a lawful manner in the direction in which it or he/she is moving in preference to another vehicle or pedestrian approaching from a different direction into its or his/her path;

(2) 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. (R.C. § 4511.01(UU)) ('70 Code, § 301.32)

§ 301.33 ROADWAY. 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. (R.C. § 4511.01(EE)) ('70 Code, § 301.33)

§ 301.34 SAFETY ZONE. 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. (R.C.

§ 4511.01(MM)) ('70 Code, § 301.34)

§ 301.35 SCHOOL BUS. Every bus designed for carrying more than nine passengers which 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. (R.C. § 4511.01(F)) ('70 Code, § 301.35)

§ 301.36 SEMITRAILER. 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. (R.C. § 4511.01(N)) ('70 Code, § 301.36)

§ 301.37 SIDEWALK. 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. (R.C. § 4511.01(FF)) ('70 Code, § 301.37)

§ 301.38 STATE ROUTE. Every highway which is designated with an official state route number and so marked. (R.C. § 4511.01(JJ)) ('70 Code, § 301.38)

§ 301.39 STOP. (when required). A complete cessation of movement. ('70 Code, § 301.39)

§ 301.40 STOP INTERSECTION. Any intersection at one or more entrances of which stop signs are erected. (R.C. § 4511.01(BBB)) ('70 Code, § 301.40)

§ 301.41 STOPPING AND STANDING. (when prohibited). 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. ('70 Code, § 301.41)

§ 301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(A) *STREET* or *HIGHWAY*. 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. (R.C. § 4511.01(BB))

(B) *ARTERIAL STREET*. Any United States or state-numbered route, controlled access highway or other major radial or circumferential street or highway designated by Council or other duly designated local authority within the municipality as part of a major arterial system of streets or highways. (R.C. § 4511.01 (CCC)) ('70 Code, § 301.42)

§ 301.43 THROUGH STREET OR HIGHWAY. Every street or highway as provided in § 313.02. (R.C. § 4511.01(HH)) ('70 Code, § 301.43)

§ 301.44 THRUWAY. A through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (R.C. § 4511.01(AAA)) ('70 Code, § 301.44)

§ 301.45 TRAFFIC. Pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any street or highway for purposes of travel. (R.C. § 4511.01(TT)) ('70 Code, § 301.45)

§ 301.46 TRAFFIC CONTROL DEVICES. All flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways. (R.C. § 4511.01(QQ)) ('70 Code, § 301.46)

§ 301.47 TRAFFIC CONTROL SIGNAL. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction. (R.C. § 4511.01(RR)) ('70 Code, § 301.47)

§ 301.48 TRAILER. 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 public 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. (R.C. § 4511.01(M)) ('70 Code, § 301.48)

§ 301.49 TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property. (R.C. § 4511.01(K)) ('70 Code, § 301.49)

§ 301.50 URBAN DISTRICT. 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 a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (R.C. § 4511.01(PP)) ('70 Code, § 301.50)

§ 301.51 VEHICLE. Every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a street or highway, except motorized wheelchairs and devices other than bicycles moved by human power. (R.C. § 4511.01(A)) ('70 Code, § 301.51)

CHAPTER 303: ENFORCEMENT; IMPOUNDING

Section

- 303.01 Compliance with lawful order of police officer; fleeing
- 303.02 Traffic direction in emergencies; obedience to school crossing guards
- 303.03 Resisting an enforcing official
- 303.04 Road workers, motor vehicles and equipment excepted
- 303.05 Application to persons riding, driving animals upon roadway
- 303.06 Freeway use prohibited by pedestrians, bicycles and animals
- 303.07 Application to drivers of government vehicles
- 303.08 Impounding of vehicles; redemption

§ 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 his/her 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 division (A) of this section is a misdemeanor of the first degree. A violation of division (B) of this section is a misdemeanor of the first degree, except that a violation of division (B) of this section is a felony of the fourth degree and shall be prosecuted under appropriate state law, 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 the 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) As used in this section, **POLICE OFFICER** has the same meaning as in § 301.25.

(R.C. § 2921.331) ('70 Code, § 303.01) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Failure to aid a law enforcement officer, see § 606.13

§ 303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL CROSSING GUARDS.

(A) Police officers may 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. Firefighters, 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 firefighters 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. ('70 Code, § 303.02) Penalty, see §§ 309.01 and 309.02

§ 303.03 RESISTING AN ENFORCING OFFICIAL.

(A) No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets or highways. (R.C. § 4513.36)

(B) Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 4513.99(A)) ('70 Code, § 303.03)

Cross-reference:

Obstructing official business; justice, see

§§ 606.14 and 606.15

Resisting arrest, see § 606.16

§ 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 street or 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 drivers of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a street or highway, provided such vehicles are equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the vehicles are so engaged, shall be exempt from criminal prosecution for violations of §§ 331.01 through 331.04, 331.06 through 331.08, 331.33, 333.04 and 351.12. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This section shall not exempt a driver of such equipment from civil liability arising from the violations of the sections referred to herein. (R.C. § 4511.04) ('70 Code, § 303.04) Penalty, see §§ 309.01 and 309.02

§ 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. (R.C. § 4511.05) ('70 Code, § 303.05) Penalty, see §§ 309.01 and 309.02

§ 303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

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

(A) 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;

(B) 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; 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. (R.C. § 4511.051) ('70 Code, § 303.06)

§ 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.

('70 Code, § 303.07)

§ 303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(A) Police officers are authorized to provide for the removal and impounding of a vehicle under the following circumstances:

(1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal, maintenance, repair, construction or reconstruction operations; or upon any street or roadway or portion thereof which has been closed by the Safety/Service Director. (Am. Ord. 2002-106, passed 09-23-2002)

(2) When any vehicle is left on private property without the consent of the owner; or when an **ABANDONED JUNK MOTOR VEHICLE**, as defined in R.C. § 4513.63, is left on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for 48 consecutive hours or longer, without notification to the police department of the reasons for leaving such vehicle in such place; or when any other vehicle is left on public property for more than 72 hours without the consent of the municipality. Prior to removal of an **ABANDONED JUNK MOTOR VEHICLE**, as defined in R.C. § 4513.63, it shall be photographed by a law enforcement officer.

(3) When any vehicle has been stolen or operated without the consent of the owner;

(4) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;

(5) When any vehicle has been used in or connected with the commission of a felony;

(6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property;

(7) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;

(8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;

(9) When any vehicle has been operated by any person who is driving without a lawful license or while his/her license has been suspended or revoked;

(10) When any vehicle is found for which two or more parking tickets for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

(B) Any vehicle removed under authority of division (A)(2) shall be ordered into storage and/or disposed of as provided under R.C. § 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the police department shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in

an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(C) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator. ('70 Code, § 303.08)

Cross-reference:

Disposition of property held by Police Division, see § 606.24

Statutory reference:

Disposition of unclaimed vehicles, see R.C. § 4513.61

CHAPTER 305: TRAFFIC CONTROL

Section

- 305.01 Collaboration of authorities
- 305.02 Authority and considerations for placement of devices
- 305.03 Conformity with state manual
- 305.04 Powers of Public Safety/Service Director
- 305.05 Posting of signs and signals required
- 305.06 Director's powers not limited
- 305.07 Records of Director
- 305.08 Reservation of power to Council
- 305.09 Violations subject to general code penalty

§ 305.01 COLLABORATION OF AUTHORITIES.

The Safety/Service Director shall consult and collaborate with the Traffic Commission in the discharge of his/her duties, as assigned in this chapter. ('70 Code, § 305.01)

Cross-reference:

Traffic Commission, see Ch. 155

§ 305.02 AUTHORITY AND CONSIDERATIONS FOR PLACEMENT OF DEVICES.

The Safety/Service Director is authorized to place and maintain traffic control devices upon any street or highway under his/her 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/she shall deem necessary for the proper control of traffic. The Safety/Service Director 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. ('70 Code, § 305.02)

Cross reference:

Traffic control devices, see Ch. 313

Statutory reference:

Local traffic control devices, see R.C. § 4511.11

§ 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 R.C. § 4511.09.

§ 305.04 POWERS OF SAFETY/SERVICE DIRECTOR.

The Safety/Service Director 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.

(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 or other public way as a one-way street or public way 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 roadway or portion thereof for construction, reconstruction, maintenance, repair, or is necessary for parade or other special event. (Am. Ord. 2002-106, passed 09-23-2002)

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

(M) Determine the location and limiting hours of truck loading zones and business 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, abolish and regulate truck routes.

(S) Make such other regulations as may be provided by ordinance, which shall not be limited by the specific enumeration of this section.

Such rules and regulations shall be for a period not to exceed 90 days. Copies of such rules and regulations, when certified by the Safety/Service Director, shall be competent evidence in all courts. ('70 Code, § 305.04) (Ord. 68-49, passed 3-25-68)

Cross-reference:

Designation of through streets and erection of stop and yield signs, see § 313.02

Statutory reference:

Power to enact local traffic regulations, see R.C. § 4511.07

§ 305.05 POSTING OF SIGNS AND SIGNALS REQUIRED.

No provisions 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. ('70 Code, § 305.05)

§ 305.06 DIRECTOR'S POWERS NOT LIMITED.

The powers of the Safety/Service Director shall not be limited by the specific enumeration of subjects contained in this chapter. ('70 Code, § 305.06)

§ 305.07 RECORDS OF DIRECTOR.

The Safety/Service Director shall keep a record of all rules, regulations and proceedings promulgated in connection with this chapter. ('70 Code, § 305.07)

§ 305.08 RESERVATION OF POWER TO COUNCIL.

Notwithstanding the provisions of this chapter, Council may override any decision of the Safety/Service Director and may assume any of the powers delegated to the Director, by a resolution adopted by a vote of a majority of the members duly elected thereto. Upon the adoption of any such resolution, the same may be changed only by an amending or repealing resolution adopted by Council. ('70 Code, § 305.08)

§ 305.09 VIOLATIONS SUBJECT TO GENERAL CODE PENALTY.

Any person violating the rules and regulations promulgated in connection with this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided for in §§ 309.01 and 309.02. ('70 Code, § 305.09)

CHAPTER 307: TRAFFIC CONTROL MAP AND FILE

Section

- 307.01 Traffic Control Map
- 307.02 Traffic Control File
- 307.03 Incorporation, maintenance and amendments

§ 307.01 TRAFFIC CONTROL MAP.

There is hereby established a Traffic Control Map which shall reflect by legend and proper designation the Municipality's currently existing:

- (A) Traffic control signals.
- (B) Through streets and state routes.
- (C) One-way streets and alleys.
- (D) Stop intersections.
- (E) Yield right of way intersections.
- (F) Commercial truck and bus loading zones.
- (G) Prohibited and limited parking areas.
- (H) Parking meter areas. ('70 Code, § 307.01) (Ord. 7085, passed 10-8-62)

§ 307.02 TRAFFIC CONTROL FILE.

There is hereby established a Traffic Control File which shall list in chart form all types of traffic control designations specified in § 307.01 and shall also include:

- (A) An adequate description of the street or area affected.
- (B) An authorizing ordinance number and its effective date.
- (C) The date when official signs, signals, markings or parking meters were erected or placed in proper position.
- (D) The date when the designation was recorded upon the Traffic Control Map. ('70 Code, § 307.02) (Ord. 7085, passed 10-8-62)

§ 307.03 INCORPORATION, MAINTENANCE AND AMENDMENTS.

(A) The Traffic Control Map and File, existing as of this date of passage of this Traffic Code, are incorporated as a part of this Traffic Code. The Map and File shall be prepared and maintained to date by the City Engineering Department.

(B) Council may amend the Traffic Control Map and File by ordinance, but no such ordinance shall be enforceable until after the effective date of the ordinance and the official signs, signals, markings or parking meters are erected or placed in proper position. The City Engineer, upon receipt of a copy of the amending ordinance, shall record the information on the file and amend the map to conform with the ordinance provisions. ('70 Code, § 307.03) (Ord. 7085, passed 10-8-62)

Cross-reference:

Maintenance of police records, see § 137.03

CHAPTER 309: PENALTIES

Section

- 309.01 Penalties for misdemeanor
- 309.02 General code penalty

§ 309.01 PENALTIES FOR MISDEMEANOR.

Unless otherwise specifically provided:

(A) Whoever is convicted of or pleads guilty to a misdemeanor, other than a minor misdemeanor, 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.

(B) Terms of imprisonment for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than six months;
- (2) For a misdemeanor of the second degree, not more than 90 days;
- (3) For a misdemeanor of the third degree, not more than 60 days;
- (4) For a misdemeanor of the fourth degree, not more than 30 days.

(C) Fines for misdemeanor shall be imposed as follows:

- (1) For a misdemeanor of the first degree, not more than \$1,000;
- (2) For a misdemeanor of the second degree, not more than \$750;
- (3) For a misdemeanor of the third degree, not more than \$500;
- (4) For a misdemeanor of the fourth degree, not more than \$250.

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than \$150.00; Community Service, or a financial sanction other than a fine. (R.C. § 2929.21) ('70 Code, § 309.01) (Ord. 2004-13, passed 01-26-2004)

§ 309.02 GENERAL CODE PENALTY.

(A) Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided is guilty of one of the following:

- (1) Except as otherwise provided below in this section, a minor misdemeanor;
- (2) 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 Traffic Code for which no penalty is otherwise provided or of a state law or municipal ordinance that is substantially similar to those provisions, a misdemeanor of the fourth degree;
- (3) 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 described in this Traffic Code or any state law or municipal ordinance that is substantially similar to those provisions, a misdemeanor of the third degree.
- (4) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of the

municipality, or faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five 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.

(B) Notwithstanding divisions (A)(1), (2), and (3), and R.C. § 2929.21, upon a finding that such person operated a motor vehicle in a construction zone, as defined in R.C. § 5501.27, where a sign was then posted in accordance with R.C. § 4511.98, 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. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender who alleges, in an affidavit filed with the court prior to his or her sentencing, that he or she is indigent and is unable to pay the fine imposed pursuant to division (B), provided the court determines the offender is an indigent person and is unable to pay the fine. (R.C. §§ 4511.99(D), 4513.99(C)) ('70 Code, § 309.02) (Ord. No. 2004-13, passed 01-26-2004)

Cross-reference:

Penalties and sentencing for general offenses, see Ch. 698

TITLE THREE - Public Ways and Traffic Control Devices
Chapter 311 Obstruction and Special Uses of Public Ways
Chapter 313 Traffic Control Devices

CHAPTER 311: OBSTRUCTION AND SPECIAL USES OF PUBLIC WAYS

Section

- 311.01 Placing injurious material or obstruction in street
- 311.02 Parades and assemblages
- 311.03 Toy vehicles on roadway

§ 311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

(A) No person 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 streetcar, trackless trolley, 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.

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

Any person authorized to remove a wrecked or damaged vehicle, streetcar or trackless trolley from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle, streetcar, or trackless trolley.

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

(B) No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a highway, land, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle, streetcar, trackless trolley, 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. (R.C. § 4511.74)

(C) Whoever violates division (A) of this section shall be punished as provided in §§ 309.01 and 309.02. Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree as provided in § 309.01. (R.C. § 4511.99(J)) ('70 Code, § 311.01)

Cross-reference:

Commercial vehicle obstructions, see § 339.08

§ 311.02 PARADES AND ASSEMBLAGES.

(A) No person, group of persons or organization shall conduct or participate in any parade, procession or assemblage upon any street or highway, or block off any street or highway area, without first obtaining a permit.

(B) Applications for such permits shall be made on such forms available from the office of the Safety/Service Director and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed in the Safety/Service Director's office not less than five days before the time intended for such parade, procession or assemblage.

(C) The permit may be refused or canceled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of sufficient police officers or firefighters so as to deprive the municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct or

create a disturbance.

(D) The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied. (70 Code, § 311.02) Penalty, see §§ 309.01 and 309.02.

Statutory reference:

Power to regulate processions or assemblages, see R.C. § 4511.07(C)

§ 311.03 TOY VEHICLES ON ROADWAY.

No person riding upon any coaster, roller skates, skate boards, sled, toy vehicle or other similar device shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply to any street set aside as a play street. (70 Code, § 311.04) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Riding on sidewalks, see § 373.10

CHAPTER 313: TRAFFIC CONTROL DEVICES

Section

- 313.01 Obedience to traffic control devices
- 313.02 Through streets; stop and yield right-of-way signs
- 313.03 Traffic control signal terms and lights
- 313.04 Signal to control lane direction of travel
- 313.05 Pedestrian control signals
- 313.06 Flashing traffic signals
- 313.07 Unauthorized signs and signals, hiding from view, advertising
- 313.08 Alteration, injury, removal of traffic control devices

§ 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.

(B) 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 does not state that signs are required, that section shall be effective even though no signs are erected or in place. (R.C. § 4511.12) ('70 Code, § 313.01) Penalty, see §§ 309.01 and 309.02

Statutory reference:

Uniform system of traffic control devices, see R.C. §§ 4511.09 and 4511.11(D)

Placing and maintaining local traffic control devices, see R.C. §§ 4511.10 and 4511.11

§ 313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(A) All state routes are hereby designated as through highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through highways by the Department of Transportation as to highways under its jurisdiction and by Council or the authorized local authority as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more state routes that are through 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 Department of Transportation, except as otherwise provided in this section.

Whenever the 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/her jurisdiction. Before the Director either installs or removes a stop sign under this division, he/she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(B) Other streets or highways, or portions thereof, are hereby designated through highways if they are within the municipality, if they have a continuous length of more than one mile between the limits of said 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 said street or highway, or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway, or any point on said 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 said 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 through highways designated under this subsection 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 local authority, except as otherwise provided in this section.

(C) The Department or local authority need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through 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 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. (R.C. § 4511.65)

(E) The following streets and highways, between certain termini, except where controlled by traffic control devices, are hereby declared to be through streets and highways:

<u>Through Street</u>	<u>Location</u>
Bellefontaine Avenue	From the corporation line northeast to Prospect Street
Blaine Avenue	From Columbia Street to Church Street
Center Street	From the west corporation line to the east corporation line
Church Street	From Park Boulevard to Kensington Place
Columbia Street	From Davids Street to Blaine Avenue
Davids Street	From the south corporation line to Center Street
Delaware Avenue	From the south corporation line to Hill Street
Fairground Street	From the west corporation line to the east corporation line
Grand Avenue	From Mount Vernon Avenue to Center Street
Greenwood Street	From Mandana Avenue to Fairground Street
Kellogg Parkway	From West Fairground Street to Marion Williamsport Road
Kenton Avenue	From the corporation line southeast to Center Street
Klerx Street	From Prospect Street to Main Street
Likens Road	From the west corporation line to the east corporation line
Main Street	From Walnut Street to the north corporation line
McKinley Park Boulevard	From Edgewood Drive to Delaware Avenue
Mount Vernon Avenue	From Vine Street to the east corporation line
Park Boulevard	From Church Street to Center Street
Patten Street	From Main Street to State Street

<u>Through Street</u>	<u>Location</u>
Prospect Street	From the south corporation line to Fairground Street
Richland Road	From Mount Vernon Avenue southeast to the corporation line
Sargent Street	From Church Street to Center Street
Seffner Avenue	From Mount Vernon Avenue to Center Street
Silver Street	From the west corporation line to Prospect Street
State Street	From Washington Street to Hecker Avenue
Vernon Heights Boulevard	From Delaware Avenue to Mount Vernon Avenue
Walnut Street	From Prospect Street to State Street

The Safety/Service Director is hereby authorized and directed to issue orders to the Division of Police to record this information on the Traffic Control Map and amend the Traffic Control Map to conform to the above provisions. ('70 Code, § 313.02) (Am. Ord. 1990-45, passed 4-9-90; 1998-54, passed 04-13-1998; Ord. 1998-134, passed 09-28-1998)

Statutory reference:

Designation of through streets or stop intersections, see R.C. § 4511.07(F)

§ 313.03 TRAFFIC CONTROL SIGNAL, TERMS AND LIGHTS.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored-lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying words or symbols and said lights shall indicate and apply to driver of vehicles and to pedestrians as follows:

(A) *Green indication.*

(1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic including vehicles turning right or left, shall yield the right-of-way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless otherwise directed by a pedestrian control signal, as provided in § 313.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(B) *Steady yellow indication.*

(1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a

pedestrian control signal as provided in § 313.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(C) *Steady red indication.*

(1) Vehicular traffic facing a steady red signal alone 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 before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in (2) and (3) of this division.

(2) Unless a sign is in place prohibiting a right turn as provided in subsection (5) of this division, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (1) of this division. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(3) Unless a sign is in place prohibiting a left turn as provided in subsection (5) of this division, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by subsection (1) of this division, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(4) Unless otherwise directed by a pedestrian-control signal, as provided in § 313.05, pedestrians facing a steady red signal alone shall not enter the roadway.

(5) Council or other duly designated local authority may 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 prohibition shall be effective when signs giving notice thereof are posted at the intersection.

(D) *Signals not at intersections.* 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. (R.C. § 4511.13) ('70 Code, § 313.03) Penalty, see §§ 309.01 and 309.02

§ 313.04 SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL.

When lane-use control signals are placed over individual lanes of a street or highway, said signals shall indicate and apply to drivers of vehicles as follows:

(A) *A steady downward green arrow:*

Vehicular traffic may travel in any lane over which a green arrow signal is shown.

(B) *A steady yellow "X":*

Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.

(C) *A flashing yellow "X":*

Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.

(D) *A steady red "X":*

Vehicular traffic shall not enter or travel in any lane over which such signal is shown. (R.C. § 4511.131) ('70 Code, § 313.04) Penalty, see §§ 309.01 and 309.02

§ 313.05 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian 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:

(A) *“Walk” or the symbol of a walking person:* Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.

(B) *“Don’t walk” or the symbol of an upraised palm:* No pedestrian shall start to cross the roadway in the direction of the signal.

(C) 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. (R.C. § 4511.14) ('70 Code, § 313.05) Penalty, see §§ 309.01 and 309.02

§ 313.06 FLASHING TRAFFIC SIGNALS.

(A) Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign it shall require obedience as follows:

(1) *Flashing red stop signal:* Operators of vehicles 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, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) *Flashing yellow caution signal:* Operators of vehicles may proceed through the intersection or past such signal only with caution.

(B) Division (A) of this section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by §§ 331.25, 331.26 and 331.34. (R.C. § 4511.15) ('70 Code, § 313.06) Penalty, see §§ 309.01 and 309.02

§ 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 or highway any unauthorized sign, signal, marking or device which purports to be or 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 or highway any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection upon private property adjacent to streets or highways 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 R.C. §§ 4511.211 and 4511.432.

(B) Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Department is authorized to remove the same or cause it to be removed. (R.C. § 4511.16) ('70 Code, § 313.07) Penalty, see §§ 309.01 and 309.02

§ 313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

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

(A) 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.

(B) 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;

(C) Knowingly move, damage, destroy, or otherwise improperly tamper with a manhole cover.
(R.C. § 4511.17)

(D) Except as otherwise provided in this division, whoever violates division (A) or (C) of this section is guilty of a misdemeanor of the third degree. If a violation of divisions (A) or (C) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. A violation of divisions (A) or (C) of this section that causes serious physical harm to property that is owned, leased, or controlled by a state or local authority is a felony of the fifth degree and shall be prosecuted under appropriate state law. (R.C. § 4511.99(K))

(E) Whoever violates division (B) of this section shall be subject to the penalty as set forth in § 309.02.
(70 Code, § 313.08) Penalty, see §§ 309.01 and 309.02

TITLE FIVE - Vehicles and Operation

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Chapter 333	DWI; Reckless Operation; Speed
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CHAPTER 331: OPERATION GENERALLY

Section

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§ 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) Upon all roadways any vehicle proceeding at less than the normal 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, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

(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 centerline 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 division (A)(2) of this section.

(D) Division (C) of this section shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway. (R.C. § 4511.25) ('70 Code, § 331.01) Penalty, see §§ 309.01 and 309.02

§ 331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

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. (R.C. § 4511.26) ('70 Code, § 331.02) Penalty, see §§ 309.01 and 309.02

§ 331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

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

(A) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (C) of this section, 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.

(B) 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 he/she shall not increase the speed of his/her vehicle until completely passed by the overtaking vehicle.

(C) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in § 331.33 a limited access highway as defined in 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. (R.C. § 4511.27) ('70 Code, § 331.03) Penalty, see §§ 309.01 and 309.02

§ 331.04 OVERTAKING, PASSING TO RIGHT OF VEHICLE.

(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.

(R.C. § 4511.28) ('70 Code, § 331.04) Penalty, see §§ 309.01 and 309.02

§ 331.05 OVERTAKING, PASSING TO LEFT OF CENTERLINE.

No vehicle shall be driven to the left of 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. (R.C. § 4511.29) ('70 Code, § 331.05) Penalty, see §§ 309.01 and 309.02

§ 331.06 DRIVING UPON LEFT SIDE OF ROADWAY.

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

(A) 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;

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

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

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 § 331.01(A)(2). (R.C. § 4511.30) ('70 Code, § 331.06) Penalty, see §§ 309.01 and 309.02

§ 331.07 HAZARDOUS OR NO PASSING ZONES.

The Safety/Service Director may determine those portions of any streets where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, and may, by appropriate signs or markings on the street, indicate the beginning and end of such zones. When signs or markings are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distances set out in § 331.06. (R.C. § 4511.31) ('70 Code, § 331.07) Penalty, see §§ 309.01 and 309.02

§ 331.08 DRIVING WITHIN LANES OR CONTINUOUS LINES OF TRAFFIC.

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:

(A) 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.

(B) 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.

(C) 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, and drivers of vehicles shall obey the directions of such signs.

(D) 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.
(R.C. § 4511.33) ('70 Code, § 331.08) Penalty, see §§ 309.01 and 309.02

§ 331.09 FOLLOWING TOO CLOSELY.

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 street or highway.
(R.C. § 4511.34) ('70 Code, § 331.09) Penalty, see §§ 309.01 and 309.02

§ 331.10 TURNING AT INTERSECTIONS.

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

(A) 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.

(B) At any intersection when 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 centerline thereof and by passing to the right of such centerline 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 centerline 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.

(C) 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.

(D) The Department of Transportation and the authorized local authority may cause markers, buttons or signs to 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 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. (R.C. § 4511.36) ('70 Code, § 331.10) Penalty, see §§ 309.01 and 309.02

§ 331.11 REASONABLE CONTROL.

(A) No person shall operate a motor vehicle on any street, highway or property open to the public for vehicular traffic without being in reasonable control of the vehicle. (R.C. § 4511.202)

(B) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (R.C. § 4511.99(I)) ('70 Code, § 331.11) Penalty, see §§ 309.01 and 309.02

§ 331.12 “U” TURNS RESTRICTED.

(A) Except as provided in division (B) of this section, 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 division applies only when the emergency 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 division 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. (R.C. § 4511.37)

(C) 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 public way and without interfering with the safe operation of any traffic that may be affected by such movement. ('70 Code, § 331.12) Penalty, see §§ 309.01 and 309.02

§ 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.

(B) 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.

(C) 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. (R.C. § 4511.38) ('70 Code, § 331.13) Penalty, see §§ 309.01 and 309.02

§ 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.

(B) 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.

(C) 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.

(D) 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.

(E) The single 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. (R.C. § 4511.39) ('70 Code, § 331.14) Penalty, see §§ 309.01 and 309.02

§ 331.15 HAND AND ARM SIGNALS.

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:

(A) *Left turn:* Hand and arm extended horizontally;

(B) *Right turn:* Hand and arm extended upward;

(C) *Stop or decrease speed:* Hand and arm extended downward. (R.C. § 4511.40) ('70 Code, § 331.15) Penalty, see §§ 309.01 and 309.02

§ 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 division (A) of this section is modified at through highways and otherwise as stated in this Traffic Code and R.C. Ch. 4511. (R.C. § 4511.41) ('70 Code, § 331.16) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Yielding right of way to pedestrians on sidewalks, see § 371.10

§ 331.17 RIGHT OF WAY WHEN TURNING LEFT.

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. (R.C. § 4511.42) ('70 Code, § 331.17) Penalty, see §§ 309.01 and 309.02

§ 331.18 OPERATION OF VEHICLE AT STOP AND YIELD 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) 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. (R.C. § 4511.43) ('70 Code, § 331.18) Penalty, see §§ 309.01 and 309.02

§ 331.19 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

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. ('70 Code, § 331.19) Penalty, see §§ 309.01 and 309.02

§ 331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.

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. (R.C. § 4511.03) ('70 Code, § 331.20) Penalty, see §§ 309.01 and 309.02

§ 331.21 RIGHT OF WAY OF PUBLIC SAFETY VEHICLE.

(A) Upon the approach of a public safety 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 such vehicle and the driver is giving audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right of way, immediately drive to a position parallel to and as close as possible to, the right edge or curb of the street or highway clear of any intersection, and stop and remain in such position until the public safety vehicle has passed, except when otherwise directed by a police officer.

(B) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highway. (R.C. § 4511.45) ('70 Code, § 331.21) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Pedestrians yield right of way to public safety vehicle, see § 371.09

§ 331.22 RIGHT OF WAY AT PRIVATE DRIVEWAY, ALLEY OR BUILDING.

(A) The operator of a vehicle about to enter or cross a highway 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. (R.C. § 4511.44)

(B) 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. (R.C. § 4511.431)

(C) 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 centerline 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.

(D) 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 the private road or driveway, alley or building. ('70 Code, § 331.22) Penalty, see §§ 309.01 and 309.02

§ 331.23 SHORTCUTTING ACROSS PRIVATE PROPERTY.

No operator of a vehicle shall enter upon private property for the sole purpose of driving across such property, between abutting streets or other public ways thereof. The failure to stop on such property in connection with or in furtherance of the objects of enterprise or activities being conducted on the property shall constitute prima-facie evidence of the violation. ('70 Code, § 331.23) (Ord. 1983-16, passed 3-14-83) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Reckless operation on private property prohibited see § 333.02

Parking on private property, see § 351.14

Statutory reference:

Use of private property for vehicular travel, see R.C. § 4511.08

§ 331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

(A) As used in this section **FUNERAL PROCESSION** means two or more vehicles accompanying the body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple 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 § 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 which is part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

(C) No person shall operate any vehicle as a part of a funeral procession without having the headlights of such vehicle lighted and without displaying a purple and white pennant in such a manner as to be clearly visible to traffic approaching from any direction. (R.C. § 4511.451) (70 Code, § 331.24) Penalty, see §§ 309.01 and 309.02

§ 331.25 DRIVING ACROSS GRADE CROSSINGS.

(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 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.

(2) A person who is driving a vehicle approaching a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A) (1) (a) to (e) 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 is permissible to do so. (R.C. § 4511.62) (70 Code, § 331.25; Am. Ord. 2003-22, passed 03-24-2003) Penalty, see §§ 309.01 and 309.02

§ 331.26 STOPPING AT GRADE CROSSINGS.

(A) The operator of any motor vehicle carrying passengers for hire, of any school bus, or of any vehicle carrying explosives or flammable liquids as a cargo or as such part of a cargo as to constitute a hazard, before crossing any track of a railroad at grade, shall stop the vehicle, and while so stopped he/she 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. This division (A) does not apply at street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the state Public Utilities Commission has authorized and approved the crossing of the tracks without making the stop required by this division (A). (R.C. § 4511.63)

(B) The Safety/Service Director, with the approval of the Department, may designate dangerous street crossings over railroad tracks, and erect stop signs thereat. When stop signs are erected, 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 the grade crossing. (R.C. § 4511.61)

(C) Whoever violates division (A) of this section is guilty of a minor misdemeanor on a first offense, and such person is guilty of a misdemeanor of the fourth degree on each subsequent offense. (R.C. § 4511.99(C))

(D) Whoever violates division (B) of this section shall be subject to the penalty as set forth in § 309.02. ('70 Code, § 331.26) Penalty, see §§ 309.01 and 309.02

§ 331.27 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 his/her control over the driving mechanism of the vehicle. (R.C. § 4511.70(A),(B)) ('70 Code, § 331.27) Penalty, see §§ 309.01 and 309.02

§ 331.28 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

No person shall drive upon, along or across a street or highway, or any part thereof, which 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. (R.C. § 4511.71) ('70 Code, § 331.28) Penalty, see §§ 309.01 and 309.02

§ 331.29 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

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. (R.C. § 4511.72) ('70 Code, § 331.29) Penalty, see §§ 309.01 and 309.02

§ 331.30 DRIVING OVER FIRE HOSE.

No vehicle shall, without the consent of the Fire Division official in command, be driven over any unprotected hose of the Fire Division, when said hose is laid down on any street or private driveway to be used at any fire or alarm of fire. (R.C. § 4511.73) ('70 Code, § 331.30) Penalty, see §§ 309.01 and 309.02

§ 331.31 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone. (R.C. § 4511.60) ('70 Code, § 331.31) Penalty, see §§ 309.01 and 309.02

§ 331.32 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

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 such island. (R.C. § 4511.32) ('70 Code, § 331.32) Penalty, see §§ 309.01 and 309.02

§ 331.33 DRIVING UPON DIVIDED ROADWAYS.

Whenever any street or highway 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 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 section for the purpose of an emergency stop or in compliance with an order of a police officer. (R.C. § 4511.35) ('70 Code, § 331.33) Penalty, see §§ 309.01 and 309.02

§ 331.34 SLOW-MOVING VEHICLES OR EQUIPMENT AT GRADE CROSSING.

(A) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with subsections (1) and (2) hereof.

(1) Before making any such crossing, the person operating or moving such vehicle or equipment shall first stop the same, and while stopped he/she shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

(B) If the normal sustained speed of such vehicle, equipment or structure is not more than three miles per hour, the person owning, operating or moving the same shall also give notice of such intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to such railroad to provide proper protection for such crossing. Where such vehicles or equipment are being used in constructing or repairing a section of street or highway lying on both sides of a railroad grade crossing, and in such construction or repair it is necessary to repeatedly move such vehicles or equipment over such crossing, one daily notice specifying when such work will start and stating the hours during which it will be prosecuted is sufficient. (R.C. § 4511.64) ('70 Code, § 331.34) Penalty, see §§ 309.01 and 309.02

§ 331.35 OBSTRUCTING INTERSECTIONS, CROSSWALKS OR GRADE CROSSINGS.

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 he/she is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic-control signal indication to precede. (R.C. § 4511.712) ('70 Code, § 331.35) Penalty, see §§ 309.01 and 309.02

§ 331.36 VEHICULAR HOMICIDE.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft or aircraft, shall negligently cause the death of another.

(B) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree. If the offender has been previously been convicted of an offense under this section, R.C. §§ 2903.06 or 2903.08, or R.C. § 2903.04 in a case in which the offender was subject to sanctions described in division (D) of that section, vehicular homicide is a felony to be prosecuted under appropriate state law. Punishment shall be as provided in § 309.01.

(1) If the jury or judge as trier of fact finds that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, at the time of commission of the offense, then the offender's driver's or commercial driver's license or permit or nonresident operating privileges shall be permanently revoked pursuant to R.C. § 4507.16.

(2) When the trier of fact determines whether the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the concentration of alcohol in the offender's blood, breath or urine, as shown by a chemical test taken pursuant to R.C. §§ 1547.111 or 4511.191, may be considered as competent evidence and the offender shall be presumed to have been under the influence of alcohol if there was, at the time the bodily substance was withdrawn for the chemical test, a concentration of .10% or more by weight of alcohol in the offender's blood, 0.10 of one gram or more by weight of alcohol per 210 liters of his or her breath, or 0.14 of one gram or more by weight of alcohol per 100 milliliters of his or her urine.

(C) If the offender previously has been convicted of or pleaded guilty to a violation of this section, R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section, or R.C. §§ 1547.11, 2903.06, 2903.08, 4511.19, 4511.192, 4507.02 (B) or (D), a violation of R.C. §§ 4507.38 or 4507.39 as those sections existed prior to September 24, 1986, a violation of a municipal ordinance that is substantially similar to this section, R.C. §§ 2903.08, 4511.19, or 4511.192, or a violation of a municipal ordinance that is substantially similar to R.C. §§ 4507.38 or 4507.39 as those sections existed prior to September 24, 1986, or a municipal ordinance that is substantially similar to R.C. § 2903.04 in a case in which the offender would have been subject to the sanctions described in division (D) of that section had the offender been convicted of a violation of that section, if the offender has accumulated 12 points pursuant to R.C. § 4507.021 within one year of the offense, or if in the commission of the offense the offender was driving under suspension or operating a motor vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender shall not be eligible for a sentence to a community control sanction as defined in R.C. § 2929.01, pursuant to R.C. § 2929.13, for judicial release pursuant to R.C. § 2929.20, or for release pursuant to R.C. 2967.24. (R.C. § 2903.07) ('70 Code, § 331.36)

Cross-reference:

Negligent homicide, see § 636.01

§ 331.37 “PEELING”; CRACKING EXHAUST NOISES.

No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such 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 rubber tires of such vehicles squeal or leave tire marks on the roadway, commonly called “peeling.”

('70 Code, § 331.37) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Excessive noise, see § 345.04

§ 331.38 DRIVING AND PARKING UPON SIDEWALKS, STREET LAWNS OR CURB LINES.

(A) On streets with curbs, no person shall drive, stand or park a vehicle on a sidewalk, street lawn area or curb of a street, except when entering or leaving a permanent or temporary driveway or when parked on an off-pavement parking area as herein described.

(B) An off-pavement parking area is a paved area between the sidewalk and the curb in which vehicles may be parked perpendicular to the payment. Such area shall be of such dimensions that no part of the vehicle shall extend over the sidewalk or over the curb. In no case shall vehicles be permitted to park between the curb and sidewalk parallel to the pavement.

(C) On streets where there are no curbs, no person shall drive, stand or park a vehicle on a sidewalk, except when entering or leaving a temporary or permanent driveway.

('70 Code, § 331.38) Penalty, see §§ 309.01 and 309.02

§ 331.39 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 or person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities 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 division (A) of this section that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (B) of this section.

(B) Every school bus shall be equipped with amber and red visual signals meeting the requirements of 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 or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities. 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 mental retardation and developmental disabilities are loading 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 or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities. The driver of any vehicle overtaking the school bus shall comply with division (A) of this section.

(D) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities on their residence side of the highway.

(E) No school bus driver shall start his/her bus until after any child or person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities who may have alighted therefrom has reached a place of safety on his/her residence side of the road.
(R.C. § 4511.75)

(F) Whoever violates division (A) of this section may be fined an amount not to exceed \$500. A person who is issued a citation for a violation of division (A) is not permitted to enter a written plea of guilt and waive his/her right to contest the citation in a trial, but instead must appear in person in the proper court to answer the charge.
(R.C. § 4511.99(G))

(G) Whoever violates any of the other provisions of this section shall be subject to the penalty as set forth in § 309.02. ('70 Code, § 331.39) Penalty, see §§ 309.01 and 309.02

§ 331.40 ENGINE BRAKING.

(A) No person shall apply an engine brake or engine retarder (a practice commonly known as "jake braking") and/or an exhaust brake system, when operating a motor vehicle upon a street or highway within the municipality, as to disturb the peace and quiet enjoyment of the neighborhood, and/or likely to cause inconvenience or annoyance to persons of ordinary sensibilities.

(B) Engine brake or engine retarders shall be defined to include, but not limited to, C Brakes, Pac Brakes, Tek Brakes, Jake Brakes and any other type of engine brake or engine retarder commonly utilized within the trucking industry.

(C) This section shall not apply to fire engines or fire trucks answering emergency calls within the municipality.

(D) Whoever violates this section is guilty of a minor misdemeanor. (Ord. 2010-52, passed 6-15-2010)

CHAPTER 333: DWI; RECKLESS OPERATION; SPEED

Section

- 333.01 Driving while under the influence; evidence
- 333.02 Reckless operation on streets, public or private property
- 333.03 Maximum speed limits; assured clear distance ahead
- 333.04 Slow speed; posted minimum speeds
- 333.05 Speed limit on McKinley Park Boulevard
- 333.06 Speed limitations over bridges
- 333.07 Speed exceptions for emergency or safety vehicles
- 333.08 Street racing prohibited

§ 333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE; EVIDENCE.

(A) *Operation.* No person shall operate any vehicle within the municipality if any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
- (2) The person has a concentration of 0.10% or more by weight of alcohol in this blood;
- (3) The person has a concentration of 0.10 of one gram or more by weight of alcohol per 210 liters of his/her breath;
- (4) The person has a concentration of 0.14 of one gram or more by weight of alcohol per 100 milliliters of his/her urine. (R.C. § 4511.19)

(B) *Physical control.* No person shall be in actual physical control of any vehicle within the municipality if any of the following apply:

- (1) The person is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any drug of abuse;
- (2) The person has a concentration of ten-hundredths of one percent (0.10%) or more by weight of alcohol in his/her blood.
- (3) The person has a concentration of ten-hundredths (0.10) of one gram or more by weight of alcohol per 210 liters of his/her breath;
- (4) The person has a concentration of fourteen-hundredths (0.14) of one gram or more by weight of alcohol per 100 milliliters of his/her urine.

(C) No person under 21 years of age shall operate any vehicle within this state, if any of the following apply:

- (1) The person has a concentration of at least .02% but less than .10% by weight of alcohol in his/her blood;
- (2) The person has a concentration of at least .02 of one gram but less than .10 of one gram by weight of alcohol per 210 liters of his/her breath;
- (3) The person has a concentration of at least .28 of one gram but less than .14 of one gram by weight of alcohol per 100 milliliters of his/her urine.

(D) In any proceeding arising out of one incident, a person may be charged with a violation of division (A)(1) and a violation of division (C)(1),(2) or (3) of this section, but he/she may not be convicted of more than one violation of these divisions.

(E) *Evidence, tests and immunity.* In any criminal prosecution or juvenile court proceeding for a violation 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 in the blood, breath, or urine, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within two hours of the time of the alleged violation.

(1) When a person submits to a blood test at the request of a police officer under R.C. § 4511.191, only a physician, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in his/her or her opinion the physical welfare of the person would be endangered by the withdrawing of blood.

(2) Such bodily substance shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to R.C. § 3701.143.

(3) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, if there was at the time bodily substance was withdrawn a concentration of less than 0.10% by weight of alcohol in the defendant's blood, less than 0.10 of one gram by weight of alcohol per 210 liters of his/her breath or less than 0.14 of one gram by weight of alcohol per 100 milliliters of his/her urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of division (C) of this section.

(4) Upon the request of the person who was tested, the results of the chemical test shall be made available to him/her, his/her attorney, or his/her agent, immediately upon the completion of the chemical test analysis.

(5) The person tested may have a physician, a registered nurse or a qualified technician or chemist of his/her own choosing administer a chemical test or tests in addition to any administered at the request of a police officer, and shall be so advised. 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 police officer.

(6) Any physician, registered nurse or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person. (R.C. § 4511.19)

(F) *License suspension pendente lite.* If a person is charged with a violation of this section or R.C. § 4511.19, 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 in the blood, breath, or urine, and if the results of a chemical test administered pursuant to this section indicate that the blood of the person contained a concentration of .10 of 1% or more by weight of alcohol, the breath of the arrested person contained a concentration of ten-hundredths of one gram or more by weight of alcohol per 210 liters of his/her breath, or the urine of the arrested person contained a concentration of 0.14 of one gram or more by weight of alcohol per 100 milliliters of his/her urine, at the time of the alleged offense, and the person, within the five-year period previous to the date on which the person was arrested previously had been convicted of or pleaded guilty to a violation of R.C. § 4511.19, 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or a violation of R.C. § 2903.06 or 2903.07 or a municipal ordinance that is substantially similar to R.C. § 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or if any person refuses upon request to consent to a chemical test of his/her blood, breath, or urine to determine alcohol content under this section, then that person shall have his/her driver's or

commercial driver's license or permit or non-resident operating privilege suspended pursuant to R.C. § 4511.193, and the judge or referee of the court or the mayor of the mayor's court it shall be continue the suspension of the person's driver's or commercial driver's license or permit or nonresident operating privilege, and notify the registrar of the suspension on a form approved by the registrar, if the judge, referee, or mayor of the court at the initial appearance, which shall be held within five days from the date of the citation or arrest determines that one of the following is true.

(1) The person previously has been convicted of a violation 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 a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(2) At the time of the arrest, the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended or revoked.

(3) The person caused death or serious physical harm to another person.

(4) The person failed to appear at the initial appearance.

(5) The judge, referee, or mayor of the court determines that the person's continued driving will be a threat to public safety.

If a person is charged with a violation of § 73.01, R.C. § 4511.19, 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 in the blood, breath, or urine and the results of a chemical test administered pursuant to this section indicate that the blood of the person contained a concentration of .10 of 1% or more by weight of alcohol, the breath of the arrested person contained a concentration of .10 of one gram or more by weight of alcohol per 210 liters of his/her breath, or the urine of the arrested person contained a concentration of 0.14 of one gram or more by weight of alcohol per 100 milliliters of his/her urine, at the time of the alleged offense, but the person's driver's or commercial driver's license or permit or nonresident operating privilege was not suspended pursuant to R.C. § 4511.193, the judge, referee, or mayor of the court, at the person's initial appearance, which shall be held within five days from the date of the citation or arrest, shall suspend the person's driver's or commercial driver's license or permit or nonresident operating privilege and notify the registrar of the suspension on a form approved by the registrar, if the judge, referee, or mayor of the court determines that one of the statements contained in divisions (E)(1) to (5) of this section is true relative to that person.

The suspension shall continue until the complaint alleging a violation of §73.01 or R.C. §4511.19, 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 a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine is adjudicated on the merits by the judge or referee of the trial court or mayor of the mayor's court, or if the person's driver's or commercial driver's license or permit or nonresident operating privilege is first suspended at his/her initial appearance, until the judge or referee of the trial court or mayor of the mayor's court, upon motion, determines by a preponderance of the evidence that there was no probable cause for the arrest. (R.C. § 4511.191(K))

(G) *Penalty for driving under the influence.* Whoever violates this section in addition to the license suspension or revocation provided in R.C. § 4507.16, and any disqualification imposed under R.C. § 4506.16, shall be punished as provided in division (G)(1), (2), (3), or (4) below.

(1) Except as otherwise provided in divisions (G)(2), (3), or (4), the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to R.C. § 2929.21 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than \$200 nor more than \$1,000.

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender

on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to R.C. § 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs, that comply with the minimum standards adopted pursuant to R.C. Chapter 3793 by the director of alcohol and drug addiction services, in addition to the required attendance at a 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 his/her progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

Of the fine imposed pursuant to this division, \$25 shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing this section, R.C. § 4511.19 or a substantially similar municipal ordinance and in informing the public of the laws governing operation of a motor vehicle while under the influence of alcohol, the dangers of operation of a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Twenty-five dollars of the fine imposed pursuant to this division shall be deposited into the county or municipal indigent drivers alcohol treatment fund under the control of that court, created by the county or municipal corporation pursuant to R.C. § 4511.191(N). The balance of the fine shall be disbursed as otherwise provided by law.

(2) If, within five years of the offense, the offender has been convicted of or pleaded guilty to a violation of this section or R.C. § 4511.19(A) or (B); 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section, or of R.C. §§ 2903.06, 2903.07, or 2903.08 or of a municipal ordinance that is substantially similar to R.C. § 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and except as provided in this division, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to R.C. § 2929.21 to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (G)(8) of this section, the court may sentence the offender to a term of imprisonment of five consecutive days followed immediately by not less than 18 consecutive days of electronically monitored house arrest as defined in R.C. § 2929.23(A)(3). The five consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than \$300 and not more than \$1,500.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to R.C. § 3793.10. If the officials of the drivers intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by R.C. § 3793.02. The cost of the treatment shall be paid by the offender.

Of the fine imposed pursuant to this division, \$35 shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing this section, R.C. § 4511.19(A), or a substantially similar municipal ordinance and in informing the public of the laws governing operation of a motor vehicle while under the influence of alcohol, the danger of operation of a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Sixty-five dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during his/her term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate this section, R.C. § 4511.19 or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section, and shall be paid to the credit of the fund that pays the cost of the incarceration. Fifty dollars of the fine imposed pursuant to this division shall be deposited into the indigent drivers alcohol treatment fund of that court, created by the county or municipality pursuant to R.C. § 4511.191(N). The balance of the fine shall be disbursed as otherwise provided by law.

Regardless of whether the vehicle the offender was operating at the time of the offense is registered in his/her name or in the name of another person, the court, in addition to the penalties imposed under this division (G)(2) and all other penalties provided by law and subject to R.C. § 4503.235, shall order the immobilization for 90 days of the vehicle the offender was operating at the time of the offense and the impoundment for 90 days of the identification license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(3) If, within five years of the offense, the offender has been convicted of or pleaded guilty to two violations of this section or R.C. § 4511.19(A) or (B); 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; of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine; R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section, or of R.C. §§ 2903.06, 2903.07, or 2903.08, or of a municipal ordinance that is substantially similar to R.C. § 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, except as provided in this division, the court shall sentence the offender to a term of imprisonment of 30 consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (G)(8) of this section, the court may sentence the offender to a term of imprisonment of 15 consecutive days followed immediately by not less than 55 consecutive days of electronically monitored house arrest as defined in R.C. § 2929.23(A). The 15 consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year.

In addition, the court shall impose upon the offender a fine of not less than \$500 and not more than \$2,500. In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by R.C. § 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his/her attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.

Of the fine imposed pursuant to this division, \$123 shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing this section, R.C. § 4511.19, or a substantially similar municipal ordinance and in informing the public of the laws governing operation of a motor vehicle while under the influence of alcohol,

the dangers of operation of a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Two hundred twenty-seven dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during his/her term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate this section, R.C. § 4511.19, or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section, and shall be paid to the credit of the fund that pays the cost of incarceration. The balance of the fine shall be disbursed as otherwise provided by law.

Regardless of whether the vehicle the offender was operating at the time of the offense is registered in his name or in the name of another person, the court, in addition to the penalties imposed under this division (G)(3) and all other penalties provided by law and subject to R.C. § 4503.235, shall order the immobilization for 180 days of the vehicle the offender was operating at the time of the offense and the impoundment for 180 days of the identification license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with R.C. § 4503.233.

(4) If, within five years of the offense, the offender has been convicted of or pleaded guilty to three more violations of this section, R.C. § 4511.19(A) or (B), 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section, or of R.C. § 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to R.C. § 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of 60 consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than \$750 nor more than \$10,000. In addition to any other sentence that it imposes upon the offender, the court shall require the person to attend an alcohol and drug addiction program authorized by R.C. § 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his/her attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund. Of the fine imposed pursuant to this division, \$210 shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that was primarily responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing this section, R.C. § 4511.19 or a substantially similar municipal ordinance and in informing the public of the laws governing operation of a motor vehicle while under the influence of alcohol, the dangers of operation of a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Three hundred ninety dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during his/her term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate this section, R.C. § 4511.19 or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section, and shall be paid to the credit of the fund that pays the cost of incarceration. The balance of the fine shall be disbursed as otherwise provided by law.

Regardless of whether the vehicle the offender was operating at the time of the offense is registered in his name or in the name of another person, the court, in addition to the penalties imposed under this division (G)(4) and all other penalties provided by law and subject to R.C. § 4503.235, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with R.C. § 4503.234.

(5) (a) Except as provided in division (G)(5)(b) of this section, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), (3), or (4) above to continue his/her employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, 30 or 60 consecutive days of imprisonment that the court is required by division (G)(1), (2), (3), or (4) above to impose. No court shall authorize work release from imprisonment during the three, ten, 30 or 60 consecutive days of imprisonment that the court is required by division (G)(1), (2), (3), or (4)

above to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

(b) An offender who is sentenced pursuant to division (G)(2) or (3) of this section to a term of imprisonment followed by a period of electronically monitored house arrest is not eligible for work release from imprisonment, but that person shall be permitted work release during the period of electronically monitored house arrest. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and his/her home or other place specified by the sentencing court and the time actually spent under employment.

(6) Notwithstanding any other section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, 30, or 60 consecutive days of imprisonment required to be imposed by division (G)(2), (3), or (4) above or place an offender who is sentenced pursuant to division (G)(2), (3), or (4) above in any treatment program in lieu of imprisonment until after the offender has served the ten, 30 or 60 consecutive days of imprisonment required to be imposed pursuant to division (G)(2), (3), or (4) above, and no court that imposes a sentence of imprisonment and a period of electronically monitored house arrest upon an offender under division (G)(2) or (3) of this section shall suspend any portion of the sentence or place the offender in any treatment program in lieu of imprisonment or electronically monitored house arrest. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (G)(1) above, shall suspend the three consecutive days of imprisonment required to be imposed by division (G)(1) above or place an offender who is sentenced pursuant to division (G)(1) above in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (G)(1) above.

(7) No court shall sentence an offender to an alcohol treatment program pursuant to division (G)(1), (2), (3), or (4) above, unless the treatment program complies with the minimum standards adopted pursuant to R.C. Chapter 3793 by the director of alcohol and drug addiction services.

(8) No court shall impose the alternative sentence of a term of imprisonment of five consecutive days followed immediately by not less than 18 consecutive days of electronically monitored house arrest permitted to be imposed by division (G)(2) of this section, or the alternative sentence of a term of imprisonment of 15 consecutive days followed immediately by not less than 55 consecutive days of electronically monitored house arrest permitted to be imposed pursuant to division (G)(3) of this section, unless within 60 days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon him/her, the offender will not be able to commence serving his/her term of imprisonment within the 60-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by division (G)(2) or (3) of this section. (R.C. § 4511.99(A))

(H) *Three Consecutive Days Defined.* As used in division (E) of this section, three consecutive days means 72 consecutive hours. (R.C. § 4511.991)

(I) *Penalty for Physical Control.* Whoever violates division (B) of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in § 309.01. ('70 Code, § 333.01)

Cross-reference:

Driving under suspension or revocation, see § 335.07

Intoxicated pedestrians, see § 371.11

Liquor consumption in motor vehicle, see § 612.04

Statutory reference:

Trial judge to suspend or revoke driver's license or the like, see R.C. §§ 4507.16 and 4507.34

§ 333.02 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(A) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (R.C. § 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. (R.C. § 4511.201) ('70 Code, § 333.02) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Drag racing prohibited, see § 333.08

Driving unsafe vehicles, § 337.01

Operating bicycles and motorcycles, see § 373.08

§ 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 him/her 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 pursuant to this section by the Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) 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 20 miles per hour school limit signs are erected as provided in this section; 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 division (B)(4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(8) and (9) of this section. 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.

(a) As used in this section, ***SCHOOL*** means any school chartered under 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 state 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.

(b) 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 Director of Transportation may extend the traditional school zone boundaries. The distances in division (B)(1)(b)1. to 3. of this section 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 payment for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the 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 divisions (B)(1)(a) and (b) of this section.

(c) As used in this subsection, **CROSSWALK** has the meaning given that term in § 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, thoroughfares within city parks and alleys; (Ord. 1997-53, passed 5-12-1997)

(3) Thirty-five miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (B)(4) and (5) of this section.

(4) Fifty miles per hour on controlled-access highways and expressways within the municipality;

(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 and thoroughfares within city parks; (Ord. 1997-54, passed 5-12-1997)

(7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the municipality.

(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A. to (B)(6) of this section, or any declared pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed the speed limitations in division (D) of this section. 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 the streets or highways at a speed exceeding 55 miles per hour.

(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 division (C) of this section also the speed which divisions (B)(1)(a) through (B)(6) of this section, or a limit declared 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 him/her 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 the limitation in division (D) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both divisions (B)(1)(a) through (B)(6) of this section, or of a limit declared pursuant to this section by the Director or local authorities, and of the limitation in division (D) of this section. If the court finds a violation of divisions (B)(1)(a) through (B)(6) of this section, or a limit declared pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under division (D) of this section. If it finds no violation of divisions (B)(1)(a) through (B)(6) of this section or a limit declared pursuant to this section, it shall then consider whether the evidence supports a conviction under division (D) of this section.

(G) Points shall be assessed for violation of a limitation under division (D) of this section only when the court finds the violation involved a speed of five miles or more in excess of the posted speed limit.

(H) Whenever the Director of Transportation determines upon the basis of a geometric and traffic character study that any speed limit set forth in divisions (B)(1)(a) to (D) of this section is greater than is reasonable or safe under the conditions found to exist at any portion of a street or highway under the jurisdiction of the Director, the Director shall determine and declare a reasonable and safe prima-facie speed limit, which shall be effective when appropriate signs giving notice of it are erected at the location.

(I) Except as provided in R.C. § 4511.21(I)(2) and (K), whenever Council determines upon the basis of an engineering and traffic investigation that the speed permitted by divisions (B)(1)(a) to (D) of this section, on any part of a highway under their jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, Council may by resolution request the Director to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the Director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the Director does so, then such declared speed limit shall become effective only when appropriate signs giving notice thereof are erected at such location by the municipality. The Director may withdraw his/her declaration of a prima-facie speed limit whenever in his/her opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the declared prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the municipality.

(J) Council may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but Council shall not modify or alter the basic rule set forth in division (A) of this section or in any event authorize by ordinance a speed in excess of 50 miles per hour.

Alteration of prima-facie limits on state routes by Council shall not be effective until the alteration has been approved by the Director. The Director may withdraw his/her approval of any altered prima-facie speed limits whenever in his/her opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal, the altered prima-facie speed shall become ineffective and the signs relating thereto shall be immediately removed by the municipality.

(R.C. § 4511.21)

(K) Whenever, in accordance with 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. ('70 Code, § 333.03) Penalty, see §§ 309.01 and 309.02

§ 333.04 SLOW SPEED; POSTED MINIMUM SPEEDS.

(A) No person shall operate a vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law. (R.C. § 4511.22(A))

(B) Whenever, in accordance with R.C. § 4511.22(B), the minimum prima-facie speed limit of a controlled-access highway, expressway or freeway has been established 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 operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law. ('70 Code, § 333.04) Penalty, see §§ 309.01 and 309.02

Statutory reference:

Alteration of prima-facie speed limits, see R.C. § 4511.22(B)

§ 333.05 SPEED LIMIT ON MCKINLEY PARK BOULEVARD.

(A) McKinley Park Boulevard, from U.S. Route 423 west to the Marion General Hospital drive is hereby declared a 35 miles per hour zone and all vehicular traffic thereon traveling in either an east or west direction shall be operated at a speed of not more than 35 miles per hour.

(B) The Safety Director is hereby authorized and directed to post such signs as are necessary to direct the flow of traffic on McKinley Park Boulevard in conformity with the provisions of this section. ('70 Code, § 333.05) Penalty, see §§ 309.01 and 309.02.

§ 333.06 SPEED LIMITATIONS OVER BRIDGES.

(A) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a highway 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 signs as provided in this section.

(B) The department of transportation upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under this Traffic Code, the department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least 100 feet before each end of such structure.

(C) Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the department and the existence of said signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(R.C. § 4511.23) ('70 Code, § 333.06) Penalty, see §§ 309.01 and 309.02

§ 333.07 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in § 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. (R.C. § 4511.24) ('70 Code, § 333.07)

§ 333.08 STREET RACING PROHIBITED.

(A) **STREET RACING** is defined as 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 § 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. (R.C. § 4511.251)

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in § 309.01. (R.C. § 4511.99(B)) ('70 Code, § 333.08)

CHAPTER 335: LICENSING; ACCIDENTS

Section

- 335.01 Driver's or commercial driver's license required; restriction violation
- 335.02 Possession of more than one license prohibited
- 335.03 Driving with temporary instruction permit without licensed driver
- 335.04 Certain acts prohibited
- 335.05 Owner or operator allowing another to drive
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- 335.08 Operation or sale without certificate of title
- 335.09 Display of license plates; expired or unlawful plates
- 335.10 License plates to be unobstructed
- 335.11 Use of illegal license plates; transfer of registration
- 335.12 Stopping after accident upon streets; collision with unattended vehicle
- 335.13 Stopping after accident upon property other than streets
- 335.14 Vehicle accident resulting in damage to realty

§ 335.01 DRIVER'S OR COMMERCIAL DRIVER'S LICENSE REQUIRED; RESTRICTION VIOLATION.

(A) (1) No person, except those expressly exempted under R.C. §§ 4507.03 through 4507.05, shall operate any motor vehicle upon a street 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 R.C. Chapter 4507 or a commercial driver's license issued under R.C. Chapter 4506.

(2) 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 R.C. Chapter 4507 or a valid commercial driver's license issued under R.C. Chapter 4506.

(3) No person, except a person expressly exempted under R.C. §§ 4507.03 through 4507.05, shall operate any motorcycle upon a street 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 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. (R.C. § 4507.02)

(B) Nonresidents, permitted to drive upon the highways of their own states, may operate any motor vehicle upon any highway in this state without examination of license under R.C. §§ 4507.01 through 4507.39, upon condition that such nonresidents may be required at any time or place to provide lawful possession, or their right to operate, such motor vehicle, and to establish proper identity. (R.C. § 4507.04)

(C) Whoever violates division (A)(1) or (3) of this section by operating a motor vehicle when his/her driver's or commercial driver's license has been expired at the time of the offense is guilty of a minor misdemeanor. **If within three years of the offense, the offender previously was convicted of or pleaded guilty to three or more violations of this section the offense is a misdemeanor of the first degree. (R.C. § 4510.12(B)(12))**

(D) Whoever violates division (A)(2) or (B) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.01)

Cross-reference:

Bicycle licensing, see Ch.375

Snowmobiles and all purpose vehicles, see § 377.05

Statutory reference:

Use of driver's license as bond, see R.C. § 2937.221

Licensing of motor vehicles, see R.C. Ch. 4503

Driver's license law, see R.C. Ch. 4507

Point system for motor vehicle violations, see R.C. § 4507.021

§ 335.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED.

(A) No person shall receive a driver's or commercial driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he/she surrenders to the Registrar all valid licenses issued to him/her by another jurisdiction recognized by the state. All surrendered licenses shall be returned by the Registrar to the issuing authority, together with information that a license is now issued in this state. No person shall be permitted to have in this possession more than one valid license at any time. (R.C. § 4507.02(A)(4))

(B) Whoever violates any provision of division (A) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.02)

§ 335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT WITHOUT LICENSED DRIVER.

(A) The Registrar of motor vehicles, or the Deputy Registrar, upon receiving from any person an application for a temporary instruction permit for a driver's license, may issue such a permit entitling the applicant, while having the permit in his/her immediate possession, to drive a motor vehicle other than a commercial motor vehicle, upon the highways when accompanied by a licensed operator who is actually occupying a seat beside the driver. (R.C. § 4507.05)

(B) Whoever violates any provision of division (A) of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.03)

§ 335.04 CERTAIN ACTS PROHIBITED.

No person shall:

(A) Display, or cause or permit to be displayed, or possess any identification card, a 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, revoked, suspended or altered;

(B) Lend to a person not entitled thereto, or knowingly permit him/her to use any identification card, a 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;

(C) Display or represent as one's own, any identification card, a 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;

(D) Fail to surrender to the Registrar of Motor Vehicles, upon his/her demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit which has been suspended, canceled or revoked;

(E) In any application for an identification card, a 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 R.C. §§ 4507.08 or 4507.081 when knowing the same to be false or fictitious. (R.C. § 4507.30)

(F) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.04) Penalty, see §§ 309.01 and 309.02

§ 335.05 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

(A) No person shall authorize or knowingly permit a motor vehicle owned by him or her or under his/her control to be driven by any person who has no legal right to do so or whose act of driving said vehicle would violate R.C. §§ 4507.01 through 4507.39. (R.C. § 4507.33)

(B) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.05) Penalty, see §§ 309.01 and 309.02

§ 335.06 DISPLAY OF LICENSE.

(A) The operator of a motor vehicle shall display his/her license, or furnish satisfactory proof that he/she has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator has his/her license on or about his/her person, he/she shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under R.C. §§ 4507.01 to 4507.30 when such person does not have his/her license on or about his/her person shall be prima-facie evidence of his/her not having obtained such license. (R.C. § 4507.35)

(B) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4507.99(D)) ('70 Code, § 335.06) Penalty, see §§ 309.01 and 309.02

§ 335.07 DRIVING UNDER SUSPENSION OR REVOCATION.

(A) (1) No person, whose driver's or commercial driver's license or permit, or nonresident's operating privilege has been suspended or revoked pursuant to R.C. Chapter 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by him/her to be operated by another person in the municipality, during the period of the suspension or revocation, except as specifically authorized by R.C. Chapter 4509. No person shall operate a motor vehicle within this municipality, or knowingly permit any motor vehicle owned by him or her to be operated by another person in the municipality, during the period in which he or she is required by R.C. § 4509.45 to file and maintain proof of financial responsibility for a violation of R.C. § 4509.101 unless proof of financial responsibility is maintained with respect to that vehicle.

(2) 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 imposed under R.C. § 4506.10(D) or R.C. § 4507.14.

(B) No person, whose driver's or commercial driver's license or permit has been suspended pursuant to § 333.01(F), or R.C. §§ 4507.16(B) or 4511.191 or 4511.196, shall operate any motor vehicle within this municipality until he/she has paid the license reinstatement fee required pursuant to R.C. § 4511.191(J) and the license or permit has been returned to the person or a new license or permit has been issued to the person.

(C) (1) No person whose driver's or commercial driver's license, or permit or nonresident privilege, has been suspended or revoked, under the provisions of this traffic code or the Ohio Revised Code other than 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 highways or streets within this municipality during the period of suspension or within one year after the date of the revocation. No person who has been granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this municipality, except in accordance with the terms of the privileges.

(2) No person, whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under R.C. § 4507.16(B) shall operate any motor vehicle upon the highways or streets within this municipality during the period of suspension. No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the highways or streets in this municipality except in accordance with the terms of those privileges.

(D) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has

been suspended under R.C. §§ 4511.191 or 4511.196 shall operate a vehicle upon the highways or streets within this municipality. However, it is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided that no other person was reasonably available to drive in response to the emergency. (R.C. § 4511.192)

(E) It is an affirmative defense to any prosecution brought pursuant to this section that the alleged offender drove under suspension because of a substantial emergency, provided no other person was reasonably available to drive in response to the emergency. (R.C. § 4507.02(B)-(E))

(F) (1) Whoever violates division (A) or (C)(1) of this section is guilty of driving under suspension or revocation, or in violation of license restrictions a misdemeanor of the first degree. Whoever violates division (B) of this section is guilty of driving without paying a license reinstatement fee, a misdemeanor of the first degree. Except as otherwise provided in R.C. § 4507.162(D), the court may, in addition to or independent of all other penalties provided by law, suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of this section. (R.C. § 4507.99(A))

(2) (a) Whoever violates division (C)(2) of this section is guilty of a misdemeanor of the first degree on a first offense. The court shall sentence that offender to a term of imprisonment of not less than three consecutive days and may sentence the offender pursuant to R.C. § 2929.21 to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (F)(2)(f) of this section, the court may sentence the offender to a term of not less than 30 consecutive days of electronically monitored house arrest as defined in R.C. § 2929.23. The period of electronically monitored house arrest shall not exceed six months. In addition, the court shall impose upon the offender a fine of not less than \$250 and not more than \$1,000, and the court shall suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of the offender.

(b) On a second offense within five years of the first offense, the offender is guilty of a misdemeanor. The court shall sentence the offender to a term of imprisonment of not less than 10 consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (F)(2)(f) of this section, the court may sentence the offender to a term of not less than 90 consecutive days of electronically monitored house arrest as defined in R.C. § 2929.23(A)(3). The period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than \$500 and not more than \$2,500, and the court shall suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of the offender.

(c) On a third or subsequent offense within five years of the first offense, the offender is guilty of a misdemeanor. The court shall sentence the offender to a term of imprisonment of not less than 30 consecutive days and may sentence the offender to a longer definite term of imprisonment on not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (F)(2)(f) of this section, the court may sentence the offender to a term of imprisonment of 15 consecutive days followed immediately by not less than 55 consecutive days of electronically monitored house arrest as defined in R.C. § 2929.23 (A). The 15 consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. In addition, the court shall impose upon the offender a fine of not less than \$500 and not more than \$2,500 and the court shall suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of the offender.

(d) Fifty per cent of any fine imposed by a court under division (F)(2) of this section shall be deposited into the county or municipal indigent driver's alcohol treatment fund under the control of that court as created by the county or municipal corporation pursuant to R.C. § 4511.191(M).

(e) In addition, the court shall, in addition to or independent of all other penalties provided by law, order the immobilization of the vehicle that the offender was operating at the time of the violation. The period of immobilization ordered by a court under this division shall be as follows:

1. If the offender has not been convicted of or pleaded guilty to a violation of § 71.13(C)(2) or R.C. § 4507.02 (D)(2), the period of immobilization shall be for 30 days;

2. If the offender has been convicted of or pleaded guilty to one violation of § 71.13(C)(2) or R.C. § 4507.02(D)(2), the period of immobilization shall be for 60 days;

3. If the offender has been convicted of or pleaded guilty to two or more violations of § 71.13(C)(2) or R.C. § 4507.02 (D)(2), the period of immobilization shall be for 90 days. Any vehicle ordered immobilized under this division shall be immobilized at the residence of the owner of the vehicle or at the location where the owner regularly parks the vehicle.

(f) No court shall impose the alternative sentence of not less than 30 consecutive days of electronically monitored house arrest permitted to be imposed by division (F)(2)(a) of this section, the alternative sentence of a term of not less than 90 consecutive days of electronically monitored house arrest permitted to be imposed by division (F)(2)(b) of this section, or the alternative sentence of a term of imprisonment of 15 consecutive days followed immediately by not less than 55 consecutive days of electronically monitored house arrest permitted to be imposed pursuant to division (F)(2)(c) of this section, unless within 60 days of the date of sentencing, the court issues a written finding, entered into the record, that, due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon him/her, the offender will not be able to begin serving his/her term of imprisonment within the 60-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of or including electronically monitored house arrest permitted to be imposed by division (F)(2)(a), (b), or (c) of this section.

(g) An offender sentenced under this section to a period of electronically monitored house arrest shall be permitted work release during such period. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and his/her home or other place specified by the sentencing court and the time actually spent under employment.

(h) Suspension of a commercial driver's license under this section shall be concurrent with any period of disqualification under R.C. §§ 2301.374 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under R.C. § 4506.16 shall be issued a driver's license under R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section. (R.C. § 4507.99(B))

(G) Whoever violates division (D) of this section is guilty of a misdemeanor of the first degree. The court may, in addition to or independent of all other penalties provided by law, suspend for a period not to exceed one year the operator's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of division (D) above. (R.C. 4511.99(B)) ('70 Code, § 335.07)

Cross-reference:

Driving while under the influence, see § 333.01

Statutory reference:

Power of trial court to suspend or revoke license, see R.C. §§ 4507.16 and 4507.34

§ 335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

No person shall:

(A) Operate in this municipality a motor vehicle for which a certificate of title is required without having such certificate in accordance with R.C. §§ 4505.01 through 4505.21 or upon which the certificate of title has been canceled;

(B) 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 or a certificate of title therefor as provided in R.C. §§ 4505.01 through 4505.21;

(C) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Ohio Registrar of Motor Vehicles and notice thereof as prescribed in R.C. §§ 4505.01 through

4505.21;

(D) Fail to surrender the certificate of title to the Clerk of the Court of Common Pleas as provided in R.C. §§ 4505.01 through 4505.21, 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;

(E) Violate any rules promulgated pursuant to R.C. §§ 4505.01 through 4505.21.

(F) Except as otherwise provided in R.C. Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by a 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 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.

(G) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition. (R.C. § 4505.18)

(H) Whoever violates this section shall be fined not more than \$200 or imprisoned not more than 90 days or both. (R.C. § 4505.99(C)) ('70 Code, § 335.08) Penalty, see §§ 309.01 and 309.02

§ 335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

(A) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of such motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under R.C. §§ 4503.19 and 4503.191, furnished by the Director of Highway Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, trailer or semitrailer shall display on the rear only. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the plate only on the front of a semitractor and on the rear of all other vehicles. Such number plates shall be securely fastened so as not to swing.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of such motor vehicle, shall fail to display such 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 such windshield sticker in plain view on the rear window of the motor vehicle. Such temporary license placard or windshield sticker shall not be covered by any material which obstructs its visibility. (R.C. § 4503.21)

(B) Except as provided by R.C. §§ 4503.103, 4503.173, 4503.41, 4503.43 and 4503.46, no person who is the owner of a motor vehicle operated or driven upon the public roads or highways shall fail to annually file the application for registration or to pay the tax therefor. (R.C. § 4503.11(A))

(C) No person shall park or operate upon the highways of this municipality a motor vehicle acquired from a former owner who has registered the same while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (R.C. § 4549.11)

(D) No person who is the owner of a motor vehicle and a resident of Ohio shall operate or drive such motor vehicle upon the highways of this municipality, 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. (R.C. § 4549.12)

(E) 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.

(F) 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.

(G) Whoever violates division (A), (E) or (F) of this section is guilty of a minor misdemeanor. (R.C. § 4503.99(B))

(H) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. (R.C. § 4503.99(A))

(I) Whoever violates divisions (C) or (D) of this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. (R.C. § 4549.99(A)) ('70 Code, § 335.09) Penalty, see §§ 309.01 and 309.02

§ 335.10 LICENSE PLATES TO BE UNOBSTRUCTED.

No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for such vehicle shall be fastened in such a manner, and not covered, obscured or concealed by any part or accessory of such vehicle or by any foreign substance or material, to be readable in its entirety from left to right. ('70 Code, § 335.10) Penalty, see §§ 309.01 and 309.02

§ 335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(A) No person shall operate or drive a motor vehicle upon the highways of this municipality if it displays a distinctive number or identification mark which:

(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 person who fails to comply with the transfer of registration provisions of R.C. § 4503.12. (R.C. § 4549.08)

(B) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle shall expire and the original owner shall immediately remove the number plates from the motor vehicle, except that:

(1) If a statutory merger or consolidation results in the transfer of ownership of a motor vehicle from a constituent corporation to the surviving corporation, or should the incorporation of a proprietorship or partnership result in the transfer of ownership of a motor vehicle from the proprietorship or partnership to the corporation, the registration shall be continued upon the filing by the surviving or new corporation, within 30 days of such transfer, of an application for an amended certificate of registration, unless such registration is prohibited by R.C. § 4521.10(B). The application shall be accompanied by a service fee of \$2.25, a transfer fee of \$1, and the original certificate of registration. Upon a proper filing, the registrar of motor vehicles shall issue an amended certificate of registration in the name of the new owner.

(2) If the death of the owner of a motor vehicle results in the transfer of ownership of a motor vehicle to his/her surviving spouse or if a motor vehicle is owned by two persons under joint ownership with right of survivorship established under R.C. § 2106.17 and one of those persons dies, the registration shall be continued upon the filing by the surviving spouse of an application for an amended certificate of registration, unless such registration is prohibited by R.C. § 4521.10(B). The application shall be accompanied by a service fee of \$2.25, a transfer fee of \$1, the original certificate of registration, and in relation to a motor vehicle that is owned by two persons under joint ownership with right of survivorship established under R.C. § 2106.17, by a copy of the certificate of title that specifies that the vehicle is owned under joint ownership with the right of survivorship. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the surviving spouse.

(3) If the original owner of a motor vehicle that has been transferred makes application for the registration of another motor vehicle at any time during the remainder of the registration period for which the transferred motor vehicle was registered, he/she may, unless such registration is prohibited by R.C. § 4503.234(E) or

prohibited by R.C. § 4521.10(B), file an application for transfer of the registration and, where applicable, the number plates accompanied by a service fee of \$2.25, a transfer fee of \$1, and the original certificate of registration. The transfer of the registration and, where applicable, the number 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 number plates were issued shall be done within a period not to exceed 30 days. At the time of application for transfer the registrar shall compute and collect the amount of tax due on the succeeding motor vehicle, based upon the amount that would be due on a new registration as of the date on which the transfer is made less a credit for the unused portion of the original registration beginning on that date. If the credit exceeds the amount of tax due on the new registration, no refund shall be made. In computing the amount of tax due and credits to be allowed under this division, the provisions of R.C. § 4503.11(B) shall apply. As to passenger cars, noncommercial vehicles, and motorcycles, transfers within or between these classes of motor vehicles only shall be allowed. If the succeeding motor vehicle is of a different class than the motor vehicle for which the registration originally was issued, new number plates also shall be issued upon the surrender of the number plates originally issued and payment of the fees provided in R.C. § 4503.10 (C) and (D). (R.C. § 4503.12)

(C) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree, on a first offense and a misdemeanor of the third degree on each subsequent offense. (R.C. § 4549.99(D))

(D) Whoever violates division (B) of this section is guilty of a misdemeanor of the fourth degree. (R.C. § 4503.99(A)) ('70 Code, § 335.11)
Penalty, see §§ 309.01 and 309.02

Statutory reference:

Transfer of registration of commercial car with weight in excess of 10,000 pounds, see R.C. § 4503.12(D)

Transfer of special license plates, see R.C. § 4503.12(E)

§ 335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

(A) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop his/her motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until he/she has given his/her name and address and, if he/she is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, to any person injured in such accident or collision or to the operator, occupant, owner or attendant of any motor vehicle damaged in such accident or collision, or to any police officer at the scene of such accident or collision.

(B) In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his/her name, address and the registered number of the motor vehicle he/she was operating, and then 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.

(C) If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on said unoccupied or unattended motor vehicle. (R.C. § 4549.02)

(D) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4549.99(B)) ('70 Code, § 335.12) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Glass removal from street after accident, see § 311.01

Statutory reference:

State accident reports, see R.C. §§ 4509.019(J), 4509.06, 4509.74 and 5502.11

§ 335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS.

(A) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall stop, and upon request of the person injured or damaged, or any other person, shall give such person his/her name and address, and, if he/she is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and, if available, exhibit his/her driver's or commercial driver's license.

(B) If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within 24 hours after such accident or collision, forward to the police offices the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

(C) If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on such unoccupied or unattended motor vehicle. (R.C. § 4549.021)

(D) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4549.99(B)) ('70 Code, § 335.13) Penalty, see §§ 309.01 and 309.02

§ 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 such real property, legally upon or adjacent to a public road or highway, shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his/her name and his/her address, and of the registration number of the vehicle he/she is driving and shall, upon request and if available, exhibit his/her driver's or commercial driver's license.

(B) If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within 24 hours after such accident, forward to the police offices the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known. (R.C. § 4549.03)

(C) Whoever violates any provision of this section is guilty of a misdemeanor of the first degree. (R.C. § 4549.99(B)) ('70 Code, § 335.14) Penalty, see §§ 309.01 and 309.02

CHAPTER 337: SAFETY AND EQUIPMENT

Section

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§ 337.01 DRIVING UNSAFE VEHICLES; APPLICATION.

(A) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(B) 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. (R.C. § 4513.02)

(C) 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.

(D) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in § 309.01. (R.C. § 4513.99(B)) ('70 Code, § 337.01)

§ 337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(A) Every vehicle upon a street or highway within this municipality during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles, except that every motorized bicycle shall display at such times lighted lights meeting

the rules adopted by the Director of Highway Safety under R.C. § 4511.521. No motor vehicle, during such times, shall be operated upon a street or highway within this municipality using only parking lights as illumination.

(B) Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted street or highway under normal atmospheric conditions unless a different condition is expressly stated.

(C) Whenever in such sections 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. (R.C. § 4513.03) ('70 Code, § 337.02) Penalty, see §§ 309.01 and 309.02

§ 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. (R.C. § 4513.04) ('70 Code, § 337.03) Penalty, see §§ 309.01 and 309.02

§ 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 rearmost 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. (R.C. § 4513.05) ('70 Code, § 337.04) Penalty, see §§ 309.01 and 309.02

§ 337.05 REAR RED REFLECTORS.

(A) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than vehicles of the type mentioned in § 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 lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in § 337.06 shall be equipped with reflectors as required by the regulations provided for in that section.

(B) Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from distances within 300 feet to 50 feet from such vehicle. (R.C. § 4513.06) ('70 Code, § 337.05) Penalty, see §§ 309.01 and 309.02

§ 337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

(A) When the Director of Highway Safety prescribes and promulgates regulations relating to clearance lights, marker lights, reflectors and stop lights on buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any highway, these vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in § 337.02, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the village corporation where there is sufficient light to reveal any person or substantial object on the highway at a distance of 500 feet.

(B) Such equipment shall be in addition to all other lights specifically required by this chapter.

(C) Vehicles operated under the jurisdiction of the Public Utilities Commission are not subject to this section. (R.C. § 4513.07) ('70 Code, § 337.06) Penalty, see §§ 309.01 and 309.02

§ 337.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except taillights, 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. (R.C. § 4513.08) ('70 Code, § 337.07) Penalty, see §§ 309.01 and 309.02

§ 337.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

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 § 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 sixteen inches square. (R.C. § 4513.09) ('70 Code, § 337.08) Penalty, see §§ 309.01 and 309.02

§ 337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

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 § 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. (R.C. § 4513.10) ('70 Code, § 337.09) Penalty, see §§ 309.01 and 309.02

Statutory reference:

Warning devices for commercial vehicles disabled upon freeways, see R.C. § 4513.28

§ 337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(A) All vehicles, other than bicycles, including animal-drawn vehicles and vehicles referred to in § 337.01(B), not specifically required to be equipped with lamps or other lighting devices by §§ 337.02 through 337.09, shall, at all times specified in § 337.02, be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and shall also be equipped with two lamps displaying a red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp 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 headlamps. Lamps and reflectors required or authorized by this section shall meet standards adopted by the Director of Highway 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 flagman, or where flares are used, or when operating or traveling within the limits of a construction area designated by the 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 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 Highway 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. As used in this division, **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 division (B) of this section 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) No person shall sell, lease, rent or operate any slow-moving vehicle, as defined in division (B) of this section, 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 division (B) of this section.

(E) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section may, in addition to the use of the slow-moving vehicle emblem be equipped with a red flashing light which shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in § 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

(F) (1) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (a) With a slow-moving vehicle emblem complying with division (B) of this section;
- (b) With alternate reflective material complying with rules adopted under division (F)(2) below;
- (c) With both a slow-moving vehicle emblem and alternate reflective material as specified in division (F)(2) below.

(2) The Director of Highway Safety, subject to R.C. Ch. 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. 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 R.C. § 4513.03, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(G) 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. (R.C. § 4513.11) ('70 Code, § 337.10) Penalty, see §§ 309.01 and 309.02

§ 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 auxiliary driving lights mounted on the front of the vehicle. The Director of Highway Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to these specifications and regulations shall not be used. (R.C. § 4513.12) ('70 Code, § 337.11)
Penalty, see §§ 309.01 and 309.02

§ 337.12 COWL, FENDER AND BACK-UP LIGHTS.

(A) Any motor vehicle may be equipped with side cowl or fender lights or lights which shall emit a white or

amber light without glare.

(B) Any motor vehicle may be equipped with lights on each side thereof which shall emit a white or amber light without a glare.

(C) 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.
(R.C. § 4513.13) ('70 Code, § 337.12) Penalty, see §§ 309.01 and 309.02

§ 337.13 TWO LIGHTS DISPLAYED.

(A) At all times mentioned in § 337.02 at least two lighted lights shall be displayed, 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.

(B) The Ohio Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.
(R.C. § 4513.14) ('70 Code, § 337.13) Penalty, see §§ 309.01 and 309.02

§ 337.14 USE OF HEADLIGHT BEAMS.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in § 74.03, 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, subject to the following requirements:

(A) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(B) Every new motor vehicle registered in this state, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle. (R.C. § 4513.15) ('70 Code, § 337.14) Penalty, see §§ 309.01 and 309.02

§ 337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

Any motor vehicle may be operated under the conditions specified in § 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 § 337.13, provided that such vehicle shall not be operated at a speed in excess of 20 miles per hour.
(R.C. § 4513.16) ('70 Code, § 337.15) Penalty, see §§ 309.01 and 309.02

§ 337.16 NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS.

(A) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights, or spotlights, or any light on the front thereof projecting a beam of an intensity greater than 300 candlepower, 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 such vehicle is upon a street or highway.

(B) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, which projects a beam of light of an intensity greater than 300 candlepower 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) 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, overtaking or passing. This

prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles as provided in R.C. § 4513.182, Department of Transportation 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 § 337.10 to have a flashing red light.

(D) Except a person operating a public safety vehicle as defined in R.C. § 4511.01, 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 which 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 the 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 which 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. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles. (R.C. § 4513.17) ('70 Code, § 337.16) Penalty, see §§ 309.01 and 309.02

§ 337.17 FOCUS AND AIM OF HEADLIGHTS.

No person shall use any lights mentioned in §§ 337.02 through 337.16, 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. (R.C. § 4513.19) ('70 Code, § 337.17) Penalty, see §§ 309.01 and 309.02

§ 337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

The following requirements govern as to brake equipment on vehicles:

(A) 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 vehicles, 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.

(B) 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.

(C) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Director of Highway Safety under R.C. § 4511.521.

(D) Every trailer or semitrailer, except a pole trailer, of a gross weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the streets or highways of this municipality, shall be equipped with brakes adequate to control the movement of and to stop and to hold said vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied.

(E) 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.

(F) 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 source 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.

(G) 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.

(H) 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:

<i>Stopping Distance In Feet</i>	<i>From a Speed of 20 Miles Per Hour Deceleration in Feet PerSecond</i>	
Brake on all wheels	30	14
Brake not on all wheels	40	10.7

(I) 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. (R.C. § 4513.20) ('70 Code, § 337.18) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Bicycle and motorcycle equipment, see Ch. 373

§ 337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(A) Every motor vehicle when operated upon a street or highway 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 state approved siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. 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 suspended 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. (R.C. § 4513.21)

(C) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians. ('70 Code, § 337.19) Penalty, see §§ 309.01 and 309.02

§ 337.20 [RESERVED].

§ 337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street or highway 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. (R.C. § 4513.23) ('70 Code, § 337.21) Penalty, see §§ 309.01 and 309.02

§ 337.22 SIGN OR POSTER UPON WINDSHIELD; WINDSHIELD WIPER.

(A) 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 eight 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.

(B) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle. (R.C. § 4513.24) ('70 Code, § 337.22) Penalty, see §§ 309.01 and 309.02

§ 337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

No passenger-type vehicle shall be operated on a street or highway 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. (R.C. § 4513.30) ('70 Code, § 337.23) Penalty, see §§ 309.01 and 309.02

§ 337.24 MOTOR VEHICLE STOP LIGHTS.

(A) All motor vehicles when operated upon a street, highway or alley shall be equipped with at least one stop light mounted on the rear of the vehicle which shall be actuated upon application of the service brake, and which 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 rearmost vehicle need be visible from the distance specified.

(B) 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.

(C) 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 R.C. § 337.17

(D) **HISTORICAL MOTOR VEHICLES** as defined in R.C. § 4503.181 are not subject to this section. (R.C. § 4513.071) ('70 Code, § 337.24) Penalty, see §§ 309.01 and 309.02

§ 337.25 AIR CLEANER.

No person shall operate upon any street, alley or other public place any motor vehicle which is not equipped with a functioning air cleaner. ('70 Code, § 337.25) Penalty, see §§ 309.01 and 309.02

§ 337.26 BUMPERS.

(A) As used in this section:

(1) **GROSS VEHICLE WEIGHT RATING** means the manufacturer's gross vehicle weight rating established for that vehicle.

(2) **MANUFACTURER** has the same meaning as in R.C. § 4501.01.

(3) **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.

(4) **PASSENGER CAR** means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(5) **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.

(B) The Director of Highway Safety, in accordance with R.C. Chapter 119, shall adopt rules in conformance with standards of the vehicle equipment safety commission, that shall govern the maximum bumper height or, in the absence of bumpers and in cases where bumper height have been lowered or modified, the maximum height to the bottom of the frame rail, of any passenger car, multipurpose passenger vehicle, or truck.

(C) 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 or any applicable rule adopted pursuant to R.C. § 4513.021.

(D) 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.

(E) Nothing contained in this section or in the rules adopted pursuant to R.C. § 4513.021 shall be construed to prohibit either of the following:

(1) 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:

(2) 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.

(F) This section and the rules adopted pursuant to R.C. § 4513.021 do 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.

(R.C. § 4513.021)

(G) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (R.C. § 4513.99(B))

("70 Code, § 337.26) Penalty, see §§ 309.01 and 309.02

§ 337.27 CHILD RESTRAINT SYSTEM USAGE; EXCEPTIONS; DISMISSAL AND PENALTY.

(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 R.C. § 4511.01, that is registered in this state and 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 vehicle 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 registered in this state and is owned, leased, or otherwise under the control of a nursery school, kindergarten, 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 at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, 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 section 4513.263 of the Revised Code..

(D) 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 division (C) 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 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) The director of public safety shall adopt such rules as are necessary to carry out this section.

(F) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in 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.

(G) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(H) There is hereby created in the state treasury of the "child highway safety fund," consisting of fines imposed pursuant to division (J)(1) of this section for violations of divisions (A), (B), and (C) of this section. The money in the fund shall be used by the department of health only to defray the cost of designating hospitals as pediatric trauma centers under section 3727.081 of the Revised Code and to establish and administer a child highway safety program. The purpose of the program shall be to educate the public about child restraint systems generally and the importance of their proper use. The program also shall include a process for providing child restraint systems to persons who meet the eligibility criteria established by the the department, and a toll-free telephone number the public may utilize to obtain information about child restraint systems and their proper use.

(I) The director of health, in accordance with Chapter 119. Of the Revised Code, shall adopt any rules necessary to carry out this section, including rules establishing the criteria a person must meet in order to receive a child restraint system under the department's child restraint system program; provided that rules relating to the verification of pediatric trauma centers shall not be adopted under this section.

(J)(1) Whoever violates division (A), (B), or (C) of this section above shall be punished as follows:

(a) Except as otherwise provided in division (J)(1)(b) of this section the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A), (B) or (C) of this section or of a state law or municipal ordinance that is substantially similar to either of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) The fine shall be disbursed as provided by law. 4511.81 Child restraint system – child highway safety fund, Effective Date: 01-01-2004; 04-06-2007; 2008 HB 30 09-12-2008(Ord. 2008-118, passed 11-24-2008).

§ 337.28 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS; PENALTY.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **AUTOMOBILE.** 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.

(2) **COMMERCIAL TRACTOR, PASSENGER CAR, and COMMERCIAL CAR** have the same meanings as in R.C. § 4501.01.

(3) **OCCUPANT RESTRAINING DEVICE.** 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.

(4) **PASSENGER.** Any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.

(5) **VEHICLE and MOTOR VEHICLE.** As used in the definitions of the terms set forth in division (A)(2) above, **VEHICLE** and **MOTOR VEHICLE** have the same meanings as in R.C. § 4501.01.

(B) *Prohibited acts.* No person shall do any of the following:

(1) Operate an automobile on any street or highway unless he/she 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 he/she 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 division (B)(3) of this section 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 he/she 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) *Exceptions.* Division (B)(3) of this section does not apply to a person who is required by § 337.27 to be secured in a child restraint device. Division (B)(1) of this section 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. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under R.C. Chapter 4731 or a chiropractor licensed to practice in this state under R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(D) *Officers not permitted to stop cars to determine violation.* 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 division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for the violation or for causing the arrest of or commencing a prosecution of a person for the violation. 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 the violation has been or is being committed.

(E) *Use of fines for educational program.* All fines collected for violations of division (B) of this section, or for violations of any municipal ordinance or resolution that is substantively comparable to that division shall be forwarded to the Treasurer of State for deposit in the funds described in R.C. § 4513.263.

(F) *Duties of court.*

(1) A court in which a charge against a person for violation of division (B) of this section is pending shall dismiss the charge, and shall waive any fine if the person proves to the court, by a preponderance of the evidence, that he/she, before the scheduled court appearance indicated on the ticket, citation, or summons issued to him/her, viewed one of the films or videotapes prepared or acquired by the state department of highway safety as part of its seat belt education program. In coordination with that program, the courts charged with enforcement of division (B) of this section shall advise persons charged with a violation of that division of opportunities for viewing the films or videotapes. A court in which a charge against a person for violation of division (B) of this section is dismissed pursuant to this division may impose court costs against that person in an amount not to exceed \$15.

(2) A court in which a charge against a person for violation of division (B) of this section is pending shall not dismiss the charge and shall impose the fine levied by division (H) of this section if either of the following applies.

(a) The defendant fails to appear at the scheduled court appearance and is convicted of the offense;

(b) The defendant fails to prove, by a preponderance of the evidence, that he/she has viewed a seat belt education film or videotape in accordance with this section and is convicted of the offense.
(R.C. § 4513.263)

(H) *Penalty.*

(1) Whoever violates division (B)(1) shall be fined \$25.

(2) Whoever violates division (B)(3) shall be fined \$15.

(3) Whoever violates division (B)(4) is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense the person is guilty of a misdemeanor of the third degree. (R.C. § 4513.99) ('70 Code, § 337.28) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Child restraint systems, see § 337.27

Statutory reference:

Evidentiary use of failure to use occupant restraining devices, see R.C. § 4513.263(G)

Installation and sale of seat safety belts, see R.C. § 4513.262

School bus operators, requirement of restraining devices, see R.C. § 4511.772

CHAPTER 339: COMMERCIAL AND HEAVY VEHICLES

Section

- 339.01 Oversize or overweight vehicle operation on state routes; state permit
- 339.02 Use of local streets; vehicles exceeding five tons
- 339.03 Maximum width, height and length
- 339.04 Route and load information
- 339.05 Wheel protectors
- 339.06 Vehicles transporting explosives
- 339.07 Towing requirements
- 339.08 Loads dropping or leaking; tracking mud; removal required
- 339.09 Shifting load; loose loads
- 339.10 Vehicles with spikes, lugs and chains; traction engines
- 339.11 Removal of excess load
- 339.12 Occupying a moving trailer or manufactured home

§ 339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATES ROUTES; STATE PERMIT.

(A) The municipality, with respect to highways under its jurisdiction may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in R.C. §§ 5577.01 through 5577.09, or otherwise not in conformity with R.C. §§ 4513.01 through 4513.37, upon any highway under its jurisdiction.

(B) Notwithstanding R.C. §§ 715.22 and 723.01, the holder of a special permit issued by the Director of Transportation under R.C. § 4513.34 may move the vehicle or combination of vehicles described in such special permit on any highway which is a part of the state highway system, when the movement is partly within and partly without the corporate limits of the municipality. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway which is a part of the state highway system.

(C) No holder of a permit issued by the municipality shall be required by the director to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the municipality. Permits may be issued for any period of time, not to exceed one year, as the director in his/her discretion deems advisable or for the duration of any public construction project.

(D) The application for a permit shall be in such form as the municipality prescribes. The Director or municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the Director or municipality for the administrative costs incurred in issuing the permit, and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The Director, in accordance with R.C. Chapter 119, shall establish a schedule of fees for permits issued by the Director under this section.

(E) For the purposes of this section and of rules adopted by the director of transportation under R.C. § 4513.34 milk transported in bulk by vehicle is deemed a nondivisible load.

(F) The municipality may issue or withhold a permit; or, if a permit is issued, may limit or prescribe conditions of operation for the vehicle, and require bond or other security necessary to compensate for any damage to a roadway or road structure.

(G) Every 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 or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit. The Director of municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the

Director or municipality for the administrative costs incurred in issuing the permit, and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The Director, in accordance with R.C. Ch. 119, shall establish a schedule of fees for permits issued by the Director under this section. (R.C. § 4513.34) ('70 Code, § 339.01) Penalty, see § 309.01 and 309.02

Cross-reference:

Stopping at grade crossings, see § 331.25 and 331.26

Slow-moving equipment at grade crossings, see § 331.34

§ 339.02 USE OF LOCAL STREETS; VEHICLES EXCEEDING FIVE TONS.

(A) *Local streets.* No person shall operate a vehicle exceeding a size as specified in § 339.03 or exceeding a gross weight of five tons, upon any street in the municipality other than state routes and county roads, 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. On county roads Council or other duly designated local authority shall establish reasonable weight limits commensurate with the construction and material specifications for such roads and the load resistance of such roads as determined by the County Engineer. County roads shall be posted with signs indicating such weight limits.

(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 and highways.

(C) No permittee shall be required to obtain a special permit from the 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 Director of Transportation shall be required for movement upon state routes as provided in § 339.01.

(D) 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/her discretion deems advisable, or for the duration of any construction project. The Police Chief may limit or prescribe terms or conditions of operation of 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.

(E) For each such permit, the Police Chief shall charge \$2, and for each hour of time or any part thereof spent by the Police Division in supervising the movement of such vehicle, the applicant shall pay the sum of \$5.

(F) Except as provided in § 339.01 and division (A) of this section, streets and highways shall be posted with signs indicating "no thru trucks - gross weight five tons" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.

(G) 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 penalties prescribed by §§ 309.01 and 309.02. ('70 Code, § 339.02) Penalty, see §§ 309.01 and 309.02.

§ 339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

No vehicle shall be operated upon the public streets, highways, bridges and culverts within the municipality, whose dimensions exceed those specified in this section.

(A) 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 thereof over which operation of 102-inch buses is prohibited by order of the Director of Transportation;

(3) 132 inches for traction engines;

(4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit the operation of 102 inch vehicles on such state highways or portions thereof as the Director designates.

(B) No such vehicle shall have a length in excess of:

(1) 60 feet for passenger bus-type vehicles operated by a regional transit authority pursuant to R.C. §§ 306.30 through 306.54;

(2) 40 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 thereof 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, by journal entry, prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such state highways or portions thereof as the Director designates;

(5) 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, 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 divisions (B)(3) and (4) and in division (D) of this section;

(7) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

(C) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(D) (1) Any automobile transporter or boat transporter shall be allowed a length of 65 feet and any 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, by journal entry, prohibit the operation of any stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any state highway or portion thereof that the Director designates.

(2) The lengths prescribed in divisions (B)(2) through (6) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer 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 semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Ohio Director of Transportation.

(3) 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 in this section, shall when operating the same on the highways and streets of the municipality comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. R.C. §§ 119.01 through 119.13 apply to any rules adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

(4) 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. (R.C. § 5577.05)

(E) Whoever violates the weight provisions of this section or the weight provisions in regard to highways under R.C. § 5577.04 shall be fined \$80 for the first 2,000 pounds or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined \$100 and in addition thereto \$1 per 100 pounds of overload; for overloads in excess of 5000 pounds but not in excess of 10,000 pounds, such person shall be fined \$130 and in addition thereto \$2 per 100 pounds of overload, or imprisoned not more than 30 days, or both. For all overloads in excess of 10,000 pounds such person shall be fined \$160, and in addition thereto \$3 per 100 pounds of overload, or imprisoned not more than 30 days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than \$100. No penalty prescribed in this division shall be imposed on any vehicle combination if the overload on any axle does not exceed 1,000 pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this division, two axles on one vehicle less than eight feet apart, shall be considered as one axle. (R.C. § 5577.99(A))

(F) Whoever violates any other provision of this section shall be fined not more than \$25 for a first offense; for a second offense within one year thereafter, such person shall be fined not less than ten nor more than \$100, or imprisoned not more than ten days, or both; for a subsequent offense within one year after the first offense, such person shall be fined not less than \$25 nor more than \$200, or imprisoned not more than 30 days, or both. (R.C. § 5577.99(C)) ('70 Code, § 339.03) Penalty, see §§ 309.01 and 309.02

§ 339.04 ROUTE AND LOAD INFORMATION.

(A) 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.

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense. Punishment shall be as provided in § 309.01. ('70 Code, § 339.04) Penalty, see §§ 309.01 and 309.02

§ 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, highways, 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-fifth 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 centerline of the rearmost axle. (R.C. § 5577.11)

(B) Whoever violates this section shall be fined not more than \$25. (R.C. § 5577.99(D)) ('70 Code, § 339.05) Penalty, see §§ 309.01 and 309.02

§ 339.06 VEHICLES TRANSPORTING EXPLOSIVES.

Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

(A) 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.

(B) Said 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. (R.C. § 4513.29) ('70 Code, § 339.06) Penalty, see §§ 309.01 and 309.02

§ 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 the weight towed thereby, and the 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 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 public 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, unless the towing vehicle is an agricultural tractor. (R.C. § 4513.32) ('70 Code, § 339.07) Penalty, see §§ 309.01 and 309.02

§ 339.08 LOADS DROPPING OR LEAKING; TRACKING MUD; REMOVAL REQUIRED.

(A) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substance 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. (R.C. § 4513.31)

(B) No person shall operate any vehicle so as to track mud on any public way or place.

(C) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed. ('70 Code, § 339.08) Penalty, see §§ 309.01 and 309.02

§ 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 § 337.08. ('70 Code, § 339.09) Penalty, see §§ 309.01 and 309.02

§ 339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS; TRACTION ENGINES.

(A) (1) As used in this section **STUDED 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; and **MOTOR VEHICLE, STREET** or **HIGHWAY, PUBLIC SAFETY VEHICLE** and **SCHOOL BUS** have the same meaning as given those terms in R.C. § 4511.01

(2) No person shall operate any motor vehicle, other than a public safety vehicle or school bus, that is equipped with studded tires on any street or highway, except during the period extending from December 1 of each year through March 15 of the succeeding year.

(3) This division 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 in the immediate vicinity thereof. (R.C. § 5589.081)

(B) (1) 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.

(2) **TRACTION ENGINE** or **TRACTOR** applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power. (R.C. §§ 5589.08)

(C) Whoever violates this section is guilty of a minor misdemeanor. (R.C. § 5589.99(B)) ('70 Code, § 339.10) Penalty, see §§ 309.01 and 309.02

§ 339.11 REMOVAL OF EXCESS LOAD.

(A) Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of said vehicle to stop and submit to a weighing of it by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales.

(B) Whenever such officer upon weighing a vehicle and load determines that the weight is unlawful, he/she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the gross weight of such vehicle to the limit permitted. ('70 Code, § 339.11)

Statutory reference:

Removal of excess load, see R.C. § 4513.33

§ 339.12 OCCUPYING A MOVING TRAILER OR MANUFACTURED HOME.

(A) No person shall occupy any travel trailer or nonself-propelled manufactured home while it is being used as a conveyance upon a street or highway. (R.C. § 4511.701) ('70 Code, § 339.12)
Penalty, see §§ 309.01 and 309.02

CHAPTER 341: DRIVERS OF COMMERCIAL CARS OR TRACTORS

Section

- 340.01 Definitions
- 341.02 Permitting or driving while fatigued or ill prohibited

§ 341.01 DEFINITIONS.

As used in this chapter of the Traffic Code

(A) **COMMERCIAL CAR.** Any motor vehicle having motor power designed and used for carrying merchandise or freight, or used as a commercial tractor. (R.C. § 4501.01(J))

(B) **COMMERCIAL TRACTOR.** Except as defined in § 301.07, means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both. (R.C. § 4501.01(D))

(C) **OWNER.** Any person, firm or corporation other than a manufacturer or dealer having title to a motor vehicle. (R.C. § 4501.01(V)) ('70 Code, § 341.01)

§ 341.02 PERMITTING OR DRIVING WHILE FATIGUED OR ILL PROHIBITED.

(A) No person shall drive a commercial motor vehicle as defined in R.C. § 4506.01, or a commercial car or commercial tractor, as defined herein, while his/her ability or alertness is so impaired by fatigue, illness or other causes that it is unsafe for him/her to drive such vehicle. No driver shall use any drug which would adversely affect his/her ability or alertness.

(B) No owner, as defined in this section and R.C. § 4506.01, of a commercial motor vehicle, commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in division (A) of this section to drive such vehicle upon any street or highway. (R.C. § 4511.79)

(C) Whoever violates this section is guilty of a minor misdemeanor on a first offense, and such person is guilty of a misdemeanor of the fourth degree on each subsequent offense. (R.C. § 4511.99(C)) ('70 Code, § 341.02) Penalty, see §§ 309.01 and 309.02

Statutory reference:

Display of certificates of registration, see R.C. § 4549.18

Arrest notice of drivers, R.C. § 5577.14

CHAPTER 343: [RESERVED]

CHAPTER 345: NOISE EMISSION FROM MOTOR VEHICLES

Section

- 345.01 Definitions
- 345.02 Maximum permissible noise levels for vehicles
- 345.03 Measurement procedure
- 345.04 Excessive noise
- 345.05 Muffler; muffler cutout; excessive smoke, gas or noise

§ 345.01 DEFINITIONS.

All terminology used in this chapter which is not defined below shall be in conformity with applicable publications of the American National Standards Institute (ANSI) or its successor body.

As used in this chapter:

(A) **A-WEIGHTED SOUND LEVEL.** The sound level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

(B) **DECIBEL (Db).** A unit for measuring the volume of a sound, equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

(C) **LIGHT MOTOR VEHICLE.** Any automobile, van, motorcycle, motor-driven cycle, motor scooter, dune buggy, snowmobile, all-terrain vehicle, go-cart, minibike, trail bike and truck with a gross vehicular weight of less than 6,050 pounds.

(D) **MODIFIED EXHAUST SYSTEM.** An exhaust system in which:

(1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noise.

(2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices.

(3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

(E) **NOISE LEVEL.** The A-weighted sound level.

(F) **PERSON.** Any individual, association, partnership or corporation and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

(G) **SOUND LEVEL METER.** An instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI S1.4-1971 or its successor.

(H) **SOUND PRESSURE LEVEL.** Twenty times the logarithm to the base ten of the ration of the RMS sound pressure to the reference pressure of twenty micropascals. Sound pressure level is expressed in decibels.

(I) **TRAFFIC NOISE.** Sound by a motor vehicle operated either on the public right of way or private property. ('70 Code, § 345.01) (Ord. 1980-58, passed 6-9-80; Am. Ord. 1981-13, passed 1-26-81)

§ 345.02 MAXIMUM PERMISSIBLE NOISE LEVELS FOR VEHICLES.

(A) No person shall operate a light motor vehicle in any area in the municipality which exceeds a noise level of 83 dBA, as measured under the testing procedure of the municipality. The noise level of 83 dBA shall be based on a distance of not less than 21 feet.

<i>Motor Vehicle Class</i>	<i>0 through 35 mph</i>	<i>Sound Level Limits Stationary Run-Up</i>
Any motor vehicle of a gross vehicle weight rating or a gross combined weight rating of 6,050 lbs. or more	90 dBA	88 dBA
All other motor vehicles	83 dBA	99 dBA

(Ord. 1981-13, passed 1-26-81)

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in § 309.01. (Ord. 1980-58, passed 6-9-80) ('70 Code, § 345.02)

Cross-reference:

Horn, siren and theft alarm signal, see § 337.19

§ 345.03 MEASUREMENT PROCEDURE.

(A) The measurement procedure for motor vehicles with a gross vehicle weight rating or gross combined weight rating of 6,050 pounds or more shall be that specified in 49 CFR 325 concerning compliance with the Federal Interstate Motor Carrier Noise Emission Compliance Regulation Standards.

(B) The stationary run-up procedure for light motor vehicles shall be a test of the exhaust made twenty inches from the exhaust while such vehicle is operated at 50% of the manufacturer's rated rpm at which maximum horsepower is developed or its equivalent.

(C) Other testing procedures that may be prescribed shall be set by the Chief of Police from standard or widely recognized methods, including, but not limited to, methods of the American National Standards Institute of the Society of Automotive Engineers. ('70 Code, § 345.03) (Ord. 1981-13, passed 1-26-81)

§ 345.04 EXCESSIVE NOISE.

(A) No person shall operate a light motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squealing. At the request of the operator of the light motor vehicle, the officer can administer a stationary motor vehicle noise test as outlined in the *Code of Recommended Practices* on file with the City Clerk. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in § 309.01. ('70 Code, § 345.04) (Ord. 1980-58, passed 6-9-80)

Cross-reference:

Peeling; cracking exhaust noises, see § 331.37

Peace disturbances, see Ch. 648

§ 345.05 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 his/her 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. (R.C. § 4513.22) ('70 Code, § 345.05) Penalty, see §§ 309.01 and 309.02

TITLE SEVEN - Parking
Chapter 351 Parking Generally
Chapter 353 Parking Meters

CHAPTER 351: PARKING GENERALLY

Section

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§ 351.01 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(A) Whenever any police officer finds a vehicle standing upon a street or highway in violation of § 351.12, the officer may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such street or highway.

(B) Whenever any police officer finds a vehicle unattended upon any street, highway, 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.

(C) Any motor vehicle that is parked in a special marked parking location in violation of Division (F)(1) or (F)(2) of Section 351.04 may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. 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 that political subdivision 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 person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. (R.C. § 4511.67) ('70 Code, § 351.01) (Ord. 1999-166, passed 1-4-2000)

Cross-reference:

Impounding of vehicles; redemption, see § 303.08

§ 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 parking 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. (70 Code, § 351.02)

§ 351.03 PROHIBITED STANDING OR PARKING PLACES.

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:

- (A) On a sidewalk, except a bicycle;
- (B) In front of a public or private driveway;
- (C) Within an intersection;
- (D) Within ten feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within 20 feet of a crosswalk at an intersection;
- (G) Within 30 feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (H) 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;
- (I) Within 50 feet of the nearest rail of a railroad crossing;
- (J) 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;
- (K) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (L) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (M) Upon any bridge or other elevated structure upon a street or highway, or within a street tunnel;
- (N) At any place where signs prohibit stopping;
- (O) Within one foot of another parked vehicle;
- (P) On the roadway portion of a freeway, expressway or thruway; (R.C. § 4511.68)
- (Q) In any private driveway, alleyway or areaway between buildings when, in the opinion of the Fire Chief, such parking constitutes a fire hazard or an obstruction to or interference with operation of fire-fighting equipment of the municipality; (Adopting Ordinance)
- (R) In any special parking location provided for disabled person, unless the person is disabled or is operating a motor vehicle to transport a disabled person. It is an affirmative defense to the charge that the person suffered an injury not more than seventy-two (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 division (A)(1) of Section 4503.44 of the Revised Code. (Ord. 1978-27, passed 3-13-78; Ord. 1999-166, passed 1-4-2000)
- (S) Along any curb that is painted yellow. (Ord. 1998-149, passed 11-9-1998)

(T) On, over or straddling a pavement marking placed upon the roadway, highway, street or alley for the purpose of designating parking spaces. (Ord. 2005-75, passed 09-12-2005) ('70 Code, § 351.03) Penalty, see §§ 309.01, 309.02 and 351.19

(U) Within any front yard, except when entirely parked upon a driveway compliant with the provisions contained with Marion City Code section 1153.034. (Ord. 2009-37, passed 4-27-09)

§ 351.03-99 PENALTIES;

Whoever violates Division (R) herein is guilty of a misdemeanor and shall be fined not less than two hundred fifty nor more than five hundred dollars, but in no case shall an offender be sentenced to any term of imprisonment.

Arrest or conviction for a violation of Division (R) above does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquires contained in any application witness. for employment, license or other right or privilege, or made in connection with the person's appearance as a Every fine collected under this division shall be paid by the Clerk of the Court to the political subdivision in which the violation occurred. Except as provided in this division, the political subdivision shall use the fine monies it receives under this division to pay the expenses it incurs in complying with the signage and notice requirements contained in Division (E) of Section 351.04. The political subdivision may use up to fifty percent of each fine it receives under this division to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs. (Ord. 1999-166, passed 1-4-2000)

Cross-reference:

Parking near emergency or safety vehicles, see § 331.29

Parking of bicycles, see § 373.09

§ 351.04 MANNER OF PARALLEL PARKING; DISABLED PERSONS.

(A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than 12 inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities may by ordinance permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than 25 feet is available for free moving traffic.

(B) Local authorities may by ordinance permit parking of vehicles with the left-hand wheels adjacent to and within 12 inches of the left-hand curb of a one-way roadway.

(C) No vehicle shall be stopped or parked on a road or highway with the vehicle facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, regulation, resolution, or ordinance, 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 or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagman is on duty or warning signs or lights are displayed as may be prescribed by the 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 all political subdivisions and by the state 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 division and R.C. § 3781.111(B) shall be mounted on a fixed or

movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after the effective date of this amendment, 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) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section, 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 that division, 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 disabled person and is displaying a parking card or special disabled license plates.

(G) It is an affirmative defense to a person charged with a violation of (F)(1) or (F)(2) that the person suffered an injury not more than seventy-two (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 Division (A)(1) of Section 4503.44 of the Revised Code.

(H) 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 disabled person, and is displaying a parking card or special disabled license plates, the motor vehicle shall be 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.

(I) No owner of an office, facility, or parking garage where special parking locations must be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations as required by that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(J) As used in this section:

(1) **DISABLED PERSON** has the same meaning as **HANDICAPPED PERSON** in RC § 4503.44.

(2) **SPECIAL LICENSE PLATES** and **PARKING CARD** mean any license plates or parking card issued under R.C. §§ 4503.41 or 4503.44, and also mean any substantially similar license plates or parking card by a state, district, country, or sovereignty with which the director of highway safety has entered into a reciprocity agreement as authorized by RC § 5502.03, during the time the agreement is in effect. (R.C. § 4511.69)

(K) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor. (R.C. § 4511.99(F))

(L) Whoever violates division (H) of this section shall be issued a warning for a first offense; on each subsequent offense the person shall be fined \$25 for each parking location that is not properly marked or whose markings are not properly maintained. (RC § 4511.99 (M)) ('70 Code, § 351.04) Penalty, see § 309.01 and 309.02.

(M) Whoever violates Division (F)(1) or (F) (2) herein is guilty of a misdemeanor and shall be fined not less than two hundred fifty nor more than five hundred dollars, but in no case shall an offender be sentenced to any term of imprisonment.

Arrest or conviction for a violation of Division (F)(1) or (F)(2) herein does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquires contained in any application

for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

Every fine collected under this division shall be paid by the Clerk of the Court to the political subdivision in which the violation occurred. Except as provided in this division, the political subdivision shall use the fine monies it receives under this division to pay the expenses it incurs in complying with the signage and notice requirements contained in Division (E) of Section 351.04. The political subdivision may use up to fifty percent of each fine it receives under this division to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs. (Ord. 1999-166, passed 1-4-2000)

§ 351.05 MANNER OF ANGLE PARKING.

Upon streets and municipal property 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 and said vehicle shall stop, stand or park with no more than 12 inches between the vehicles most corner and the curb. (Ord. 2001-81, passed 06-25-2001)
(70 Code, § 351.05) Penalty, see §§ 309.01, 309.02 and 351.19

§ 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; or
- (B) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency. (70 Code, § 351.06) Penalty, see §§ 309.01, 309.02 and 351.19

§ 351.07 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, AND THE LIKE.

(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 wheel to the curb or side of the highway.

(B) 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 shall not apply to an emergency vehicle or a public safety vehicle. (R.C. § 4511.661) (70 Code, § 351.07) Penalty, see §§ 309.01, 309.02 and 351.19

§ 351.08 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

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. (R.C. § 4511.70(C)) (70 Code, § 351.08) Penalty, see §§ 309.01 and 309.02

§ 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 30 minutes. (70 Code, § 351.09) Penalty, see §§ 309.01, 309.02 and 351.19

§ 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 eighteen 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. ('70 Code, § 351.10) Penalty, see §§ 309.01, 309.02 and 351.19

Cross-reference:

Taxicabs, see Ch. 760

§ 351.11 PARKING IN ALLEYS AND NARROW STREETS; EXCEPTIONS.

(A) 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.

(B) 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. ('70 Code, § 351.11) Penalty, see §§ 309.01, 309.02 and 351.19

§ 351.12 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

(A) 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.

(B) 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. (R.C. § 4511.66) ('70 Code, § 351.12) Penalty, see §§ 309.01, 309.02 and 351.19

Cross-reference:

Parking upon sidewalks, streets or curbs, see § 331.38

Lights on parked or stopped vehicles, see § 337.09

§ 351.13 MAXIMUM CONSECUTIVE PARKING HOURS.

(A) No person shall park a motor vehicle on the streets or highways of the municipality in excess of 72 consecutive hours.

(B) Nothing in this section shall be interpreted to permit parking of motor vehicles where prohibited or

relaxing the restrictions on parking of motor vehicles by the ordinances of the municipality or the statutes of the state.

(C) When any police officer finds a vehicle which is parked in violation of the provisions of this section, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety.
(*70 Code, § 351.13) Penalty, see §§ 309.01, 309.02 and 351.19

§ 351.14 PARKING PROHIBITIONS ON PRIVATE OR PUBLIC PROPERTY; PRIVATE TOW-AWAY ZONES.

(A) If an owner of private property or the proper governmental agencies in charge of public property, posts on the property, in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

(1) Park a vehicle on the property without the owner's or governmental agency's consent; or

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner or governmental agency.

(B) Except as provided in R.C. §§ 4513.60 to 4513.65 and §§ 351.18 and 351.14 of this Traffic Code and § 660.07 of the General Offenses Code, and subject to the requirements of this section, the owner of private property or his or her authorized agent, or the proper governmental agency, may remove, or cause to be removed, any vehicle parked on the property in violation of a posted parking prohibition, condition or regulation.

(C) The owner of private property or the proper governmental agency of public property may create a private or public tow-away zone only if all of the following conditions are satisfied:

(1) The owner or governmental agency 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 contains at least all of the following information:

(a) A notice that the property is a private or public tow-away zone and that vehicles not authorized to park on the property will be towed away;

(b) The telephone number of the person from whom a towed away vehicle can be recovered and the address of the place to which the vehicle will be taken and from which it may be recovered;

(c) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge in an amount not to exceed \$40 and a storage charge in an amount not to exceed \$5 per 24-hour period.

(2) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and 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 municipality.

(D) If a vehicle is parked on private or public property that is established as a private tow-away zone in accordance with division (C) hereof, without the consent of the owner of the property or the governmental agency, the owner or governmental agency and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle, and to the payment of the towing and storage charges specified in paragraph (C)(1)(c) hereof, and the owner may recover the vehicle only upon submission of proof of ownership and the payment of such charges. However, if the owner or operator of the vehicle arrives after the vehicle has been prepared for removal but prior to its actual removal from the zone, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the normal towing charge of the person who has prepared the vehicle for removal in order to obtain release of the vehicle. Upon payment of this fee, the vehicle shall be released to the owner or operator and upon release of the vehicle; the owner or operator immediately shall move the vehicle so that it is not parked on the private or public property established as a private or public tow-away zone without the consent of the owner.

(E) If the municipality requires tow trucks and tow truck operators to be licensed, no owner of private property or governmental agency in charge of public property, located in the municipality, shall remove or cause the removal and storage of any vehicle pursuant to this section by an unlicensed tow truck or unlicensed tow truck operator.

(F) Except as provided in R.C. §§ 4513.60 to 4513.65 and §§ 351.18 and 351.14 of this Traffic Code and § 660.07 of the General Offenses Code, no person shall remove, or cause to be removed, any vehicle from private or public property other than in accordance with this section.

(G) If an owner of private property or his or her authorized agent, or a governmental agency in charge of public property, removes or causes the removal of a vehicle from that property pursuant to this section, the owner or agent shall notify the Police Department of the removal and of the vehicle's license plate number.

(H) Whoever violates division (F) hereof is guilty of a minor misdemeanor for a first offense and a misdemeanor of the third degree for a second or subsequent offense. Punishment shall be as provided in § 309.01. Whoever violates any other provision of this section shall be punished as provided in §§ 309.01 and 309.02. ('70 Code, § 351.14) Penalty, see §§ 309.01 and 309.02

§ 351.15 NIGHT PARKING IN RESIDENTIAL DISTRICTS.

No person shall park a school bus, commercial tractor, agricultural tractor, truck of more than one ton capacity, bus, trailer, semitrailer, pole trailer or moving van on any street or within ten (10) feet of any street within the residential districts of the municipality between one-half hour after sunset and one-half hour before sunrise. ('70 Code, § 351.15) (Am. Ord. 2004-120, passed 11-22-2004) Penalty, see §§ 309.01, 309.01 and 351.19

§ 351.16 BACKING FOR LOADING LIMITED.

Except as otherwise provided by law, no vehicle shall remain backed up to a curb unless it is actually loading or unloading and, in such case, no longer than fifteen minutes, unless a permit has been procured from the Chief of Police allowing an extension of time. However, at no time shall a vehicle be backed up to a curb in the Downtown Business District without having procured a permit from the Chief of Police. ('70 Code, § 351.16) Penalty, see §§ 309.01, 309.02 and 351.19; Ord. 2001-81, passed 06-25-2001)

§ 351.17 LOADING HOURS RESTRICTED IN BUSINESS DISTRICT.

No vehicles shall back up to the curb or double park for the purpose of loading or unloading on Main Street from George Street to the second alley south of Church Street, on Prospect Street and State Street from the first alley south of Church Street to Huber Street, on Center Street from the CSX Railway to Vine Street, except in designated loading zones. Unless a permit has been procured from the Chief of Police allowing for special circumstances to warrant the loading or unloading of a vehicle in conflict herewith. ('70 Code, § 351.17) Penalty, see §§ 309.01, 309.02 and 351.19; Ord. 2001-81, passed 06-25-2001

§ 351.18 ABANDONED JUNK MOTOR VEHICLES.

(A) No person shall willfully leave an **ABANDONED JUNK MOTOR VEHICLE**, as defined in R.C. § 4513.63, on private property for more than 72 consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular traffic or parking, or upon or within the right of way of any road or highway, for 48 consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the motor vehicle in such place. For purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section or R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate the provisions of other ordinances or resolutions regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality. (R.C. § 4513.64)

(B) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the municipality in disposing of such vehicle or abandoned junk motor vehicle, less any money accruing to the municipality from such disposal. (R.C. § 4513.99(D)) ('70 Code, § 351.18)

§ 351.185 MARION GENERAL HOSPITAL PROPERTY.

(A) No person shall park a motor vehicle on any property known as Marion General Hospital property except in designated parking spaces.

(B) No person shall park a motor vehicle in the area designated as “Doctors Parking” at Marion General Hospital unless such person is a member of the medical staff of Marion General Hospital.

(C) No person shall park, stop or stand a motor vehicle in the driveways of Marion General Hospital.

(D) No person shall park in spaces designated for emergency room parking at Marion General Hospital other than those persons who are actually conducting business with the emergency room at such Hospital.

(E) The Board of Governors of Marion General Hospital is hereby authorized to post appropriate parking regulation signs on the Marion General Hospital premises. (Ord. 1971-159, passed 10-25-71)

(F) The security personnel employed at Marion General Hospital are hereby authorized and directed to issue citations for parking violations on Marion General Hospital premises.

(G) The Safety/Service Director is hereby authorized and directed to provide the security personnel at Marion General Hospital with appropriate forms for such citations. (Ord. 1971-160, passed 10-25-71) ('70 Code, § 351.185) Penalty, see §§ 309.01, 309.02 and 351.19

§ 351.19 WAIVER.

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance. ('70 Code, § 351.19)

CHAPTER 353: PARKING METERS

Section

- 353.01 Definitions
- 353.02 Parking within marked lines of meter space
- 353.03 Deposit of coin required; illegal parking
- 353.04 Parking prohibited in meter space
- 353.05 Defacing meter; use of slugs
- 353.06 Parking meter hours
- 353.07 Parking periods; meter color
- 353.08 Waiver
- 353.09 Metered parking at Courthouse

§ 353.01 DEFINITIONS.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them:

(A) **PARKING METER.** A mechanical device installed for the regulation of parking by lawful authority. Each parking meter shall contain a slot for the deposit of lawful coin of the United States and a receptacle for receiving and storing such coin. Each parking meter shall display brief directions as to its operation and the value of lawful coin required to be deposited. Each parking meter shall contain a timing mechanism which shall indicate either a balance of legal parking time or overtime parking by an appropriate signal at the expiration of such lawful time.

(B) **PARKING METER SPACE.** A space within a parking meter area, which is designated for the parking of a single vehicle by marked lines on the curb or paved surface area adjacent to a parking meter. Posted notice on the meter or on signs shall indicate the maximum consecutive parking time limit during which a vehicle may be legally parked in a particular parking meter space and the days and hours when the requirement to deposit lawful coin shall apply. ('70 Code, § 353.01)

§ 353.02 PARKING WITHIN MARKED LINES OF METER SPACE.

No person shall park a vehicle in a parking meter space in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines. ('70 Code, § 353.02) Penalty, see §§ 309.01, 309.02 and 353.08

§ 353.03 DEPOSIT OF COIN REQUIRED; ILLEGAL PARKING.

(A) No person shall cause, allow or permit a vehicle to occupy a parking meter space during the hours when the provisions applicable to such space are in effect, unless he/she shall deposit such lawful coin of the United States of appropriate denomination in the adjacent parking meter, as required by directions on the meter. Such person is not required to deposit a coin in a meter which indicates a balance of unused legal parking time left by the previous occupant of the space, so long as his/her occupancy of the space does not exceed the indicated unused parking time. The parking meter space may be lawfully occupied by such vehicle during the balance of legal parking time shown on the meter provided such occupancy does not exceed the established maximum time limit.

(B) No person shall fail to comply with directions displayed on the parking meter or fail to set the timing mechanism in operation when so required.

(C) No person shall cause, allow or permit a vehicle to occupy a meter space beyond the maximum consecutive parking time limit lawfully prescribed, for the particular space occupied, by appropriate notice on the meter or on posted signs, irrespective of the number or amount of coin deposited in such meter. ('70 Code, § 353.03) Penalty, see §§ 309.01, 309.02 and 353.08

§ 353.04 PARKING PROHIBITED IN METER SPACE.

Notwithstanding any provision of this chapter, no person shall park in a parking meter space when otherwise directed by a police officer or firefighter or when parking is prohibited by properly posted signs.
(‘70 Code, § 353.04) Penalty, see §§ 309.01, 309.02 and 353.08

§ 353.05 DEFACING METER; USE OF SLUGS.

(A) No person shall:

(1) Deface, injure, tamper, open or willfully break, destroy or impair the usefulness of any parking meter.

(2) Cause, allow or permit any token, slug, false or counterfeited coin, device or other substance to be deposited in a parking meter.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in § 309.01. (‘70 Code, § 353.05) Penalty, see §§ 309.01 and 309.02

§ 353.06 PARKING METER HOURS.

The limitations on parking meter zones shall be in effect Monday, Tuesday, Wednesday, Thursday, and Friday from 9:00 a.m. to 6:00 p.m. and on Saturday from 9:00 a.m. to 12:00 noon, except that parking meter hours for the municipal parking lot located on the northeast corner of Church and Prospect Streets, also known as Lot “A,” are extended to 12:00 midnight Monday through Saturday, inclusive, and including all holidays.
(‘70 Code, § 353.06) (Ord. 1974-104, passed 9-9-74)

§ 353.07 PARKING PERIODS; METER COLOR.

Parking meters encased in the following colored hoods shall be operated by winding the clock mechanism for the time specified, after deposit of the proper and lawful coin required, as follows:

(A) Red meter, fifteen minutes for one nickel.

(B) Gray meter, thirty minutes for one nickel.

(C) Gold meter, one hour for two nickels or one dime.

(D) Silver meter, two hours for two nickels or one dime.

(E) Bronze meter, ten hours for ten nickels, five dimes or two quarters.

(F) Yellow meter, ten hours for five nickels, three dimes or one quarter.

(G) Black meter, three hours for three dimes or one quarter.

(‘70 Code, § 353.07)

§ 353.08 WAIVER.

Any person charged with a violation of any provision of this chapter for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.
(‘70 Code, § 353.08)

§ 353.09 METERED PARKING AT COURTHOUSE.

(A) Metered parking is hereby established at the parking lot adjacent to the County Courthouse.

(B) The charge for such parking shall be \$.25 per hour.

('70 Code, § 353.09) (Ord. 1982-102, passed 8-23-82) Penalty, see §§ 309.01, 309.02 and 353.08

Statutory reference:

Off-street parking facilities, see R.C. § 717.05

TITLE NINE - Pedestrians, Bicycles, Motorcycles and Snowmobiles

Chapter 371 Pedestrians

Chapter 373 Bicycles and Motorcycles

Chapter 375 Bicycle Licensing

Chapter 377 Snowmobiles and All Purpose Vehicles

CHAPTER 371: PEDESTRIANS

Section

- 371.01 Duties of pedestrians and drivers at crosswalks
- 371.02 Right of way of blind person
- 371.03 Right of way yielded by pedestrian; crossing roadways
- 371.04 Moving in crosswalk
- 371.045 Persons operating motorized wheelchairs
- 371.05 Walking on sidewalks and streets
- 371.06 Soliciting rides or business; riding on outside of vehicle
- 371.07 Pedestrian traffic on overpasses
- 371.08 Passing through bridge signals or railroad barriers
- 371.09 Right of way of public safety vehicles
- 371.10 Right of way on sidewalks
- 371.11 Intoxication

§ 371.01 DUTIES OF PEDESTRIANS AND DRIVERS AT CROSSWALKS.

(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 R.C. § 4511.132, 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) Division (A) of this section does not apply under the conditions stated in § 371.03(b).

(D) Whenever any vehicle is stopped at a marked crosswalk or 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. (R.C. § 4511.46) ('70 Code, § 371.01) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Pedestrians prohibited on freeways, see § 303.06

Obedience to traffic control devices, see § 313.01

§ 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°. 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 predominantly 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 or metallic cane, with or without a red tip. (R.C. § 4511.47) ('70 Code, § 371.02) Penalty, see §§ 309.01 and 309.02

§ 371.03 RIGHT OF WAY YIELDED BY PEDESTRIAN; CROSSING ROADWAYS.

(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. 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. (R.C. § 4511.48) ('70 Code, § 371.03) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Pedestrian control signals, see § 313.05

§ 371.04 MOVING IN CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks. (R.C. § 4511.49) ('70 Code, § 371.04) Penalty, see §§ 309.01 and 309.02

§ 371.045 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this chapter, except those provisions which by their nature can have no application. (R.C. § 4511.491) Penalty, see §§ 309.01 and 309.02

§ 371.05 WALKING ON SIDEWALKS AND STREETS.

(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 §§ 313.03 and 371.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (R.C. § 4511.50) ('70 Code, § 371.05) Penalty, see §§ 309.01 and 309.02

§ 371.06 SOLICITING RIDES OR BUSINESS; RIDING ON OUTSIDE OF VEHICLE.

(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 division (B)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle except as provided for in this chapter.

(2) The legislative authority of the municipality, by ordinance may authorize issuance of a permit to a

charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupants of a vehicle by standing on a highway, other than a freeway as provided in R.C. § 4511.051(A), that is under the jurisdiction of the municipality. The permit shall be valid for only one period of time, which shall be specified in the permit, in any calendar year. The legislative authority 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 the legislative authority considers advisable.

(3) As used in division (B)(2) of this section, 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 works 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 his/her 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 R.C. § 337.28(A)(3), 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) The driver of a truck, trailer, or semitrailer shall not 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 his/her vehicle while the tailgate is unlatched. (R.C. § 4511.51) ('70 Code, § 371.06) Penalty, see §§ 309.01 and 309.02

(G) (1) **CHARITABLE ORGANIZATION** means an organization that has received from the Internal Revenue Service a current valid ruling or determination letter recognizing the tax exempt status of the organization pursuant to Section 501(C)(3) of the *Internal Revenue Code*.

(2) Any charitable organization desiring to solicit for contributions on the public streets or highways within the municipality, shall prior to soliciting, make written application to the Safety/ Service Director on a form to be provided by the municipality. Said form shall contain the following information:

- (a) The name and address of the organization.
- (b) The contact person for the organization.
- (c) The location where the solicitation shall occur.
- (d) The date and time that the solicitation shall occur.
- (e) Proof of tax-exempt status.

(3) Each charitable organization making an application shall carry liability insurance of one million dollars covering any and all actions or failure to act by the organization, agents or volunteers. Proof of said insurance

shall be provided to the Safety/Service Director.

(4) The Safety/Service Director shall, upon submission of the above mentioned form, issue a permit to the applicant allowing solicitation on public streets or highways unless good cause is shown for its denial.

Appeal of the denial of said permit may be made to City Council, and upon vote of a majority of Council, the decision of the Safety/Service Director shall be reversed and said permit shall be deemed valid for the period of time applied for.

The Safety/Service Director shall specify the locations where contributions may be solicited. Further, the Safety/Service Director shall promulgate regulations governing the manner in which the solicitation upon the public roadway may be made. A copy of these regulations may be provided to each applicant.

(5) No volunteer or agent or said organization having authority under this ordinance shall impede the flow of traffic nor shall said volunteer or agent annoy or harass the public during the course of the solicitation.

Cross-reference:

Opening doors on side available to traffic, see § 351.08

§ 371.07 PEDESTRIAN TRAFFIC ON OVERPASSES.

Pedestrian traffic on the overpasses constructed on North State Street and North Prospect Street is hereby prohibited. The Safety/Service Director is authorized and directed to erect such signs as are necessary to carry out the intent of this section. ('70 Code, § 371.07)

§ 371.08 PASSING THROUGH BRIDGE SIGNALS OR RAILROAD BARRIER.

(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. (R.C. § 4511.511) ('70 Code, § 371.08) Penalty, see §§ 309.01 and 309.02

§ 371.09 RIGHT OF WAY OF PUBLIC SAFETY VEHICLES.

(A) Upon the immediate approach of a public safety vehicle, as stated in § 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. (R.C. § 4511.452) ('70 Code, § 371.09) Penalty, see §§ 309.01 and 309.02

§ 371.10 RIGHT OF WAY ON SIDEWALKS.

The driver of a vehicle shall yield the right the way to any pedestrian on a sidewalk. (R.C. § 4511.441) ('70 Code, § 371.10) Penalty, see §§ 309.01 and 309.02

§ 371.11 INTOXICATION.

No pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders himself or herself a hazard, shall walk or be upon a highway. (R.C. § 4511.481) ('70 Code, § 371.11) Penalty, see §§ 309.01 and 309.02

CHAPTER 373: BICYCLES AND MOTORCYCLES

Section

- 373.01 Code application to bicycles
- 373.02 Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses
- 373.03 Attaching bicycles, motor-cycles to other vehicles
- 373.04 Riding on right side of roadway; riding abreast
- 373.05 Lights, signal devices, brakes on bicycles
- 373.06 Obedience to traffic control devices
- 373.07 Hand and arm signals; yield right-of-way
- 373.08 Reckless operation; control, course and speed
- 373.09 Parking of bicycle
- 373.10 Riding on sidewalks
- 373.11 Bicycle traffic prohibited on overpasses
- 373.12 Recreational bike route
- 373.13 Operation of motorized bicycle

§ 373.01 CODE APPLICATION TO BICYCLES.

The provisions of this Traffic Code which are applicable to bicycles apply whenever a bicycle is operated upon any street or highway or upon any path set aside for the exclusive use of bicycles.

(R.C. § 4511.52) ('70 Code, § 373.01)

Cross-reference:

Bicycle licensing, see Ch. 375

§ 373.02 RIDING UPON SEATS; CARRYING PACKAGES; MOTORCYCLE HANDLE BARS; HELMETS AND GLASSES.

(A) For purposes of this section, **SNOWMOBILE** has the same meaning as given that term in § 377.01.

(B) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(C) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(D) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handlebars.

(E) No bicycle 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 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.

(F) No person shall operate or be a passenger on a snowmobile or motorcycle 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 a "novice" designation that is currently in effect as provided in R.C. § 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his/her 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 Director of Highway Safety. The provisions of this division or a violation thereof shall not be used in the trial of any civil action. (R.C. § 4511.53) ('70 Code, § 373.02) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Motorcycle operator's license required, see § 335.01

§ 373.03 ATTACHING BICYCLES TO OTHER VEHICLES.

(A) No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

(B) No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself/herself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle. (R.C. § 4511.54) ('70 Code, § 373.03) Penalty, see §§ 309.01 and 309.02

§ 373.04 RIDING ON RIGHT SIDE OF ROADWAY; RIDING ABREAST.

(A) Every person operating a bicycle 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 bicycles 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 bicycles or motorcycles. (R.C. § 4511.55) ('70 Code, § 373.04) Penalty, see §§ 309.01 and 309.02

§ 373.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES.

(A) Every bicycle when in use at the times specified in § 337.02, shall be equipped with the following: (Ord. 1999-79, passed 6-28-1999)

(1) A lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front;

(2) A red reflector on the rear of a type approved by the director of highway 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 head lamps on a motor vehicle;

(3) 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;

(4) An essentially colorless reflector on the front of a type approved by the director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of 600 feet when directly in front at lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the director.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(C) Every bicycle shall be equipped with an adequate brake when used on a street or highway. (R.C. § 4511.56) ('70 Code, § 373.05) Penalty, see §§ 309.01 and 309.02

§ 373.06 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

Every person operating a bicycle shall obey the instructions of official traffic control devices and signals applicable to vehicles, unless otherwise directed by a police officer. ('70 Code, § 373.06) Penalty, see §§ 309.01 and 309.02

§ 373.07 HAND AND ARM SIGNALS; YIELD RIGHT OF WAY.

Every person operating a bicycle shall:

(A) Before changing course, turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required by § 331.15;

(B) Yield the right of way to pedestrian and vehicular traffic upon the roadway as lawfully required;

(C) Yield the right of way to a pedestrian upon a sidewalk;

(D) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.
(‘70 Code, § 373.07) Penalty, see §§ 309.01 and 309.02

§ 373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

No person shall operate a bicycle:

(A) 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;

(B) Without exercising reasonable and ordinary control over such bicycle;

(C) In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law;

(D) Without both hands upon the handle grips except when necessary to give the required hand and arm signals;

(E) At a speed greater than is reasonable and prudent under the conditions then existing. (‘70 Code, § 373.08) Penalty, see §§ 309.01 and 309.02

§ 373.09 PARKING OF BICYCLE.

No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic. (‘70 Code, § 373.09) Penalty, see §§ 309.01 and 309.02

§ 373.10 RIDING ON SIDEWALKS.

No person shall operate a bicycle or skateboard upon a sidewalk, parking area or walkway within a downtown business district or upon a sidewalk, parking area or walkway where signs are erected prohibiting such operation, during the hours of 8:00 a.m. and 6:00 p.m. (‘70 Code, § 373.10) (Am. Ord. 1990-106, passed 11-12-90) Penalty, see §§ 309.01 and 309.02

§ 373.11 BICYCLE TRAFFIC PROHIBITED ON OVERPASSES.

All bicycle traffic on the overpasses heretofore constructed on North State Street and North Prospect Street is hereby prohibited. The Safety/Service Director is hereby authorized and directed to erect such signs as are necessary to carry out the intent of this section. (‘70 Code, § 373.11) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Bicycles prohibited on freeways, see § 303.06

§373.12 RECREATIONAL BIKE ROUTE.

(A) A ten-mile recreational bike route shall be established as approved by the Traffic Commission.

(B) Such route shall be identified by bike route and bike crossing signs consistent in design with standards established by the National Joint Committee on Uniform Traffic Control Devices. Such devices shall be installed under the direction of the Service Director.

(C) Bike route maps and bike safety and registration information shall be prepared and distributed to provide maximum publicity to cyclists and motorists. ('70 Code, § 373.12) (Res. 1974-9, passed 4-22-74; Ord. 2013-27, passed 5-25-2013)

§ 373.13 OPERATION OF MOTORIZED BICYCLES.

(A) No person shall operate a motorized bicycle upon a 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 is 14 or 15 years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in this section, or the person is 16 years of age or older and holds either a valid commercial driver's license issued under R.C. Chapter 4506 or a driver's license issued under R.C. Chapter 4507 or a valid motorized bicycle license issued after the person has passed the test provided for in this section, except that if a person is 16 years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, he/she is not required to comply with the testing requirements provided for in this section;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of this section and is in proper working order.

(3) The person, if he/she is under 18 years of age, is wearing a protective helmet on his/her head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(B) The director of highway safety, subject to R.C. §§ 119.01 through 119.13, shall adopt and promulgate rules concerning protective helmets, the equipment of motorized bicycles, and the testing and qualifications of persons who do not hold a valid driver's or commercial driver's license. The test shall be as near as practicable to the examination required for a motorcycle operator's endorsement under R.C. § 4507.11. The test shall also require the operator to give an actual demonstration of his/her ability to operate and control a motorized bicycle by driving one under the supervision of an examining officer.

(C) Every motorized bicycle license expires on the birthday of the applicant in the fourth year after the date it is issued, but in no event shall any motorized bicycle license be issued for a period longer than four years.

(D) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(E) The protective helmet and rear-view mirror required by division (A)(3) of this section shall, on and after January 1, 1985, conform with rules adopted by the director under division (B) of this section.

(F) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material. (R.C. § 4511.521)

(G) Whoever violates division (A), (D), or (E) of this section is guilty of a minor misdemeanor. (R.C. § 4511.99(F)) ('70 Code, § 373.13) Penalty, see §§ 309.01 and 309.02

Cross-reference:

Motorcycle headlight, see § 337.03

Motorcycle brakes, see § 337.18(B)

CHAPTER 375: BICYCLE LICENSING

Cross-reference:

Bicycle regulations, see Ch.373

Statutory reference:

Power to regulate bicycles, R.C. § 4511.07(H)

(REPEALED 11-22-2010; Ord. 2010-108)

CHAPTER 377: SNOWMOBILES AND ALL PURPOSE VEHICLES

Section

- 377.01 Definitions
- 377.02 Equipment
- 337.03 Code application; prohibited operation
- 377.04 Permitted operation
- 377.05 Licensing requirements of operator
- 337.06 Accident reports
- 337.07 Local control within police power

§ 377.01 DEFINITIONS.

As used in this chapter:

(A) **ALL PURPOSE VEHICLE.** Any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by § 301.20 of this Traffic Code. (R.C. § 4519.01(B))

(B) **DEALER.** Any person, firm, or corporation engaged in the business of manufacturing or selling snowmobiles or all purpose vehicles at wholesale or retail, or who rents, lease, or otherwise furnishes snowmobiles or all purpose vehicles for hire. (R.C. § 4519.01(E))

(C) **INTERSTATE HIGHWAY.** 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. (R.C. § 4519.01(H))

(D) **LIMITED ACCESS HIGHWAY** or **FREEWAY.** 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. (R.C. § 5511.02)

(E) **OPERATOR.** Any person who operates or is in actual physical control of a snowmobile or all purpose vehicle. (R.C. § 4519.01(D))

(F) **OWNER.** Any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile or all purpose vehicle, or other right to the possession thereof. (R.C. § 4519.01(C))

(G) **SNOWMOBILE.** Any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (R.C. § 4519.01(A))

(H) **STREET** or **HIGHWAY.** The same meaning as given that term in R.C. § 4511.01(B) and in § 301.42. (R.C. § 4519.01(F)) ('70 Code, § 377.01)

§ 377.02 EQUIPMENT.

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

(A) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;

(B) At least one red tail light having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;

(C) Adequate brakes. Every snowmobile shall, while traveling on packed snow, be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of 20 miles per hour, or locking its traction belt;

(D) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed 82 decibels on the "A" scale at 50 feet as measured according to SAE J192 (September 1970);

(E) No person shall operate any snowmobile or all purpose vehicle in violation of this section, except that equipment specified in divisions (A) and (B) of this section shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on state-controlled land under the jurisdiction of the Department of Natural Resources and that are limited to off-highway use. (R.C. § 4519.20)

(F) Whoever violates division (E) of this section shall be fined not more than \$50 for a first offense; for each subsequent offense within one year of a first offense such person shall be fined not less than \$15 nor more than \$100 or imprisoned more than three days, or both. (R.C. § 4519.99(C)) ('70 Code, § 377.02)

Cross-reference:

Required usage of helmets and safety glasses, see § 373.02(F)

§ 377.03 CODE APPLICATION; PROHIBITED OPERATION.

(A) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles and all purpose vehicles, except that no snowmobile or all purpose vehicle shall be operated as follows:

(1) On any limited access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Highway Safety shall designate;

(2) On 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;

(3) On any land or waters controlled by the state, except at those locations where a sign has been posted permitting such operation;

(4) On the tracks or right of way of any operating railroad;

(5) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;

(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or

(7) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by § 377.02. (R.C. § 4519.40)

(B) Whoever violates this section shall be fined not less than \$50 nor more than \$500 or imprisoned for not less than three nor more than 30 days, or both. (R.C. § 4519.99(D)) ('70 Code, § 377.03)

§ 377.04 PERMITTED OPERATION.

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

(A) To make a crossing of a highway, other than a highway as designated in § 377.03(A)(1), whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any

direction on the highway, and provided that the operator yields the right-of-way to any approaching traffic that presents an immediate hazard;

(B) On highways in the county or township road systems, whenever the local authority having jurisdiction over such highways so permits;

(C) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated;

(D) On the berm or shoulder of a highway, other than a highway as designated in § 377.03(A)(1), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane. (R.C. § 4519.41) ('70 Code, § 377.04)

§ 377.05 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 R.C. Chapter 4506 or 4507, shall operate a snowmobile or all purpose vehicle on any street or highway in this municipality, on any portion of the right of way thereof, or on any public land or waters.

(B) No person who is less than 16 years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is 18 years of age, or older, and who is 18 years of age, or older, and who holds a license as provided in division (A) of this section, 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 but is 12 years of age or older and is accompanied by a parent or guardian who is a licensed driver 18 years of age or older. (R.C. § 4519.44)

(C) Whoever violates this section shall be fined not less than \$50 nor more than \$500 or imprisoned for not less than three nor more than 30 days, or both. (R.C. § 4519.99(D)) ('70 Code, § 377.05)

§ 377.06 ACCIDENT REPORTS.

(A) The operator of a snowmobile or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of \$100 shall report the accident within 48 hours to the Chief of Police, and shall within 30 days forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, such participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner shall, within the prescribed periods of time, make the reports.

(B) Any law enforcement officer or other person authorized by R.C. §§ 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile or all purpose vehicle shall forward to the Registrar a written report of the accident within 48 hours.

(C) The Registrar shall maintain a file of all reports received by him/her of accidents involving a snowmobile or all purpose vehicle. The reports shall be for the confidential use of the Director of Highway Safety and the Director of Natural Resources in the development of equipment and operating regulations, and of programs relating to the safe use of snowmobiles and all purpose vehicles, except that the Registrar shall furnish a copy of such report to any person claiming to have been injured or damaged in such accident, or his or her attorney. (R.C. § 4519.46)

(D) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in § 309.01. ('70 Code, § 377.06)

§ 377.07 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this chapter shall prevent the municipality from regulating the operation of snowmobiles and all purpose vehicles on streets and highways and other public property under municipal jurisdiction, and within the reasonable exercise of the police power, except that the registration or licensing of any snowmobile or all purpose vehicle required to be registered under R.C. Chapter 4519 shall not be required.

(R.C. § 4519.48) ('70 Code, § 377.07)

Statutory reference:

Power of trial court to impound registration certificates, see R.C. § 4519.47