

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-13

AMENDING CERTAIN SECTIONS OF THE CITY OF FRANKLIN TRAFFIC CODE TO BE CONCURRENT WITH STATE LAW

WHEREAS, Part Three of the Codified Ordinances of the City of Franklin sets forth the City's local Traffic Code; and

WHEREAS, the City of Franklin Council desires to amend certain sections of the Traffic Code, as set forth herein, in order to make the local Traffic Code consistent with parallel traffic laws set forth in the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The Codified Ordinances of the City of Franklin, Ohio, Part Three – Traffic Code, is hereby amended as set forth in Exhibit A.

Section 2. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 3. Codifier and Codification. The codifier, being the person, agency, or organization authorized to prepare the codification and supplement to the City's Codified Ordinances, is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Codified Ordinances.

Section 4. Supplementation of Code.

- a. In preparing a supplement to the Codified Ordinances, all portions of this ordinance which have been repealed shall be excluded from the Codified Ordinances by the omission thereof from reprinted pages.
- b. When preparing a supplement to the City's Codified Ordinances, the codifier may make formal, non-substantive changes in and to this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so as to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ____ to ____," inserting section numbers to indicate the sections of the Codified Ordinances which embody the substantive sections or the ordinance incorporated therein; and
 - (5) Make other non-substantive changes necessary to preserve the original meaning of ordinance sections inserted into the Codified Ordinances; but in no case shall the codifier

make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Codified Ordinances.

- c. In preparing a supplement to the Codified Ordinances, the pages of a supplement shall be so numbered such that they will fit properly into the Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared such that when they have been inserted, the Codified Ordinances will be current through the date of the adoption of the most recent ordinance included in the supplement.

Section 5. Effective Date of Provisions that Track Statutes. Provisions of Exhibit A that duplicate or track state statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. Sections Amended. The following sections and subsections of the Codified Ordinances, Part Three – Traffic Code, are new or have been amended with new matter or deletions and are hereby approved, adopted and enacted, the body of each to read as set forth in Exhibit A.

Section 7. Penalty. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Traffic Code, as amended herein, shall be punished by a fine or imprisonment, or both. The fine shall not exceed five hundred dollars (\$500.00) and imprisonment shall not exceed six (6) months.

Section 8. This Ordinance shall go into effect on June 1, 2022.

INTRODUCED: April 18, 2022

ADOPTED: May 2, 2022

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-13 passed by that body on May 2, 2022.

Khristi Dunn
Khristi Dunn, Clerk of Council

Approved as to form: Ben Yoder
Ben Yoder, Law Director

TITLE ONE. ADMINISTRATION

Chapter 301. Authority To Control Traffic, Definitions: 301.01, 301.02, 301.03, 301.04, 301.05;

Chapter 303. Enforcement, Impounding And Penalties: 303.01, 303.02, 303.05, 303.06, 303.07, 303.09, 303.11, 303.13, 303.14;

TITLE THREE. STREETS AND TRAFFIC CONTROL DEVICES

Chapter 311. Use Of Streets, Sidewalks, And Bike Paths; Obstructions: 311.01, 311.03, 311.04, 311.05, 311.06, 311.07, 311.08, 311.09, 311.17, 311.19;

Chapter 313. Traffic Control Devices: 313.01, 313.02, 313.03, 313.06, 313.08, 313.09, 313.11;

TITLE FIVE. VEHICLES

Chapter 331. General Operation: 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.20, 331.22, 331.23, 331.24, 331.25, 331.26, 331.27, 331.28, 331.30, 331.31, 331.32, 331.33, 331.37, 331.38, 331.39, 331.40, 331.41, 331.42;

Chapter 333. Speed; OVI; Physical Control; Reckless Operation; Wrongful Entrustment: 333.01, 333.02, 333.03, 333.04, 333.08, 333.09, 333.11, 333.17;

Chapter 335. Drivers' Licenses; Suspensions; Accidents: 335.02, 335.03, 335.04, 335.08, 335.10, 335.11, 335.13, 335.14, 335.15, 335.16, 335.17, 335.23;

Chapter 337. Unsafe Vehicles; Lights; Equipment And Safety Requirements: 337.01, 337.02, 337.03, 337.08, 337.09, 337.16, 337.18, 337.20, 337.21, 337.22, 337.24, 337.27, 337.32, 337.33;

Chapter 339. Commercial Vehicles; Commercial Drivers' Licenses; Buses; Heavy Vehicles: 339.06, 339.11, 339.13, 339.14, 339.16, 339.17, 339.18, 339.19, 339.20, 339.21, 339.22, 339.23, 339.24, 339.29, 339.31, 339.32, 339.33, 339.34;

Chapter 341. Motor Vehicle Licensing; License Plates; Certificate Of Title: 341.01, 341.03, 341.05, 341.06, 341.07, 341.08, 341.11, 341.13, 341.15;

TITLE SEVEN. PARKING

Chapter 351. Parking On Public Or Private Property; Parking Facilities: 351.01, 351.02, 351.03, 351.05, 351.07, 351.12, 351.14;

Chapter 353. Private Tow-Away Zones; Abandonment Of Unclaimed Vehicles; Reclamation; Disposal: **353.02**, 353.03, 353.05, 353.06, 353.07, 353.10, 353.13;

TITLE NINE. PEDESTRIANS, BICYCLES AND MOTORCYCLES

Chapter 371. Pedestrians; Hitchhiking; Riding On Outside Of Vehicle; Motorized Wheelchairs: 371.01, 371.02, 371.03, 371.04, 371.05, 371.06, 371.07, 371.08, 371.09;

Chapter 373. Bicycles; Motorcycles; Motorized Bicycles; Electric Mobility Devices: 373.01, 373.02, 373.03, 373.07, 373.08, 373.11, 373.12, 373.14;

Chapter 375. Snowmobiles; Off-Highway Motorcycles And All-Purpose Vehicles: 375.01, 375.03, 375.05, 375.051, 375.07, 375.08, and 375.12.

TITLE ONE. ADMINISTRATION

CHAPTER 301. AUTHORITY TO CONTROL TRAFFIC; DEFINITIONS

301.01. Authority To Control Traffic

- (a) Traffic Laws: ~~ORC 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 shall be applicable and uniform throughout the City. The City has the authority to enact and enforce any traffic rule or law that does not conflict with ORC 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 such sections;~~ in addition to exercising ~~any~~ the rights granted to it by ORC Chapter 4521- and does not limit the effect or application of the provisions of that chapter.

(ORC 4511.06)

- (b) Local Traffic Regulations: Pursuant to ORC 4511.07, the City has the authority to carry out any of the following activities with respect to streets and highways under its jurisdiction and within the reasonable exercise of its police power:
- (1) Regulating the stopping, standing, or parking of vehicles;
 - (2) Regulating traffic by means of police officers or traffic control devices;
 - (3) Regulating or prohibiting processions or assemblages on the ~~street, streets,~~ highways, or ~~right-of-ways~~ rights-of-way;
 - (4) Designating particular streets or highways as one-way and requiring that all vehicles on the one-way streets or highways be moved in one specific direction;
 - (5) Regulating the speed of vehicles in public parks;
 - (6) Designating any highway as a ~~through-highway~~ through highway and requiring that all vehicles stop before entering or crossing a ~~through-highway~~ through highway, or designating any intersection as a stop intersection and requiring all vehicles to stop at one (1) or more entrances to the intersection;
 - (7) Regulating or prohibiting vehicles from passing to the left of safety zones;
 - (8) Regulating the operation of bicycles; provided, however, that no such regulation shall be fundamentally inconsistent with the uniform rules of the road prescribed by ORC Chapter 4511, and that no such regulation shall prohibit the use of bicycles on any public street or highway except as provided in Section 303.10(a)(2) of this Traffic Code or ORC 4511.051;
 - (9) Requiring the registration and licensing of bicycles, including the requirement of a registration fee for residents of the City; and/or
 - (10) Regulating the use of certain streets by vehicles.
- (c) Signs Required: No ordinance or regulation enacted under division (b)(4), (b)(5), (b)(6), (b)(7), (b)(8), or (b)(10) of this section shall be effective until signs giving notice of the local traffic regulations are posted upon or at the entrance to the street or highway or part of the street or highway affected, as may be most appropriate.
- (d) Parking Violations: Every ordinance, resolution, or regulation enacted under division (b)(1) of this section shall be enforced in compliance with Section 301.06 of this Traffic Code, unless the City also enacts an ordinance, resolution, or regulation pursuant to ORC 4521.02(A) that specifies that a violation of any ordinance, resolution, or regulation that regulates the standing or parking of vehicles shall not be considered a criminal offense, in which case the ordinance, resolution, or regulation shall be enforced in compliance with ORC Chapter 4521.

(ORC 4511.07)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Applicability and uniformity of traffic laws, see ORC 4511.06~~
~~Local traffic regulations, see ORC 4511.07~~

301.02. Authority To Regulate Use Of Streets

- (a) Use of City Streets: The City shall have special power to regulate the use of the streets within the City. Except as provided in ORC 5501.49, the City Council shall have the care, supervision, and control of the public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts within the City. The liability or immunity from liability of the City for injury, death, or loss to person or property allegedly caused by a failure to perform the responsibilities imposed by this section shall be determined pursuant to ORC 2744.02(A) and (B)(3).

(ORC 723.701)

- (b) Additional Powers: The City also may:
- (1) Regulate the use of carts, drays, wagons, hackney coaches, omnibuses, automobiles, and carriages kept for hire or livery stable purposes;
 - (2) License and regulate the use of the streets by persons who use vehicles, or solicit or transact business thereon;
 - (3) Prevent and punish fast driving or riding of animals, or fast driving or propelling of vehicles through the public streets or highways;
 - (4) Regulate the transportation of articles through or on such streets or highways and prevent injury to such streets or highways from overloaded vehicles; and/or
 - (5) Regulate the speed of interurban, traction, and street railway cars within the City.

(ORC 715.22)

(Ord. 2012-17. Passed 10-1-12)

Statutory reference:

~~Vehicles and use of streets, see ORC 715.22~~

~~Legislative authority to have care, supervision, and control of public roads, grounds and bridges, see ORC 723.04~~

301.03. Rules And Regulations; Parking Fees Or Charges

- (a) Authority of the Safety Director: In order to expedite the flow and direction of traffic, to eliminate congestion on public ways, and to provide for the safety of passengers in motor vehicles and pedestrians, Council hereby authorizes the Director of the Department of Safety to make and issue rules and regulations concerning:
- (1) The number, type, and location of traffic control devices and signs;
 - (2) The regulation or prohibition of parking on streets, alleys, highways, or public property;
 - (3) The regulation of the right-of-way at intersections of streets, alleys, and highways;
 - (4) The regulation or prohibition of turns at intersections;
 - (5) The creation, abolition, and/or regulation of through-routes and truck routes;
 - (6) The creation, abolition, and/or regulation of pedestrian crosswalk and safety zones;
 - (7) The creation, abolition, and/or regulation of bus-loading and unloading zones and business loading zones;
 - (8) The creation, abolition, and/or regulation of traffic lanes and passing zones;

- (9) The regulation of the direction of traffic on streets, alleys, and highways and the creation and abolition of one-way public streets, roads, alleys, courts, or drives; and/or
- (10) Such other subjects as may be provided by ordinance, which shall not be limited by the specific enumeration of subjects herein.

(b) Parking Fees or Charges:

- (1) Council may establish and maintain reasonable fees and charges for the privilege of parking, in locations permitted by any rules and regulations with respect to parking on public ways or public property for the purposes specified in division (a) of this section, and may construct, install, maintain, repair, replace, and/or operate parking meters or other devices or facilities on public ways and public property for the collection of those fees and charges. The operation of meters, devices, and facilities may be managed and operated by City officials and employees or by any other person or public agency retained by the City for those purposes, as determined by Council.
- (2) In the alternative to the operation of parking meters, devices, and facilities in the manner specified in division (b)(1) of this section, Council may grant to a person or public agency a public parking franchise permitting that person or agency to occupy and use certain public ways or to construct, install, maintain, repair, replace, and operate parking meters or other devices or facilities on public property on and subject to terms and conditions specified in a franchise agreement approved by Council; provided, however, that no such public parking franchise shall be granted for a term of more than thirty (30) years. Council may require the person or public agency receiving such a public parking franchise to pay the City a lump sum fee, a periodic fee, or both, for the property rights and privileges granted. Public parking franchises shall be subject to regulation by Council and shall not be deemed to be a public utility or an entity otherwise subject to regulation by any State agency or commission.

(c) Restrictions: Rules and regulations made and issued in accordance with division (a) of this section shall be subject to Sections 301.01 and 301.04 of this Traffic Code and shall not conflict with any other provision of this Traffic Code.

(d) Rules and Regulations: The Safety Director shall keep a record of all rules and regulations promulgated by him and shall provide copies of such rules and regulations, upon their issuance, to the Division of Police, Division of Fire, Division of Zoning, Public Works Department, and the Franklin Municipal Court for purposes of enforcement, installation, and maintenance. Copies of rules and regulations issued pursuant to this section, when certified by the Safety Director, shall be competent evidence in all courts.

(e) Penalties: Violation of any rules and regulations made and issued in accordance with division (a) of this section shall be, as specified by Council, either a criminal misdemeanor punishable as provided in this Traffic Code or a civil infraction for which a charge is prescribed. The enforcement of rules and regulations violations which constitute criminal misdemeanors shall be by authorized law enforcement officers.

(f) Definitions: As used in this section:

"Occupy or Use" with respect to a public way, means to create parking spaces and install, repair, maintain, replace, and operate parking meters or other similar devices for the purpose of providing on-street parking.

"Public Agency" includes any county, municipal corporation, port authority, regional transit authority, airport authority, or transportation improvement district created pursuant to the laws of Ohio.

"Public Parking Franchise" means a property right and privilege to occupy and use one (1) or more public ways for the operation of an on-street parking system in all or in one or more portions of the area within the corporate limits of the City, or to construct, install, repair,

maintain, and operate parking meters or other devices or facilities on public property owned or controlled by the City.

"Public Way" means the surface of, and the space within, through, on, across, above, or below, any public street, road, highway, lane, path, alley, court, sidewalk, boulevard, parkway, or drive owned or controlled by the City.

(ORC 737.022)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Authority of Director of Public Safety to promulgate certain traffic regulations, see ORC 737.022~~

301.04. Uniform Traffic Control Traffic Control Devices; Conformity With State Manual

(a) ~~Uniform Traffic Control~~ Traffic Control Devices:

- (1) The City shall place and maintain ~~traffic control~~ traffic control devices in accordance with the Ohio Department of Transportation Manual for a Uniform System of Traffic Control Devices, adopted in accordance with ORC 4511.09, upon all streets and highways under its jurisdiction as are necessary to indicate and to carry out the provisions of ORC 4511.01 to 4511.76 and 4511.99, the provisions of this Traffic Code, or to regulate, warn, or guide traffic.
- (2) All ~~traffic control~~ traffic control devices, including signs denoting names of streets and highways, erected on any street, highway, alley, bikeway, or private road open to the public for travel shall conform to the State Manual.
- (3) No person, firm, or corporation shall sell or offer for sale to the City any ~~traffic control~~ traffic control device that does not conform to the State Manual, except by permission of the Ohio Director of Transportation.
- (4) The City shall not purchase or manufacture any ~~traffic control~~ traffic control device that does not conform to the State Manual, except by permission of the Ohio Director of Transportation.

(b) Penalties: Whoever violates division (a)(3) of this section is guilty of a misdemeanor of the third degree.

(ORC 4511.11)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Local conformity to manual for uniform system of traffic control devices, see ORC 4511.11~~

301.05. Designation Of Through Highways Through Highways; Stop Signs And Yield Signs

- (a) ~~State Through Highways~~ Through Highways: Pursuant to ORC 4511.65, all State routes within the City are designated as ~~through highways~~ through highways; ~~provided, however,~~ that stop signs, yield signs, or ~~traffic control~~ traffic control signals ~~are~~ shall be erected at all intersections with such ~~through highways~~ through highways by the Ohio Department of Transportation, as to highways under its jurisdiction, and by the City, as to highways under its jurisdiction, except as otherwise provided in this section.
- (b) ~~City Through Highways~~ Through Highways: Pursuant to ORC 4511.65, other streets or highways or portions thereof within the City are hereby designated; ~~through highways through highways provided, however, that~~ if they have a continuous length of more than one (1) 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 the purposes of this section, the limits of said street or highway or portion thereof shall be the City's 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 residential districts the City may, by ordinance, designate said street or highway or portion thereof not to be a ~~through-highway~~ through highway, and thereafter the affected residential district shall be indicated by official ~~traffic-control~~ traffic control devices.

(c) Stop Signs and Yield Signs:

- (1) Where two (2) or more ~~through-highways~~ through highways designated under this section intersect and no ~~traffic-control~~ traffic control signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the Ohio Department of Transportation or by the City, whomever has jurisdiction, except as otherwise provided in the section.
- (2) On ~~through-highways~~ through highways under its jurisdiction, the City need not erect stop signs at intersections it finds to be so constructed as to permit traffic to safely enter a ~~through-highway~~ 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 to or merge with all traffic proceeding on the ~~through-highway~~ through highway.

(d) Designation of Additional ~~Through-highways~~ Through Highways: On highways under its jurisdiction, the City may designate additional ~~through-highways~~ through highways and shall erect stop signs, yield signs, or ~~traffic-control~~ traffic control signals at all streets and highways intersecting such ~~through-highway~~ through highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one (1) or more entrances to such intersection.

(ORC 4511.65)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Designation of through highways, see ORC 4511.65

CHAPTER 303. ENFORCEMENT, IMPOUNDING AND PENALTIES

303.01. Failure To Comply With Order Or Signal Of Police Officer; Fleeing

- (a) Failure to Comply: No person shall fail to comply with any lawful order or direction ~~given by~~ of any police officer invested with authority to direct, control, or regulate traffic.
- (b) Fleeing or Eluding: No person shall operate a motor vehicle so as to willfully elude or flee a police officer after receiving a visible or audible signal from ~~the~~ a police officer to bring the person's motor vehicle to a stop.
- (c) Violations; Penalties:
 - (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.
 - (2) A violation of division (a) of this section is a misdemeanor of the first degree.
 - (3) Except as provided in divisions (c)(4) and (c)(5) of this section, a violation of division (b) of this section is a misdemeanor of the first degree.
 - (4) Except as provided in division (c)(5) of this section, a A violation of division (b) of this section ~~shall be charged as is~~ a felony, to be prosecuted under appropriate State law if;

the jury or judge as trier of fact finds by proof beyond a reasonable doubt that, in committing the offense, the offender was fleeing immediately after the commission of a felony.

(5) A violation of division (b) of this section ~~shall be charged as is~~ a felony, to be prosecuted under appropriate State law, if the jury or judge as trier of fact finds any of the following by proof beyond a reasonable doubt:

(i) ~~if the~~ The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property.

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

(d) Required License Suspension: In addition to any other sanction imposed for a felony violation of division (b) of this section, the court shall impose a class two suspension from the range specified in ORC 4510.02(A)(2). In addition to any other sanction imposed for a violation of division (a) of this section or a misdemeanor violation of division (b) of this section, the court shall impose a class five suspension from the range specified in ORC 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in ORC 4510.02(A)(1). The court shall not grant limited driving privileges to the offender on a suspension imposed for a felony violation of this section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in ORC 4510.021. No judge shall suspend the first three (3) years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division or any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(e) Definitions: As used in this section:

"Moving Violation" has the same meaning as in ORC 2743.70.

"Police Officer" has the same meaning as in ORC 4511.01.

(ORC 2921.331)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Failure to comply with order or signal of police officer, see ORC 2921.331~~

303.02. Prohibitions Against Resisting Officer

(a) Prohibitions: No person shall resist, hinder, obstruct, or abuse any law enforcement official while that official is attempting to arrest offenders under any provision of this Traffic Code or ORC 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37. No person shall interfere with any person charged under any provision of this Traffic Code or ORC sections with the enforcement of the law relative to public highways and streets.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.36)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Prohibition against resisting or interfering with official, see ORC 4513.36~~

303.05. Traffic Officers; Requirements

- (a) Motor Vehicles Used by Traffic Officers: Any motor vehicle used by a police officer, while said officer is on duty for the exclusive or main purpose of enforcing the provisions of this Traffic Code, (provided the offense is punishable as a misdemeanor), shall be marked in some distinctive manner or color and shall be equipped with, but need not necessarily have in operation at all times, at least one (1) flashing, oscillating, or rotating ~~colored light~~ colored light mounted outside on top of the vehicle.

(ORC 4549.13)

- (b) Uniform for Traffic Officers: Every police officer, while such officer is on duty for the exclusive or main purpose of enforcing motor vehicle or traffic laws of this City, (provided the offense is punishable as a misdemeanor), shall wear a distinctive uniform.

(ORC 4549.15)

- (c) Incompetency of Officer as Witness: Any officer arresting, or participating or assisting in the arrest of, a person charged with violating any provision of this Traffic Code, (provided the offense is punishable as a misdemeanor), such officer being on duty exclusively or for the main purpose of enforcing such laws, is incompetent to testify as witness in any prosecution against such arrested person if such officer at the time of the arrest was using a motor vehicle not marked in accordance with division (a) of this section and was not wearing a distinctive uniform in accordance with division (b) of this section.

(ORC 4549.14; 4549.16)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Marking and equipment for motor vehicle used by traffic enforcement officers, see ORC 4549.13

Incompetency of officer as witness, see ORC 4549.14

Distinctive uniform for traffic officers, see ORC 4549.15

Arresting officer as witness, see ORC 4549.16

303.06. Street Workers And Equipment Exempted

- (a) Application of Traffic Code: ~~The provisions of this Traffic Code, except for Sections 311.02, 331.42, 333.08 to 333.13, 337.26, and 339.06, ORC 4511.01 to 4511.18, 4511.20 to 4511.78, 4511.99, and 4513.01 to 4513.37 along with the corresponding sections 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~~ traffic control devices, but apply to those persons and vehicles when traveling to or from such work.
- (b) Criminal Prosecution: The driver of a street or highway maintenance vehicle owned by this City, State, or any political subdivision of this State, while the driver is engaged in the performance of official duties upon a street or highway, provided the maintenance vehicle is equipped with flashing lights and such other markings as are required by law and the lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01, 331.02, 331.03, 331.04, 331.06, 331.07, 331.08, 331.31, 333.01, 351.01, 337.01, ~~or~~ Chapter 339 of this Traffic Code, and ORC 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, 4513.02, and 5577.01 to 5577.09. This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Chapter 339 of this Traffic Code.
- (c) Civil Liability:
- (1) This section does not exempt a driver of a street or highway maintenance vehicle from civil liability arising from a violation of Sections 331.01, 331.02, 331.03, 331.04, 331.06, 331.07, 331.08, 331.31, 333.01, 351.01, 337.01, ~~or~~ Chapter 339 of this Traffic Code, or

ORC 4511.22, 4511.25, 4511.26, 4511.27, 4511.28, 4511.30, 4511.31, 4511.33, 4511.35, 4511.66, or 4513.02 or sections 5577.01 to 5577.09.

(2) This section does not exempt a driver of a vehicle who is not a City employee and who is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Sections 339.24 to 339.31 of this Traffic Code, or ORC 5577.01 to 5577.09.

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

(ORC 4511.04)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

Exception to traffic rules, see ORC 4511.04

303.07. Emergency, Public Safety And Coroner's Vehicles Exempted

(a) Emergency and Public Safety Vehicles: Sections 311.06, 313.01, 313.02, 313.03, 313.04, 313.05, 313.06, 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.09, 331.10, 331.12, 331.13, 331.14, 331.15, 331.16, 331.17, 331.18, 331.19, 331.22, 331.23, 331.30, 331.31, 331.39, 333.01, 333.02, 333.03, 333.04, 333.18, 351.01, 351.03, 351.12, and 351.13 of this Traffic Code and ORC 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681, and 4511.69 do not apply to the driver of an emergency vehicle or public safety vehicle if:

- (1) The emergency vehicle or public safety vehicle is responding to an emergency call;
- (2) Is equipped with and displaying at least one (1) flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of the vehicle; and
- (3) The driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell.

This section does not relieve the driver of an emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway, roads, and streets.

(ORC 4511.041)

(b) Coroner's Vehicles:

(1) Sections 331.01, 331.02, 331.03, 331.04, 331.05, 331.06, 331.07, 331.08, 331.10, 331.12, 331.13, 331.30, 331.31, and 351.01 of this Traffic Code and ORC 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38, and 4511.66 do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with division (b)(2) of this section.

(ORC 4511.042)

(2) Notwithstanding any other provision of law, a motor vehicle operated by a coroner, deputy coroner, or coroner's investigator may be equipped with a flashing, oscillating, or rotating red or blue light and a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500'). Such a vehicle

may display the flashing, oscillating, or rotating red or blue light and may give the audible signal of the siren, exhaust whistle, or bell only when responding to a fatality or a fatal motor vehicle accident on a street or highway, and only at those locations where the stoppage of traffic impedes the ability of the coroner, deputy coroner, or coroner's investigator to arrive at the site of the fatality.

(ORC 4513.171)

- (3) This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all upon the highway, roads, and streets.

(ORC 4511.042; ORC 4513.171)

- (c) Penalties: Whoever violates division (b)(2) of this section is guilty of a minor misdemeanor.

(ORC 4513.171)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Exceptions to traffic rules for emergency or public safety vehicle responding to emergency call, see ORC 4511.041~~

~~Exceptions to traffic rules for coroner's vehicles, see ORC 4511.042~~

~~Lights on coroner's vehicle, see ORC 4513.171~~

303.09. Vehicle Checkpoint Operations; Secondary Traffic Offenses

- (a) Limitations:

- (1) No law enforcement officer who stops the operator of a motor vehicle in the course of an ~~authorize~~ authorized sobriety or other motor vehicle checkpoint operation or a motor vehicle safety inspection shall issue a ticket, citation, or summons for a secondary traffic offense unless in the course of the checkpoint operation or safety inspection the officer first determines that an offense other than a secondary traffic offense has occurred and either places the operator or a vehicle occupant under arrest or issues a ticket, citation, or summons to the operator or a vehicle occupant for an offense other than a secondary offense.
- (2) A law enforcement agency that operates a motor vehicle checkpoint for an express purpose related to a secondary traffic offense shall not issue a ticket, citation, or summons for any secondary traffic offense at such a checkpoint, but may use such a checkpoint operation to conduct a public awareness campaign and distribute information.

- (b) Definitions: As used in this section, "secondary traffic offense" means a violation of Section 333.24, 335.03, 335.031, 337.02, 337.26, or 337.27 of this Traffic Code or ORC 4507.05(A) or (F)(2), 4507.071(B)(1)(a) or (b) or (E), 4511.204(A), 4511.81(C) or (D), 4513.03(A)(3), or 4513.263(B).

(ORC 4511.043)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Ticket, summons, or citation for secondary traffic offense, see ORC 4511.093~~

303.11. Impounding Or Ordering Into Storage Of Vehicles; Reclamation

- (a) Removal and Impounding: Police officers are authorized to provide for the removal and impounding or storage of a any motor vehicle under any of the following circumstances, including an abandoned junk motor vehicle as defined in ORC 4513.63, that:
- ~~(1) When the vehicle is left unattended upon any street, bridge, or causeway and constitutes an unreasonable hazard or obstruction to the normal movement of traffic or unreasonably interferes with street cleaning or snow removal operations;~~
 - ~~(2) When the vehicle is seized in connection with the arrest of the driver;~~
 - ~~(3) When the vehicle has been stolen or operated without the consent of the owner;~~
 - ~~(4) When the vehicle is parked upon any street, highway, or other property open to the public for purposes of vehicular travel or parking and displays illegal license plates or fails to display the current, lawfully required licenses license plates;~~
 - ~~(5) When the vehicle has been used in or is connected with the commission of any felony;~~
 - ~~(6) When the vehicle has been damaged or wrecked so as to be inoperable, or is in violation of the equipment regulations of this Traffic Code to the extent that it's continued operation would constitute a hazard to life, limb, or property;~~
 - ~~(7) When the vehicle is left unattended due to the removal of an ill, injured, or arrested driver;~~
 - ~~(8) When the vehicle has been operated by a person who failed to stop in the case of an accident or collision;~~
 - ~~(9) When the vehicle is being operated by a person who is driving without a lawful license or while the person's license is suspended or revoked;~~
 - ~~(10) When the vehicle constitutes an unreasonable hazard to persons or property at the scene of a fire, accident, disaster, riot, or emergency of any kind;~~
 - ~~(11) When the vehicle has been ordered immobilized or is subject to forfeiture;~~
 - ~~(12) When authorized pursuant to the provisions of Chapters 333 or 353 of this Traffic Code;~~
 - ~~(13) When the vehicle is found to have been issued two (2) or more citations and/or tags for violations of this Traffic Code and the owner or operator thereof has failed to respond to the citations and/or tags as required by law; and/or~~
 - ~~(14) When otherwise authorized pursuant to law.~~
- (1) Has come into the possession of the police officer as a result of the performance of the police officer's duties; or
- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer without notification to the chief of police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
- (A) The vehicle was involved in an accident and is subject to ORC 4513.66;
 - (B) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the chief of police shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the chief of police. If the chief of police determines that the vehicle cannot be removed within the specified period of time, the chief of police shall order the removal of the vehicle.

Subject to ORC 4513.61(C), the chief of police shall designate the place of storage of any motor vehicle so ordered removed.

(b) If the chief of police issues an order under ORC 4513.61(A) and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the chief of police not more than two hours after the time it is removed.

(b) Inventory: In conjunction with the impounding of any vehicle, the police officer in charge of the impounding shall make a full and complete inventory of the contents of the impounded vehicle.

(c) Reclamation:

(1) Unless otherwise provided in this Traffic Code, the Police Division shall forthwith notify the registered vehicle owner and any lienholders of any vehicle ordered into storage, the reasons therefor, and the place of storage. Any person desiring to redeem a stored vehicle shall furnish satisfactory evidence of identity and ownership or right to possession to the Police Division, if a release from the Police is required, or to the storage facility operator.

(2) The owner or lienholder may reclaim the vehicle upon payment of any towing and storage charges, unless otherwise required by law or court order.

(3) If the vehicle was a stolen vehicle, the court, under ORC 2913.82, may order the offender to repay to the owner any fees paid to reclaim the vehicle.

(4) Unclaimed vehicles ordered into storage shall be disposed of in accordance with Section 353.06 of this Traffic Code, unless the vehicle is a junk motor vehicle in which case the vehicle may be disposed of in accordance with Section 353.09 of this Traffic Code.

(1) The chief of police shall cause a search to be made of the records of an applicable entity listed in ORC 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the chief of police within five business days of the removal of the vehicle. Upon obtaining such identity, the chief of police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under ORC 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under ORC 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

(A) Retrieve any personal item that has been determined by the chief of police to be necessary to a criminal investigation;

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

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

- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in ORC 4513.61, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25.00), in addition to any expenses or charges incurred in the removal and storage of the vehicle.
- (d) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in ORC 4513.62, the chief of police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of ORC 4513.61. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the chief of police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in ORC 4513.62, the chief of police shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of ORC 4513.61 have been complied with. The chief of police shall retain the original of the affidavit for the chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.
- (e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in ORC 4513.61, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.
- (f) No towing service or storage facility shall fail to comply with ORC 4513.61.

(ORC 4513.61)

(Ord. 2012-17. Passed 10-1-12.)

303.13. Suspension Of Driver's License

- (a) License Suspension for Violation of Traffic Code: Except as otherwise provided in division (b) of this section or in any provision of the ORC, whenever an offender is convicted of or pleads guilty to a violation of this Traffic Code that is substantially similar to a provision of the ORC and the court is permitted or required to suspend a person's driver's license, commercial driver's license, permit, or nonresident operating privileges for a violation of that ORC provision, the court, in addition to any other penalties authorized by law, may suspend the offender's driver's license, commercial driver's license, permit, or nonresident operating privileges for the period of time the court determines appropriate, but the period of suspension imposed for the violation of this Traffic Code shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the ORC to which the Traffic Code section is substantially similar.

(ORC 4510.05)

- (b) Suspension for Vehicular Homicide or OVI: The court imposing a sentence upon an offender for any violation of this Traffic Code that is substantially equivalent to a violation of ORC 2903.06 ~~or 2907.24~~, or for any violation of the OVI provisions of this Traffic Code, also shall

impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in ORC 4510.02(B) that is equivalent in length to the suspension required for a violation of ORC 2903.06, ~~2907.24~~ or 4511.19(A) or (B) under similar circumstances.

(ORC 4510.07)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Suspension of driver's license for violation of municipal ordinance substantially similar to state statute, see ORC 4510.05~~

~~Suspension of driver's license for violation of municipal ordinance substantially similar to certain criminal offenses, see ORC 4510.07~~

303.14. Forfeiture Of License Upon Failure To Appear In Court Or To Pay Fines

(a) Forfeiture:

- (1) If a person who has a current valid Ohio driver's license, commercial driver's license, or temporary instruction permit is charged with a violation of any provision of this Traffic Code that is substantially equivalent to any provisions in ORC 4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 4549.01 to 4549.65, and if the person fails to appear in court at the required time and place to answer the charge or pleads guilty to or is found guilty of the violation and fails within the time allowed by the court to pay the fine imposed by the court, the court may declare the forfeiture of the person's license. Thirty (30) days after such a declaration of forfeiture, the court shall inform the Registrar of Motor Vehicles of the ~~forfeitures~~ forfeiture by entering information relative to the forfeiture on a form approved and furnished by the Registrar and sending the form to the Registrar. The court shall also forward the person's license, if it is in the possession of the court, to the Registrar.
- (2) The Registrar shall impose a class F suspension on the person's driver's license, commercial driver's license, or temporary instruction permit for the period of time specified in ORC 4510.02(B)(6) on any person who is named in a declaration received by the Registrar under this section. The Registrar shall send written notification of the suspension to the person at the person's last known address and, if the person is in possession of the license, order the person to surrender the person's license or permit to the Registrar within forty-eight (48) hours.
- (3) No valid driver's or commercial driver's license shall be granted to the person after the suspension, unless the court having jurisdiction of the offense that led to the suspension orders that the forfeiture be terminated. The court shall order the termination of the forfeiture if the person thereafter appears to answer the charge and pays any fine imposed by the court or pays the fine originally imposed by the court. The court shall inform the Registrar of the termination of the forfeiture by entering information relative to the termination on a form approved and furnished by the Registrar and sending the form to the Registrar. The person shall pay to the Registrar of Motor Vehicles or an eligible Deputy Registrar a twenty-five-dollar (\$25.00) reinstatement fee. In addition, each Deputy Registrar shall collect a service fee of ten dollars (\$10.00) to compensate the Deputy Registrar for services performed under this section. The Deputy Registrar shall retain eight dollars (\$8.00) of the service fee and shall transmit the reinstatement fee, plus two dollars (\$2.00) of the service fee, to the Registrar in the manner the Registrar shall determine. The Registrar shall deposit fifteen dollars (\$15.00) of the reinstatement fee into the state treasury to the credit of the public safety -- highway purposes fund created by ORC 4501.06 to cover the costs of the Bureau of Motor Vehicles in

administering this section and shall deposit ten dollars (\$10.00) of the fee into the state treasury to the credit of the indigent defense support fund created by ORC 120.08.

(b) No Transfer of Ownership While License is Forfeited:

- (1) In addition to suspending the driver's license or commercial driver's license or permit of the person named in the declaration of forfeiture, the Registrar, upon receipt from the court of the copy of the declaration of forfeiture, shall take any measures that may be necessary to ensure that neither the Registrar nor any Deputy Registrar accepts any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. However, for a motor vehicle leased by a person named in a declaration of forfeiture, the Registrar shall not implement the preceding sentence until the Registrar has adopted procedures for that implementation under ORC 4503.39.
- (2) The period of denial of registration or transfer shall continue until such time as the court having jurisdiction of the offense that led to the suspension orders the forfeiture terminated. Upon receipt by the Registrar of an order terminating the forfeiture, the Registrar also shall take any measures that may be necessary to permit the person to register a motor vehicle owned or leased by the person or to transfer the registration of such motor vehicle, if the person later makes application to take such action and otherwise is eligible to register the motor vehicle or transfer its registration.
- (3) The Registrar shall not be required to give effect to any declaration of forfeiture or order terminating a forfeiture provided by a court under this section unless the information contained in the declaration or order is transmitted to the Registrar by means of an electronic transfer system. The Registrar shall not restore the person's driving or vehicle registration privileges until the person pays the reinstatement fee as provided in this section.
- ~~(3)~~ (4) The period of denial relating to the issuance or transfer of a certificate of registration for a motor vehicle imposed pursuant to this division remains in effect until the person pays any fine imposed by the court relative to the offense.

(ORC 4510.22)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Suspension of license for failure to appear or to pay fine, see ORC 4510.22~~

TITLE THREE. STREETS AND TRAFFIC CONTROL DEVICES

CHAPTER 311. USE OF STREETS, SIDEWALKS, AND BIKE PATHS; OBSTRUCTIONS

311.01. Prohibitions Against Placing Injurious Material Or Obstruction In Street

(a) Prohibitions:

- (1) No person shall place or knowingly drop upon any part of a public roadway any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such public roadway, except such substances placed upon the roadway by the City or State for the repair or construction thereof.
- (2) Any person who drops or permits to be dropped or thrown upon any public roadway any destructive or injurious material shall immediately remove the same.

- (3) Any person authorized to remove a wrecked or damaged vehicle from a public roadway shall remove any glass or other injurious substance dropped upon the public roadway from such vehicle.
- (4) No person shall place any obstruction in or upon a public roadway without proper authority.
- (b) Intent to Cause Harm: No person, with intent to cause physical harm to a person or a vehicle, shall place or knowingly drop upon any part of a public roadway any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such public roadway, except such substances placed upon the roadway by the City or State for the repair or construction thereof.
- (c) Penalties:
 - (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.
 - (2) Whoever violates division (b) of this section is guilty of a misdemeanor of the first degree.
- (d) Definitions: For the purpose of this section, "public roadway" includes any highway, route, lane, road, street, alley, or other way open to the use of the public as a thoroughfare for the purposes of vehicular travel, and shall include the right- of-way of each such public roadway.

(Ord. 2012-17. Passed 10-1-12.)

(ORC 4511.74)

Statutory reference:

~~Placing injurious material on highway, see ORC 4511.74~~

311.03. Prohibitions Against Driving Upon Closed Roadway

- (a) Prohibitions: No person shall drive upon, along, or across a street or highway, or any part of a street or highway, which has been closed in the process of its construction, reconstruction, or repair, and is posted with appropriate signs by the authority having jurisdiction to close such street or highway.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.71)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Prohibition against driving upon closed highway, see ORC 4511.71~~

311.04. Prohibitions Against Driving On Sidewalks

- (a) Prohibitions: No person shall drive any vehicle, other than a bicycle or an electric bicycle if the motor is not engaged, upon a sidewalk or sidewalk area except upon a permanent or ~~duly-authorized~~ duly authorized temporary driveway.

This prohibition does not apply to a law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the City, using an electric bicycle with the motor engaged while in the performance of the officer's duties.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

- (c) Regulation of Bicycles or Electric Bicycles: Nothing in this section shall be construed as prohibiting the City from regulating the operation of bicycles or electric bicycles within the City, except that the City may not require that bicycles or electric bicycles be operated on sidewalks.
- (d) Definitions: As used in this section, "Sidewalk Area" includes the street lawn area or the curb area of a street.

(ORC 4511.711)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Driving on sidewalk, see ORC 4511.711

311.05. Prohibitions Against Obstructing Intersection, Crosswalk, Or Grade Crossing

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

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.712)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Obstructing intersection, see ORC 4511.712~~

311.06. Prohibitions Against Driving Through Safety Zone

- (a) Prohibitions: No vehicle shall at any time be driven through or within a safety zone.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

- (c) Definitions: For the purposes of this section, "Safety Zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(ORC 4510.60)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Driving through safety zone, see ORC 4511.60~~

311.07. Prohibitions Against Driving On Bicycle Paths

- (a) Prohibitions: No person shall operate a motor vehicle, ~~snowmobile, or all-purpose vehicle~~ upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

- (b) Exceptions: This section shall not apply to law enforcement officers when that law enforcement officer is engaged in performing his or her official duties.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.713)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Use of bicycle paths, see ORC 4511.713~~

311.08. Driving Over Unprotected Fire Hose

- (a) Prohibitions: No vehicle shall, without the consent of the Fire and EMS Division official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.73)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Driving over unprotected fire hose, see ORC 4511.73~~

311.09. Prohibitions Against Occupancy Of Trailer, Or Manufactured Or Mobile Home While In Motion

- (a) Prohibitions: No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 45411.701)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Occupying moving trailer prohibited, see ORC 4511.701~~

311.17. Prohibitions Against Pedestrians And Slow-Moving Vehicles On Freeways

- (a) Prohibitions: No person, unless otherwise directed by a police officer, shall:
- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except:
 - (A) In a rest area;
 - (B) On a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use;

- (C) In the performance of public works or official duties;
- (D) As a result of an emergency caused by an accident or breakdown of a motor vehicle;
or
- (E) To obtain assistance.

(2) Occupy any space within the limits of the right-of-way of a freeway, with:

- (A) An animal-drawn vehicle, a ridden or led animal, or herded animals;
- (B) A pushcart;
- (C) 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;
- (D) An electric bicycle;
- ~~(D)~~ (E) A bicycle with motor attached;
- ~~(E)~~ (F) A motor-driven cycle with a motor which produces not to exceed five (5) brake horsepower; or
- ~~(F)~~ (G) An agricultural tractor or farm machinery, except in the performance of public works or official duties.

(b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.051)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Freeways — prohibited acts, see ORC 4511.051~~

311.19. Prohibitions On Operation Of Low-Speed, Under-Speed Or Utility Vehicles, Mini-Trucks, Motor-Driven Cycles And Motor Scooters

(a) Prohibitions:

- (1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than thirty-five miles per hour (35 mph).
- (2) No person shall operate an under-speed vehicle, utility vehicle or a mini- truck upon any street or highway except as follows:
 - (A) Upon a street or highway having an established speed limit not greater than thirty-five miles per hour (35 mph) and only upon such streets or highways where the City has granted permission for such operation in accordance with ORC 4511.25; and/or
 - (B) The person is a City employee or volunteer operating a utility vehicle exclusively within the boundaries of a City park for the operation or maintenance of the park.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than forty-five miles per hour (45 mph).

(b) Exceptions: This section does not prohibit the following:

(1) A person operating a low-speed vehicle, under-speed vehicle, utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than thirty-five miles per hour (35 mph);

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than forty-five miles per hour (45 mph);

(3) A person operating a low-speed vehicle, under-speed vehicle, utility vehicle or a ~~mini-truck~~ mini-truck as a part of a parade that is a City-sponsored event or that has a permit issued under Section 311.10.

(ORC 4511.214)

(4) A person may operate a utility vehicle on any public road or right-of-way, other than a freeway, when traveling from one farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in Section 337.10 of this Traffic Code.

(ORC 4511.216)

(c) Penalties: Except as otherwise provided in this division, whoever violated division (a) of this section is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.214)

(d) Definitions: For the purposes of this section, the following definitions apply:

"Low Speed Vehicle" means a three- or four-wheeled motor vehicle with an attainable speed in one (1) mile on a paved level surface of more than twenty miles per hour (20 mph), but not more than twenty-five miles per hour (25 mph) and with a gross vehicle weight rating less than three thousand pounds (3,000 lbs.).

"Mini-Truck" means a vehicle that has four (4) wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts (7,500 W) or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters (660 cm³) or less, has a total dry weight of nine hundred to two thousand two hundred pounds (900 - 2,200 lbs.), contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or a van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet ~~Federal~~ federal motor vehicle safety standards.

~~"Motor-Drive~~ Motor-Driven Cycle or Motor Scooter" means any vehicle designed to travel on not more than three (3) wheels in contact with the ground, with a seat for the driver and floor pad for the driver's feet, and is equipped with a motor with a piston displacement between fifty and one hundred fifty cubic centimeters (50 - 150 cm³) piston displacement that produces not more than five brake horsepower (5 bhp) and is capable of propelling the vehicle at a speed greater than twenty miles per hour (20 mph) on a level surface.

"Under-Speed Vehicle" means a three- or four-wheeled vehicle, including a vehicle commonly known as a golf cart, with an attainable speed on a paved level surface of not more than twenty miles per hour (20 mph) and with a gross vehicle weight rating less than three thousand pounds (3,000 lbs.).

"Utility Vehicle" means a self-propelled vehicle designed with a bed, principally for the purpose of transporting material or cargo in connection with construction, agricultural, forestry, grounds maintenance, lawn and garden, materials handling, or similar activities.

(ORC 4501.01)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Motor vehicles definitions, see ORC 4501.01~~

~~Operation of low speed, under speed, or utility vehicle, or a mini-truck, see ORC 4511.214~~

~~Traveling from one farm field to another for agricultural purposes, see ORC 4511.216~~

CHAPTER 313. ~~TRAFFIC CONTROL~~ TRAFFIC CONTROL DEVICES

313.01. Obeying ~~Traffic Control~~ Traffic Control Devices

- (a) Obeying ~~Traffic Control~~ Traffic Control Devices: No pedestrian or driver of a vehicle shall disobey the instructions of any ~~traffic control~~ traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer, a firefighter at the scene of an emergency, or by a City or State employee or contractor engaged in road work.
- (b) Proper Signage Required: No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.
- (c) Penalties: Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.12)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Obedience to traffic control devices, see ORC 4511.12~~

313.02. Driver's Duties Upon Approaching Intersection With Ambiguous Or ~~Non-Working~~ Non-Working Traffic Signal

- (a) Driver's Duties: The driver of a vehicle who approaches an intersection where traffic is controlled by ~~traffic control~~ traffic control signals shall do all of the following if the signal facing the driver either exhibits no colored lights or colored lighted arrows, exhibits a combination of

such lights or arrows that ~~fail~~ fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of a bicycle or electric bicycle:

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection or, if none, stop before entering the intersection;
 - (2) Yield the right-of-way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways; and
 - (3) Exercise ordinary care while proceeding through the intersection.
- (b) Penalties: Except as otherwise provided in this section, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.132)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Operation at intersections with malfunctioning traffic control signal lights, see ORC 4511.132~~

313.03. Steady Signal Indications

~~Traffic signal~~ Traffic signal indications for vehicles and pedestrians shall have the following meanings:

(a) Steady Green Signal Indication:

- (1) (A) Vehicular traffic facing a circular green signal indication is permitted to proceed straight through or turn right or left or make a u-turn movement, except as such movement is modified by a ~~lane-use~~ lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other ~~traffic control~~ traffic control device. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both pedestrians lawfully within an associated crosswalk and/or other vehicles lawfully within the intersection.
- (B) In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both pedestrians lawfully within an associated crosswalk and/or to other traffic lawfully using the intersection.

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

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

(b) Steady Yellow Signal Indication:

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

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

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication, as provided in Section 313.05 of this Traffic Code, or other ~~traffic-control~~ traffic control device shall not start to cross the roadway.

(c) Steady Red Signal Indication:

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

(B) Except when a ~~traffic-control~~ traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign. (See Section 331.18)

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

(B) When a ~~traffic-control~~ traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is

permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the provisions that are applicable after making a stop at stop sign. (See Section 331.18)

- (3) Unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 of this Traffic Code, or other ~~traffic control~~ traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.
- (4) Council, by ordinance, or the Safety Director pursuant to Section 301.03 of this Traffic Code, or the Director of the Ohio Department of Transportation may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Signals at Locations Other than Intersections: In the event an official ~~traffic control~~ 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.
- (e) Application at Grade Crossings: This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 331.39 and 331.40 of this Traffic Code.

(ORC 4511.13(A), (B), (C), (G) and (H))

(Ord. 2013-13. Passed 6-17-13.)

Statutory reference:

~~Highway traffic signal indications; section not applicable to railroad crossings, see ORC 4511.13~~

313.06. Flashing Signal Indications

- (a) Flashing Green Signal Indication: A flashing green signal indication has no meaning and shall not be used.
- (b) Flashing Yellow Signal Indication:
 - (1) (A) Vehicular traffic on approach to an intersection facing a flashing circular yellow signal indication is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement, except as such movement is modified by ~~lane use~~ lane use signs, turn prohibition signs, lane markings, roadway design, separate ~~turn signal~~ turn signal indications, or other ~~traffic control~~ traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both pedestrians lawfully within an associated crosswalk and/or other vehicles lawfully within the intersection.
 - (B) In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (2) (A) Vehicular traffic on an approach to an intersection facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn ~~movement~~, shall yield the right-of-way to both

pedestrians lawfully within an associated crosswalk and/or other vehicles lawfully within the intersection.

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

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

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

(c) Flashing Red Signal Indication:

(1) Vehicular traffic on an approach to an intersection facing a flashing circular red signal indication shall stop at a clearly marked stop line, but if there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign. (See Section 331.18)

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

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another ~~traffic control~~ traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other ~~traffic control~~ traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing "STOP," "DO NOT ENTER," or "WRONG WAY" signs and to ~~application~~ applications where compliance with the supplemented ~~traffic control~~ traffic control device requires a stop at a designated point.

(d) Signals at Locations Other Than Intersections: In the event an official ~~traffic control~~ 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.

(e) Application at Grade Crossings: This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 331.39 and 331.40 of this Traffic Code.

(Ord. 2012-17. Passed 10-1-12.)

(ORC 4511.13(D), (E), (F), (G) and (H))

Statutory reference:

~~Highway traffic signal indications; section not applicable to railroad crossings, see ORC 4511.13~~

313.08. Prohibitions Against Unauthorized Signs And Signals

(a) Prohibitions:

- (1) 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, is an imitation of, or resembles a ~~traffic control~~ traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any ~~traffic control~~ traffic control device or any railroad sign or signal.
 - (2) 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.
- (b) Directional Signs: This section does not prohibit either 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~~ traffic control devices, or the erection upon private property of ~~traffic control~~ traffic control devices by the owner of real property in accordance with Sections 331.19 and 333.04 of this Traffic Code.
- (c) Removal of Prohibited Signs: Every such prohibited sign, signal, marking, or device is a public nuisance and the authority having jurisdiction over the street or highway may remove it or cause it to be removed.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.16)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Unauthorized sign or signal resembling a traffic control device, see ORC 4511.16~~

313.09. Prohibitions Against Tampering With ~~Traffic control~~ traffic control Devices Or Manhole Covers

(a) Prohibitions: No person, without lawful authority, shall do any of the following:

- (1) Knowingly move, deface, damage, destroy, or otherwise improperly tamper with any ~~traffic control~~ traffic control device, any railroad sign or signal, or any inscription, shield, or insignia on the device, sign, or signal, or any part of the device, sign, or signal;
- (2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs, or other devices intended to protect it; or
- (3) Knowingly move, damage, destroy, or otherwise improperly tamper with a manhole cover.

(b) Penalties:

- (1) Except as otherwise provided in this division, whoever violates division (a)(1) or (a)(3) of this section is guilty of a misdemeanor of the third degree. If a violation of division (a)(1)

or (a)(3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of division (a)(1) or (a)(3) of this section causes serious physical harm to property that is owned, leased, or controlled by the State or the City, the offender is guilty of a felony, to be prosecuted under appropriate State law.

- (2) Except as otherwise provided in this division, whoever violates division (a)(2) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (a)(2) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a)(2) of this section is guilty of a misdemeanor of the third degree.

(ORC 4511.17)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Tampering with traffic control device, freshly applied pavement material, manhole covers, see ORC 4511.17~~

313.11. Possession Or Sale Of ~~Traffic control~~ Traffic Control Device Prohibited

- (a) Prohibitions: No individual shall buy, or otherwise possess, or sell, a ~~traffic control~~ traffic control device, except when one of the following applies:
- (1) In the course of the individual's employment by the State, City, or other local authority for the express or implied purpose of manufacturing, providing, erecting, moving, or removing such a ~~traffic control~~ traffic control device;
 - (2) In the course of the individual's employment by any manufacturer of ~~traffic control~~ traffic control devices, other than the State, the City, or other local authority;
 - (3) For the purpose of demonstrating the design and function of a ~~traffic control~~ traffic control to State, City, or other local officials;
 - (4) When the ~~traffic control~~ traffic control device has been purchased from the State, the City, or a local authority at a sale of property that is no longer needed or is unfit for use;
 - (5) The ~~traffic control~~ traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.
- (b) Prosecution for Theft: This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of ORC 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of ORC 2913.51 or a municipal ordinance relating to receiving stolen property.
- (c) Penalties: Whoever violates this section is guilty of a misdemeanor of the third degree.
- (d) Definitions: As used in this section, "~~Traffic control~~ Traffic Control Device" means any sign, ~~traffic control~~ traffic control signal, or other device conforming to and placed or erected in accordance with the State Manual adopted under ORC 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(ORC 4511.18)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Purchase, possession or sale of traffic control device, see ORC 4511.18~~

TITLE FIVE. VEHICLES

CHAPTER 331. GENERAL OPERATION

331.01. Driving Upon Right Side Of Roadway

(a) Driving on Right Side of Roadway; Exceptions: 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-side~~ of the center of the highway; provided, that 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 (3) 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~~ one-way traffic; or
- (5) When otherwise directed by a police officer or traffic control device.

(b) Slow-Moving Vehicles:

- (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
 - (A) When overtaking and passing another vehicle proceeding in the same direction;
 - (B) When preparing for a left turn; or
 - (C) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in division (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Four Lane Roadways:

- (1) Upon any roadway having four (4) 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~~ 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.
- (2) This division 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.

- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.25)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Lanes of travel upon roadways of sufficient width, see ORC 4511.25~~

331.02. Vehicles Traveling In Opposite Directions

- (a) 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 (1) line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.26)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Vehicles traveling in opposite directions, ORC 4511.26~~

331.03. Overtaking And Passing On The Left

- (a) Rules: The following rules govern the overtaking and passing of vehicles proceeding in the same direction:
- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) 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. When a motor vehicle overtakes and passes a bicycle or electric bicycle, three feet (3') or greater is considered a safe passing distance.
 - (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the

latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

- (3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided highway as defined in ORC 4511.35, a limited access highway as defined in ORC 5511.02, or a highway with four (4) or more traffic lanes is not required to signal audibly to the vehicle being overtaken and passed.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.27)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

Overtaking and passing of vehicles proceeding in the same direction, see ORC 4511.27

331.04. Overtaking And Passing On The Right

- (a) Rules: 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 (2) or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

- (b) Driving Off Roadway: The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.28)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Overtaking and passing upon the right of another vehicle, see ORC 4511.28

331.05. Driving Left Of Center When Passing

- (a) Passing on Left: No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable, and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet (200') of any approaching vehicle.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.29)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Driving to left of center of roadway in overtaking and passing traffic proceeding in same direction, see ORC 4511.29~~

331.06. Driving To Left Of Centerline

- (a) Rules: No vehicle shall be driven upon the left side of the roadway under the following conditions:
- (1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
 - (2) When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct, or tunnel; or
 - (3) When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing.
- (b) Exceptions: This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in Section 331.01(a)(2) of this Traffic Code or ~~a substantially equivalent State law~~ ORC 4511.25(A)(2).
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.30)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Driving upon left side of roadway, see ORC 4511.30~~

331.07. Hazardous Or No Passing Zones

- (a) No Passing Zones: The Ohio Department of Transportation may determine those portions of any State highway, and the City may determine those portions of any City street or way, where overtaking and passing other traffic or driving to the left of the center or centerline of the roadway would be especially hazardous and may, by appropriate signs or markings on the street or highway, 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 of the signs or markings, notwithstanding the distances set out in Section 331.06 of this Traffic Code or ~~substantially equivalent State law~~ ORC 4511.30.
- (b) Exceptions: Division (a) of this section does not apply when all of the following apply:
- (1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location;
 - (2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit; and
 - (3) There is sufficient clear sight distance to the left of the center or ~~centerline~~ center line of the roadway to meet the overtaking and passing provisions of Section 331.05 of this Traffic Code or ~~substantially equivalent State law~~ ORC 4511.29, considering the speed of the slower vehicle.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.31)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Establishing hazardous zones, see ORC 4511.31~~

331.08. Driving In Marked Lanes

- (a) Rules: Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, or wherever within the City traffic is lawfully moving in two (2) or more substantially continuous lines in the same direction, the following rules apply:

- (1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that the movement can be made with safety.
 - (2) Upon a roadway which is divided into three (3) lanes and provides for the 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 the center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where the center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
 - (3) Official signs may be erected directing specified traffic to use a designated lane, or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.
 - (4) Official ~~traffic control~~ traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.33)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Driving in marked lanes, see ORC 4511.33

331.09. Following Too Closely

- (a) Motor Vehicles: 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 the vehicle and the traffic upon and the condition of the highway.
- (b) Trucks and Towed Vehicles: The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residential district, shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This division does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.
- (c) Motorcades: Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or motorcade shall maintain a sufficient space between the vehicles so an overtaking vehicle may enter and occupy the space without danger. This division shall not apply to funeral processions.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has

been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.34)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Space between moving vehicles, see ORC 4511.34~~

331.10. Turns At Intersections

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

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

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

(3) At any intersection where traffic is restricted to one direction on one (1) 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 the 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 traffic moving in that lane.

(b) Obeying Signs: The Ohio Department of Transportation and the City may cause markers, buttons, or signs to be placed within or adjacent to intersections under their respective jurisdictions, 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 the vehicle at an intersection other than as directed and required by the markers, buttons, or signs.

(c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.36)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Rules for turns at intersections, ~~see ORC 4511.36~~

331.12. Restrictions On U-Turns

- (a) U-Turns: Except as provided in Sections 313.03 and 313.06 of this Traffic Code and 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 such vehicle cannot be seen within five hundred feet (500') by the driver of any other vehicle approaching from either direction.
- (b) Exceptions: 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 or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one (1) flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet (500') 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.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.37)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Turning in roadway prohibited—exceptions, ~~see ORC 4511.37~~

331.13. Starting And Backing Vehicles

- (a) Rules:
- (1) No person shall start a vehicle which is stopped, standing, or parked until the movement can be made with reasonable safety.
 - (2) 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.
 - (3) No person shall back a motor vehicle on a freeway, except:
 - (A) In a rest area;
 - (B) In the performance of public works or official duties; or

(C) As a result of an emergency caused by an accident or breakdown of a motor vehicle.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or ~~pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.38)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Rules for starting and backing vehicles, see ORC 4511.38~~

331.14. Use Of Signals

(a) Signals Required:

- (1) No person shall turn a vehicle or move right or left upon a street or highway unless and until the 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.
 - (2) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning, except that in the case of a person operating a bicycle or electric bicycle, the signal shall be made not less than one (1) time but is not required to be continuous. A bicycle operator or electric bicycle operator is not required to make a signal if the bicycle or electric bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle or electric bicycle.
 - (3) 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.
 - (4) 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 the intention to turn or move right or left, except that any motor vehicle in use on a street or 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 twenty-four inches (24"), 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 fourteen feet (14'), whether a single vehicle or a combination of vehicles.
 - (5) The signal lights required by this section shall not be flashed on one (1) 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 (1) side only of a parked vehicle except as may be necessary for compliance with this section.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever

violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.39)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Turn and stop signals, ~~see ORC 4511.39~~

331.15. Hand And Arm Signals

(a) Motor Vehicles: Except as provided in division (b) of this section, all signals required by the provisions of this Traffic Code, when given by hand and arm, shall be given from the ~~left side~~ left side of the vehicle in the following manner, and the signals shall indicate as follows:

- (1) Left turn - hand and arm extended horizontally.
- (2) Right turn - hand and arm extended upward.
- (3) Stop or decrease speed - hand and arm extended downward.

(b) Bicycles or electric bicycles: As an alternative to division (a)(2) of this section, a person operating a bicycle or electric bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle or electric bicycle.

(c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.40)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Hand and arm signals, ~~see ORC 4511.40~~

331.16. Right-Of-Way At Intersections

(a) Yield to Vehicle on Right: When two (2) 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) Exceptions: The right-of-way rule declared in division (a) of this section is modified at ~~through~~ highways through highways and as otherwise stated in this Traffic Code and ORC Chapter 4511.

- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.41)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Right-of-way rule at intersections, see ORC 4511.41

331.17. Right-Of-Way When Turning Left

- (a) Yield to Approaching Traffic: The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.42)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Right-of-way rule when turning left, see ORC 4511.42

331.18. Driving In Response To Stop Or Yield Sign

- (a) Stop Signs: 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 there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, 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) Yield Signs: 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 there is no stop line, before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, 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.

- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(Ord. 2012-17. Passed 10-1-12.)

(ORC 4511.43)

Statutory reference:

Right of way rule at through highways, stop signs, yield signs, see ORC 4511.43

331.19. Stop Signs On Private Roads And Driveways

- (a) Requirements for Stop Sign on Private Road or Driveway: The owner of a private road or driveway located in a private residential area containing twenty (20) or more dwelling units may erect stop signs at places where the road or driveway intersects with another private road or driveway in the residential area, in compliance with all of the following requirements:
- (1) The stop sign is sufficiently legible to be seen by an ordinarily observant person and meets the specifications of and is placed in accordance with the Manual adopted by the Ohio Department of Transportation pursuant to ORC 4511.09;
 - (2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under City ordinances. The sign required by division (a)(2) of this section, where appropriate, may be incorporated with the sign required by division (a)(2) of Section 333.04 of this Traffic Code.
- (b) Obeying Stop Signs: Section 331.18(a) and Section 371.01 of this Traffic Code shall be deemed to apply to the driver of a vehicle on a private road or driveway where a stop sign is placed in accordance with division (a) of this section and to a pedestrian crossing such a road or driveway at an intersection where a stop sign is in place.
- (c) Enforcement: When a stop sign is placed in accordance with division (a) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of

the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

- (e) Definitions: As used in this section, and for the purpose of applying Section 331.18(a) and Section 371.01 of this Traffic Code to conduct under this section, the following apply:

"Intersection" means:

- (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 (2) private roads or driveways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads or driveways joining at any other angle may come in conflict.
- (2) Where a private road or driveway includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such private roads or driveways shall be regarded as a separate intersection.

"Owner" and "Private Residential Area Containing Twenty (20) or More Dwelling Units" have the same meanings as in Section 333.04 of this Traffic Code.

"Roadway" means that portion of a private road or driveway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a private road or driveway includes two (2) or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.

(ORC 4511.432)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference: ~~Stop signs on private residential road or driveway, see ORC 4511.432~~

331.20. Emergency Or Public Safety Vehicles To Proceed Cautiously Past Red Or Stop Signal

- (a) Rules: The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.03)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Emergency vehicles at red signal or stop sign, see ORC 4511.03~~

331.22. Report Of Failure To Yield Right-Of-Way To Public Safety Vehicle.

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

(b) Investigation of Report:

- (1) Upon receipt of a report under division (a) of this section, the law enforcement agency may conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation.
- (2) If the identity of the operator at the time of an alleged violation of division (a) of this section is established, the law enforcement agency has probable cause to issue either a written warning or a citation for that violation, and the agency shall issue either a written warning or a citation to the operator.
- (3) If the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency may issue a written warning to the person who owned the vehicle at the time of the alleged violation; however, in the case of a leased or rented vehicle, the law enforcement agency shall issue the written warning to the person who leased or rented the vehicle at the time of the alleged violation.

(c) Penalties:

- (1) Whoever violates Section 331.21(a) of this Traffic Code based on a report filed under division (a) of this section is guilty of a minor misdemeanor and shall be fined one hundred fifty dollars (\$150.00).
- (2) If a person who is issued a citation for a violation of Section 331.21(a) of this Traffic Code based on a report filed under division (a) of this section does not enter a written plea of guilty and does not waive the person's right to contest the citation but instead appears in person in the proper court to answer the charge, the trier of fact cannot find beyond a reasonable doubt that the person committed that violation unless the emergency personnel who filed the report appears in person in the court and testifies.

(d) Definitions:

"License Plate" includes any temporary motor vehicle license placard registration issued under ORC 4503.182 or similar law of another jurisdiction.

"Public Safety Vehicle" does not include an unmarked public safety vehicle or a vehicle used by a public law enforcement ~~office~~ officer or other person sworn to enforce the criminal and traffic laws of the State or City or a vehicle used by the motor carrier enforcement unit for the enforcement of orders and rules of the Ohio Public Utilities Commission.

(ORC 4511.454)

(Ord. 2016-09. Passed 8-15-16.)

Statutory reference:

~~Reporting failure of motor vehicle operator to yield right-of-way to public safety vehicle, see ORC 4511.454~~

331.23. Yielding To Pedestrian On Sidewalk

(a) Yielding to Pedestrians: The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.441)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Right of way of pedestrian on sidewalk, see ORC 4511.441~~

331.24. Yielding To Funeral Procession

- (a) Yielding Right-of-Way to Funeral Procession: Excepting public safety vehicles proceeding in accordance with Section 331.21 of this Traffic Code or ~~a substantially equivalent State law~~ ORC 4511.45 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection, notwithstanding any ~~traffic control~~ traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.
- (b) Operation of Vehicle as Part of Procession: No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white, or an orange and white, pennant in such a manner as to be clearly visible to traffic approaching from any direction.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

- (d) Definitions: As used in this section, "Funeral Procession" means two (2) or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white, or an orange and white, pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(ORC 4511.451)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Right of way of funeral vehicle, see ORC 4511.451~~

331.25. Driver's View And Control To Be Unobstructed; Opening Door On Traffic Side

- (a) Obstruction by Load: 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) Obstruction by Persons: No passenger in a vehicle shall ride in a such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.
- (c) Opening Door on Traffic Side: No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.70)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Obstructing view and control of driver — opening door into moving traffic, see ORC 4511.70~~

331.26. Approaching Stationary Public Safety, Emergency, Or Road Service Vehicle With Caution

- (a) Rules: The driver of a motor vehicle upon approaching a stationary public safety vehicle, an emergency vehicle, a road service vehicle, waste collection vehicle, vehicle used by the Ohio Public Utilities Commission to conduct motor vehicle inspections in accordance with ORC 4923.04 and 4923.06, or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in Section 337.16 of this Traffic Code, shall do either of the following:
 - (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two (2) lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, a road service vehicle, waste collection vehicle, Public Utility Commission vehicle used to conduct motor vehicle inspections in accordance with ORC 4923.04 and 4923.06, or a highway maintenance vehicle; or
 - (2) If the driver is not traveling on a street or highway of a type described in division (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.
- (b) Due Regard: This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with ORC 4923.04 and

4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highway.

(c) Violations: No person shall fail to drive a motor vehicle in compliance with divisions (a)(1) or (a)(2) of this section when so required by division (a) of this section.

(d) Penalties:

(1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(2) Notwithstanding Section 501.99 or ORC 2929.28, upon a finding that a person operated a motor vehicle in violation of division (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two (2) times the usual amount imposed for the violation.

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

(e) Strict Liability Offense: The offense established under this section is a strict liability offense and ORC 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(ORC 4511.213)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-06. Passed 7-7-14.)

Statutory reference:

~~Approaching stationary public safety vehicle displaying emergency light, see ORC 4511.213~~

331.27. Following An Emergency Or Public Safety Vehicle Prohibited

(a) Rules: 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 five hundred feet (500')₁, or drive into or park the vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.72)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Following an emergency or public safety vehicle too closely, see ORC 4511.72~~

331.28. Yielding When Entering Roadway From Any Place Other Than Another Roadway

- (a) Yielding to Other Vehicles: The operator of a vehicle about to enter or cross a street or 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.
- (b) Yielding to Pedestrians: The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residential 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 not sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.431; 4511.44)

(Ord. 2016-09. Passed 8-15-16.)

Statutory reference:

~~Stop prior to driving on sidewalk area, see ORC 4511.431~~

~~Right of way at highway from any place other than another roadway, see ORC 4511.44~~

331.30. One-Way Streets And Rotary Traffic Islands

- (a) Rules:
 - (1) Upon a roadway designated and posted with signs for one-way traffic, a vehicle shall be driven only in the direction designated.
 - (2) A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.32)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~One-way traffic – rotary islands, see ORC 4511.32~~

331.31. Divided Roadways

- (a) Rules: Whenever any street or highway has been divided into two (2) roadways by an intervening space, by a physical barrier, or by a 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 dividing space, barrier, or section except through an opening, crossover, or intersection established by the City or the State. This section does not prohibit the occupancy of the dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.135)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Divided roadways, see ORC 4511.35~~

331.32. Texting While Driving

- (a) Use of Electronic Wireless Communications Device While Driving: No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.
- (b) Exceptions: Division (a) of this section does not apply to the any of the following:
- (1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
 - (2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;
 - (3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
 - (4) A person reading, selecting, or entering a name or telephone number in a handheld electronic communications device for the purpose of making or receiving a telephone call;

- (5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle, or safety-related information including emergency, traffic or weather alerts, or data used primarily by the motor vehicle;
 - (6) A person receiving wireless messages via radio waves;
 - (7) A person using a device for navigation purposes;
 - (8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols, or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
 - (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data; or
 - (10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.
- (c) Secondary Offense: Notwithstanding any other 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 (a) 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 office 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.
- (d) Penalties:
- (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
 - (2) ORC 4511.204 shall not be construed as invalidating, preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in ORC 4511.204 for violations of that section.
- (e) Municipal Prosecution Not Precluded. A prosecution for a violation of ORC 4511.204 does not preclude a prosecution for a violation of a substantially equivalent municipal ordinance based on the same conduct. However, if an offender is convicted of or pleads guilty to a violation of ORC 4511.204 and is also convicted of or pleads guilty to a violation of a substantially equivalent municipal ordinance based on the same conduct, the two offenses are allied offenses of similar import under ORC 2941.25.
- ~~(e)~~ (f) Definitions: As used in this section:
- "Electronic Wireless Communications Device" includes any of the following:
- (1) A wireless telephone;
 - (2) A text-messaging device;
 - (3) A personal digital assistant;
 - (4) A computer, including a laptop computer and a computer tablet; or
 - (5) Any other substantially similar wireless device that is designed or used to communicate text.

"Voice-Operated or Hands-Free Device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate or deactivate a feature or function.

"Write, Send, or Read a Text-Based Communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.

(ORC 4511.204)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-18. Passed 12-7-15.)

Statutory reference: ~~Driving while texting, see ORC 4511.204~~

331.33. Minor's Use Of Electronic Wireless Communications Device While Driving

(a) Use of Electronic Wireless Communications Device While Driving by a Minor: No holder of a temporary instruction permit who has not attained the age of eighteen (18) years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for the purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

(b) Exceptions: Division (a) of this section does not apply to the following:

- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
- (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and who is outside a lane of travel;
- (3) A person using a navigation device in a ~~voice-operated~~ voice-operated or hands-free manner who does not manipulate the device while driving.

(c) Primary Offense; Penalties:

- (1) Except as otherwise provided in division (c)(2) of this section, whoever violates division (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension on the offender's driver's license or permit for a definite period of sixty (60) days.
- (2) If the person previously has been adjudicated a delinquent child or a juvenile traffic offender for a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension on the person's driver's license or permit for a definite period of one (1) year.

(d) Municipal Prosecution Not Precluded. The filing of a sworn complaint against a person for a violation of ORC 4511.05 does not preclude the filing of a sworn complaint for a violation of a substantially equivalent municipal ordinance for the same conduct. However, if a person is adjudicated a delinquent child or a juvenile traffic offender for a violation of ORC 4511.05 and is also adjudicated a delinquent child or a juvenile traffic offender for a violation of a substantially equivalent municipal ordinance for the same conduct, the two offenses are allied offenses of similar import under ORC 2941.25.

~~(d)~~ (e) Definitions: As used in this section:

"Electronic Wireless Communications Device" includes any of the following:

- (1) A wireless telephone;

- (2) A text-messaging device;
- (3) A personal digital assistant;
- (4) A computer, including a laptop computer and a computer tablet; or
- (5) Any other substantially similar wireless device that is designed or used to communicate via voice, image, or written word.

(ORC 4511.205)

(Ord. 2013-13. Passed 6-17-13; Ord. 2015-18. Passed 12-7-15.)

Statutory reference:

~~Use of devices by persons under 18 years of age, see ORC 4511.205~~

331.37. Failure To Stop For School Bus Violations

- (a) Definition: As used in this section, "license plate" includes, but is not limited to, any temporary motor vehicle license registration issued under ORC 4503.182 or similar law of another jurisdiction.
- ~~(a)~~ (b) Report by School Bus Driver: When the operator of a school bus believes that a motorist has violated Section 331.38(a) of this Traffic Code within the corporate limits of the City, the operator shall report the license plate number and a general description of the vehicle and of the operator of the vehicle to the Division of Police. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other person.
- ~~(b)~~ (c) Investigation: Upon receipt of the report of the alleged violation of Section 331.38(a), the Division of Police shall conduct an investigation to attempt to determine or confirm the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the Division of Police to issue a citation for the violation of Section 331.38(a); however, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the Division of Police shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation.
- (d) Duty of Registrar and Deputy Registrars: The Registrar of Motor Vehicles and Deputy Registrars shall, at the time of issuing license plates to any person, include with the license plate a summary of the requirements of ORC 4511.75(A) and the procedures of, and penalty in, ORC 4511.75(F).

(ORC 4511.751)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~School bus operator to report violations, see ORC 4511.751~~

331.38. Stopping For School Bus

- (a) Stopping for School Bus:
 - (1) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of

developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet (10') 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.

- (2) It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by ORC ~~4511.774(B)~~ 4511.75(B).

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

~~(b)~~ (c) Exceptions: Where a street or highway has been divided into four (4) or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with division (a) above.

(d) Residence Side of Street or Highway: School buses operating on divided streets or highways or on streets or highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and county boards of developmental disabilities, and children attending programs offered by head start agencies on their residence side of the street or highway.

(e) Driver to Start Bus Only After Child Has Reached Place of Safety. No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

~~(e)~~ (f) Penalties:

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

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

~~(d)~~ (g) Definitions: As used in this section:

"Head Start Agency" has the same meaning as in ORC 3301.32.

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

(ORC 4511.75)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Stopping for stopped school bus, see ORC 4511.75

331.39. Stopping At Grade Crossings - Vehicles

(a) When to Stop at Grade Crossing:

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

(A) A ~~clearly visible~~ clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

(B) A crossing gate is lowered;

(C) A flagperson gives or continues to give a signal of the approach or passage of a train;

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

(E) An approaching train is emitting an audible signal or is plainly visible, and is in hazardous proximity to the crossing; or

(F) There is insufficient undercarriage clearance to safely negotiate the crossing.

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

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

(ORC 4511.62)

(c) Stop Signs at Crossings:

- (1) The Ohio Department of Transportation and the City, with the approval of the Department, may designate dangerous street or highway crossings over railroad tracks whether on state highways or on streets or ways within the City, and erect stop signs thereat.
- (2) The Department and the City shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:
 - (A) New warning devices that are not active grade crossing warning devices are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices; or
 - (B) The grade crossing is constructed after July 1, 2013, and only warning devices that are not active grade crossing warning devices are installed at the grade crossing.
 - (C) Division (c)(2) of this section does not apply to a railroad highway grade crossing that the Director of the Ohio Department of Transportation has exempted because of traffic flow or other considerations or factors.
- (3) When stop signs are erected pursuant to division (c)(1) or (c)(2) of this section, the operator of any vehicle shall stop within fifty feet (50'), but not less than fifteen feet (15'), from the nearest rail of the railroad tracks and shall exercise due care before proceeding across ~~the~~ such grade crossing.

(ORC 4511.61)

(d) Penalties:

- (1) Whoever violates division (a) or (b) this section is guilty of a misdemeanor of the fourth degree.
- (2) Except as otherwise provided in division (d)(2) of this section, whoever violates division (c)(3) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.61; ORC 4511.62)

(e) Definitions: As used in this section, "Active Grade Crossing Warning Device" ~~has the same meaning as in ORC 4511.61.~~ means signs, signals, gates, or other protective devices erected or installed at a public highway-railway crossing at common grade and activated by an electrical circuit.

(ORC 4511.61)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Stop signs at dangerous highway crossings over railroad tracks, see ORC 4511.61~~

331.40. Stopping At Grade Crossings - Buses, Hazardous Loads, And Slow-Moving Vehicles

(a) Buses and Hazardous Loads:

- (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under 49 C.F.R. Parts 100 to 185, before crossing at grade any track of a railroad, shall stop the vehicle and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) Division (a)(1) of this section does not apply at grade crossings when the City has filed an application with the Ohio Public Utilities Commission requesting the approval of an exempt crossing and the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided ORC 4511.63(B).
- (3) As used in division (a)(1) of this section:
 - (A) "Bus" means any vehicle originally designed by its manufacturer to transport sixteen (16) or more passengers, including the driver, or carries sixteen (16) or more passengers, including the driver.
 - (B) "Exempt crossing" means a highway rail grade crossing authorized and approved by the Ohio Public Utilities Commission under ORC 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.
 - (C) "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(ORC 4511.63)

(b) Slow-Moving Vehicles:

- (1) 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 (6) or less miles per hour or a vertical body or load clearance of less than nine inches (9") about the level surface of a roadway, upon or across any tracks without first complying with divisions (b)(1)A. and (b) (1)B. of this section.
 - (A) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person 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.
 - (B) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a railroad train or car.
- (2) If the normal sustained speed of such vehicle, equipment, or structure is not more than three miles per hour (3 mph), 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 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.

(ORC 4511.64)

(c) Penalties:

- (1) Whoever violates division (a)(1) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of division (a)(1) of this section, Sections 339.06, 339.16, 339.17, 339.18, 339.19 or 339.20 of this Traffic Code, or ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates division (a)(1) of this section is guilty of a misdemeanor of the fourth degree.
- (2) Except as otherwise provided in division (c)(2), whoever violates division (b) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.63; ORC 4511.64)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Stopping at grade crossings, see ORC 4511.63

Slow moving vehicles or equipment crossing railroad tracks, see ORC 4511.64

331.41. Shortcutting To Avoid Traffic Control Traffic Control Devices

- (a) No Through Traffic: No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one (1) roadway to another.
- (b) Shortcutting: No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a ~~traffic control~~ traffic control device.
- (c) Prima Facie Evidence: It shall be prima facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.
- (d) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 2012-17. Passed 10-1-12.)

331.42. Prohibitions Against Driving While Wearing Earphones Or Earplugs

(a) As used in this section:

- (1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

(A) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(B) Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

(A) Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

(B) Provides hearing protection.

~~(a)~~ (b) Prohibitions: No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. ~~As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.~~

~~(b)~~ (c) Exceptions: This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway; or

(5) Any person engaged in the operation of refuse collection equipment;

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty~~ to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.84)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Earphones or earplugs on operator prohibited, see ORC 4511.84~~

CHAPTER 333. SPEED; OVI; PHYSICAL CONTROL; RECKLESS OPERATION; WRONGFUL ENTRUSTMENT

333.01. Stopping Or Slow Speed

(a) Prohibitions: No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Minimum Speed Limits: Whenever the State Director of Transportation or the City determines, on the basis of an engineering and traffic investigation, that slow speeds on any part of a controlled-access highway, expressway, or freeway consistently impede the normal and

reasonable movement of traffic, the Director or the City may declare a minimum speed limit below which no person shall operate a motor vehicle except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty miles per hour (30 mph), greater than fifty miles per hour (50 mph), nor shall it be effective until the provisions of Section 333.03 of this Traffic Code or ORC 4511.21, relating to appropriate signs, have been fulfilled and the City has obtained the approval of the Director.

- (c) Evidence to be considered by Court: In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.22)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Slow speed, ~~see~~ ORC 4511.22

333.02. Speed Regulations On Bridges

- (a) Prohibitions: No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street or 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) Maximum Speed Limits: The State Department of Transportation shall, upon request from the City, 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 safely withstand traffic traveling at the speed otherwise permissible under this Traffic Code or ORC 4511.01 to 4511.85 and 4511.98, 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 one hundred feet (100') before each end of such structure.
- (c) Prima Facie Evidence: 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.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.23)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Speed limits on bridges, see ORC 4511.23~~

333.03. Assured Clear Distance; School Zones; Speed Limits

- (a) Assured Clear Distance: No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.
- (b) School Zones: It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Ohio Director of Transportation or the City, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
- (1) Twenty miles per hour (20 mph) in school zones during school recess and while children are going to or leaving school during the opening or closing hours and when twenty miles per hour (20 mph) school speed limit signs are erected; except that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (c)(3) 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 (c)(7) 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 Ohio ~~Manual for~~ Manual 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.
 - (2) As used in this section, "school" means any school chartered under ORC 3301.16 and any nonchartered school that during the preceding year filed with the State Department of Education, in compliance with OAC ~~3301-35-08~~ 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools, and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.
 - (3) 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, and also includes that portion of a State highway. Upon request from the City for streets and highways under its jurisdiction and that portion of a State highway under the jurisdiction of the Ohio Director of Transportation, the Director may extend the traditional school zone boundaries. The distances in divisions (b)(3)A., (b)(3)B. and (b)(3)C. of this section shall not exceed three hundred feet (300') per approach, per direction, and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:
 - (A) The distance encompassed by projecting the school building lines normal to the fronting street or highway and extending a distance of three hundred feet (300') on each approach direction;
 - (B) The distance encompassed by projecting the school property lines intersecting the fronting street or highway and extending a distance of three hundred feet (300') on each approach direction;

- (C) The distance encompassed by the special marking of the pavement for a principal school-pupil crosswalk, plus a distance of three hundred feet (300') on each approach direction of the street or highway.
 - (D) 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) and (b)(3) of this section.
- (4) (A) As used in this division, "crosswalk" has the meaning given that term in ORC 4511.01.
- (B) The Director may, upon request by resolution of the City Council and upon submission by the City 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 City 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 one thousand three hundred twenty feet (1,320'). Such a school zone shall include the distance encompassed by the crosswalk and extending three hundred feet (300') on each approach direction of the State route.
- (c) Speed Limits: It is prima facie lawful, in the absence of a lower limit declared or established pursuant to this section by the Ohio Director of Transportation or the City, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:
- (1) Twenty-five miles per hour (25 mph) in all other portions of the City, except on State routes outside business districts, ~~through highways~~ through highways outside business districts, and alleys;
 - (2) Thirty-five miles per hour (35 mph) on all State routes or ~~through highways~~ through highways within the City outside business districts, except as provided in divisions (c)(3) and (c)(4) of this section;
 - (3) Fifty miles per hour (50 mph) on controlled-access highways and expressways within the City, except as provided in ORC 4511(B)(12), (13), (14), (15), and (16);
 - (4) Fifty miles per hour (50 mph) on State routes within the City outside urban districts, unless a lower prima facie speed is established as further provided in this section;
 - (5) Fifteen miles per hour (15 mph) on all alleys within the City;
 - (6) Thirty-five miles per hour (35 mph) on highways outside the City that are within an island jurisdiction;
 - (7) Fifty-five miles per hour (55 mph) ~~at all times~~ on freeways with paved shoulders inside the City, other than freeways as provided in divisions (c)(10) and (c)(12) of this section;
 - (8) Sixty miles per hour (60 mph) ~~at all times~~ on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in (c)(9) and (c)(10) of this section;
 - (9) Sixty-five miles per hour (65 mph) ~~for operators of any motor vehicle at all times~~ on all rural expressways without ~~traffic control~~ traffic control signals;
 - (10) Seventy miles per hour (70 mph) ~~for operators of any motor vehicle at all times~~ on all rural freeways;

- (11) ~~Fifty-five miles per hour (55 mph) for operators of any motor vehicle at all times on all portions of freeways in congested areas; as determined by the Director; and that are part of the interstate system and are located within the City or within an interstate freeway outerbelt, except as provided in (c)(12) of this section;~~
- (12) ~~Sixty-five miles per hour (65 mph) for operators of any motor vehicle at all times on all portions of freeways or expressways in urban areas, as determined by the Director, and that are a part of the interstate system and are part of an interstate freeway outerbelt; without traffic control signals in urbanized areas.~~
- (d) Prima facie Speed Limits: Whenever, in accordance with ORC 4511.21(H) through (N), the maximum prima facie 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.
- (e) Violations: It is prima facie unlawful for any person to exceed any of the speed limitations in division (b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (c)(6) of this section, or any speed limitations declared or established pursuant to division (d) of this section by the Director or the City, and it is unlawful for any person to exceed any of the speed limitations in division (f) of this section. No person shall be convicted of more than one (1) violation of this section for the same conduct, although violations of more than one (1) provision of this section may be charged in the alternative in a single affidavit.
- (f) Speeding: No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour (55 mph), except upon a ~~two-lane~~ two-lane State route outside the City and upon a highway, expressway, or freeway as provided in divisions (c)(8), (c)(9), (c)(10), and (c)(12) of this section.
 - (2) At a speed exceeding sixty miles per hour (60 mph) upon a highway as provided in division (c)(8) of this section;
 - (3) At a speed exceeding sixty-five miles per hour (65 mph) upon an expressway as provided in division (c)(9) of this section or upon a freeway as provided in division (c)(12) of this section, except upon a freeway as provided in division (c)(10) of this section.
 - (4) At a speed exceeding seventy miles per hour (70 mph) upon a freeway as provided in division (c)(10) of this section.
 - (5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the Director has determined and declared a speed limit pursuant to ORC 4511.21(I)(2) or (L)(2).
- (g) Charges:
- (1) 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 (e) of this section, also the speed which division (b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c) (5), or (c)(6) of this section, or a limit declared or established pursuant to division (d) of this section, declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.
 - (2) When a speed in excess of both a prima facie limitation and a limitation in division (f) of this section is alleged, the defendant shall be charged in a single affidavit alleging a single act, with a violation indicated of both division (b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), or (c)(6) of this section, or of a limit declared or established by the Director or City

pursuant to division (d) of this section, and of the limitation in division (f) of this section. If the court finds a violation of division (b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), or (c)(6) of this section, or a limit declared or established pursuant to division (d) of this section has occurred, it shall enter a judgment of conviction under such division and dismiss the charge under division (f) of this section. If it finds no violation of division (b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), or (c)(6) of this section, or a limit declared or established pursuant to division (d) of this section, it shall then consider whether the evidence supports a conviction under division (f).

(h) Points: Points shall be assessed for violation of a limitation under division (f) of this section in accordance with ORC 4510.036.

(i) Lower Speed Limit:

(1) Except as provided in ORC 4511.21(I)(2), (J), (K), and (N), whenever the City determines upon the basis of criteria established by an engineering study, as defined by the Director, that the speed permitted by ORC 4511.21(B)(1)(a) to (D), on any part of a highway under its jurisdiction, is greater than is reasonable and safe under the conditions found to exist at such location, the City 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 City. The Director may withdraw the declaration of a prima facie speed limit whenever in the Director's opinion the altered prima facie speed limit becomes unreasonable. Upon such withdrawal, the declared prima facie speed limit shall become ineffective and the signs relating thereto shall be immediately removed by the City.

(2) The City may determine on the basis of criteria established by an engineering study, as defined by the Director, that the speed limit of sixty-five (65 mph) or seventy miles per hour (70 mph) on a portion of a freeway under its jurisdiction is greater than is reasonable or safe under the conditions found to exist at that portion of the freeway. If the City makes such a determination, the City by resolution may request the Director to determine and declare a reasonable and safe speed limit of not less than fifty-five miles per hour (55 mph) for that portion of the freeway. If the Director takes such action, the declared speed limit becomes effective only when appropriate signs giving notice of it are erected at such location by the City.

(j) Higher Speed Limit: The City in its respective jurisdiction may authorize by ordinance higher prima facie speeds than those stated in ORC 4511.21 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 the City shall not modify or alter the basic rule set forth in ORC 4511.21(A) or in any event authorize by ordinance a speed in excess of the maximum speed permitted by ORC 4511.21(D) for the specified type of highway.

Alteration of prima facie limits on state routes by the City shall not be effective until the alteration has been approved by the Director. The Director may withdraw approval of any altered prima facie speed limits whenever in the Director's 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 City.

(k) Determination Of Safe Speed Limit:

(1) The Director of Transportation, based upon an engineering study, as defined by the Director, of a highway, expressway, or freeway described in ORC 4511.21(B)(12), (13), (14), (15), or (16), in consultation with the director of Public Safety and, if applicable, the City having jurisdiction over the studied highway, expressway, or freeway, may determine and declare that the speed limit established on such highway, expressway, or

freeway under ORC 4511.21(B)(12), (13), (14), (15), or (16) either is reasonable and safe or is more or less than that which is reasonable and safe.

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to ORC 4511.21(L)(1) is determined to be more or less than that which is reasonable and safe, the Director of Transportation, in consultation with the Director of Public Safety and, if applicable, the City having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(l) Dual Jurisdiction Over Highway:

(1) (A) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

- (i) Either prima facie speed limit permitted by ORC 4511.21(B);
- (ii) An altered speed limit determined and posted in accordance with ORC 4511.21.

(B) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under ORC 4511.21.

(2) Neither the City may declare an altered prima facie speed limit pursuant to ORC 4511.21 on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of criteria established by an engineering study, as defined by the Director, that the speed permitted by ORC 4511.21 is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima facie speed limit of less than fifty-five (55 mph) but not less than twenty-five miles per hour (25 mph) for that location. If both authorities so agree, each shall follow the procedure specified in ORC 4511.21 for altering the prima facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima facie speed limit pursuant to the procedure specified in ORC 4511.21.

(m) Boarding School: The legislative authority of a municipal corporation in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For purposes of determining the boundaries of the boarding school zone, the altered speed limit within the boarding school zone, and the hours the altered speed limit is in effect, the legislative authority shall consult with the administration of the boarding school and with the county engineer or other appropriate engineer, as applicable. A boarding school zone speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.

(n) Definitions: As used in this section:

"Commercial Bus" means a motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons for compensation.

"Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.

"Interstate System" has the same meaning as in 23 U.S.C.A. U.S.C. 101.

"Noncommercial Bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

"Outerbelt" means a portion of the freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.

"Rural" means an area outside urbanized areas, as designated in accordance with 23 USC 404, and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

"Urbanized area" has the same meaning as in 23 U.S.C. 101.

(f) (o) Penalties:

(1) A violation of any provision of this section is one (1) of the following:

(A) Except as otherwise provided in divisions (i)(I)B., (i)(I)C, (i)(2) and (i)(3) of this section, a minor misdemeanor;

(B) If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) violations of any provision of this section or of any provision of State law or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;

(C) If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to three (3) or more violations of any provision of this section or of any provision of State law or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

(2) If the offender has not previously been convicted of or pled guilty to a violation of any provision of this section or of any provision of State law or a municipal ordinance that is substantially similar to this section, and has operated a motor vehicle faster than thirty-five miles an hour (35 mph) in a business district of the City; faster than fifty miles an hour (50 mph) in other portions of the City; or faster than thirty-five miles an hour (35 mph) in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.

(3) Notwithstanding division (i)(I) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with ORC 4511.98 the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

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

(ORC 4511.21)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Speed limits—assured clear distance, see ORC 4511.21~~

333.04. Speed Limits On Private Roads And Driveways

- (a) Establishing Speed Limits on Private Roads and Driveways: The owner of a private road or driveway located in a private residential area containing twenty (20) or more dwelling units may establish a speed limit on the road or driveway by complying with all of the following requirements:
- (1) The speed limit is not less than twenty-five miles per hour (25 mph) and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the Manual adopted by the Ohio Department of Transportation pursuant to ORC 4511.09;
 - (2) The owner has posted a sign at the entrance of the private road or driveway that is in plain view and clearly informs persons entering the road or driveway that they are entering private property, a speed limit has been established for the road or driveway, and the speed limit is enforceable by law enforcement officers under City ordinances.
- (b) Prohibitions: No person shall operate a vehicle upon a private road or driveway as provided in division (a) of this section at a speed exceeding any speed limit established and posted pursuant to that division.
- (c) Enforcement: When a speed limit is established and posted in accordance with division (a) of this section, any law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in Section 333.06 of this Traffic Code, ORC 4511.091, or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.
- (d) Points: Points shall be assessed for violation of a speed limit established and posted in accordance with division (a) of this section, in accordance with ORC 4510.036.
- (e) Penalties:
- (1) A violation of division (b) of this section is one (1) of the following:
 - ~~(1)~~ (A) Except as otherwise provided in divisions (e)(2) and (e)(3) of this section, a minor misdemeanor;
 - ~~(2)~~ (B) If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) violations of division (b) of this section or of any State law or municipal ordinance that is substantially similar to division (b) of this section, a misdemeanor of the fourth degree;
 - ~~(3)~~ (C) If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to three (3) or more violations of division (b) of this section or of any State law or municipal ordinance that is substantially similar to division (b) of this section, a misdemeanor of the third degree.
 - (2) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under ORC 4511.991.
- (f) Definitions: As used in this section:
- "Owner" includes, but is not limited to, a person who holds title to the real property in fee simple, a condominium owners' association, a property owner's association, the board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

"Private Residential Area Containing Twenty (20) or More Dwelling Units" does not include a Chautauqua assembly as defined in ORC 4511.90.

(ORC 4511.211)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Establishing speed limit on private road or driveway, see ORC 4511.211~~

333.08. Operating A Vehicle While Under The Influence Of Alcohol Or Drugs

(a) Operating a Vehicle under the Influence:

- (1) No person shall operate any vehicle within this City if, at the time of the operation, any of the following apply:
 - (A) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - (B) The person has a concentration of eight-hundredths of one percent ~~(0.08)~~ (0.08%) or more, but less than seventeen-hundredths of one percent ~~(0.17)~~ (0.17%), by weight per unit volume of alcohol in the person's whole blood.
 - (C) The person has a concentration of ninety-six-thousandths of one percent ~~(0.096)~~ (0.096%) or more, but less than two hundred four- thousandths of one percent ~~(0.204)~~ (0.204%), by weight per unit volume of alcohol in the person's blood serum or plasma.
 - (D) The person has a concentration of eight-hundredths of one gram ~~(0.08 g)~~ or more, but less than seventeen-hundredths of one gram ~~(0.17 g)~~, by weight of alcohol per two hundred ten liters (210 L) of the person's breath.
 - (E) The person has a concentration of eleven-hundredths of one gram ~~(0.11 g)~~ or more, but less than two hundred ~~thirty-eight-thousandths~~ thirty-eight-thousandths of one gram ~~(0.238 g)~~, by weight of alcohol per one hundred milliliters (100 ml) of the person's urine.
 - (F) The person has a concentration of seventeen-hundredths of one percent ~~(0.17)~~ (0.17%) or more by weight per unit volume of alcohol in the person's whole blood.
 - (G) The person has a concentration of two hundred four-thousandths of one percent ~~(0.204)~~ or more by weight per unit volume of alcohol in the person's blood serum or plasma.
 - (H) The person has a concentration of seventeen-hundredths of one gram (0.17 g) or more by weight of alcohol per two hundred ten liters (210 L) of the person's breath.
 - (I) The person has a concentration of two hundred ~~thirty-eight-thousandths~~ thirty-eight-thousandths of one gram ~~(0.238 g)~~ or more by weight of alcohol per one hundred milliliters (100 ml) of the person's urine.
 - (J) Except as provided in division (a)(1)K. of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - (i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms (500 ng) of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or

blood serum or plasma of at least one hundred nanograms (100 ng) of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

- (ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms (150 ng) of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms (50 ng) of cocaine per milliliter of the person's whole blood or blood serum or plasma.
- (iii) The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms (150 ng) of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms (50 ng) of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
- (iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms (2000 ng) of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms (50 ng) of heroin per milliliter of the person's whole blood or blood serum or plasma.
- (v) The person has a concentration of heroin metabolite (6- monoacetyl morphine) (6-monoacetyl morphine) in the person's urine of at least ten nanograms (10 ng) of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms (10 ng) of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.
- (vi) The person has a concentration of LSD L.S.D. in the person's urine of at least twenty-five nanograms (25 ng) of LSD L.S.D. per milliliter of the person's urine or a concentration of LSD L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms (10 ng) of LSD L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
- (vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms (10 ng) of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms (2 ng) of marihuana per milliliter of the person's whole blood or blood serum or plasma.
- (viii) Either of the following applies:
 - (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms (15 ng) of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms (5 ng) of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - (2) The person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms (35 ng) of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms (50 ng) of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

- (ix) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms (500 ng) of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms (100 ng) of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - (x) The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms (25 ng) of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms (10 ng) of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
 - (xi) The state board of pharmacy has adopted a rule pursuant to ORC 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this City, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.
- (2) No person who, within twenty (20) years of the conduct described in division (a)(2)A. of this section, previously has been convicted of or pled guilty to a violation of this division, a violation of divisions (a)(1) or (b) of this section, a violation of ORC 4511.19, or any other equivalent State or municipal offense shall do both of the following:
- (A) Operate any vehicle within this City while under the influence of alcohol, a drug of abuse, or a combination of them;
 - (B) Subsequent to being arrested for operating the vehicle as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to chemical test(s) under Section 333.09 of this Traffic Code, and being advised by the officer in accordance with Section 333.09 of the consequences of the person's refusal or submission to the test(s), refuse to submit to the test(s).

(ORC 4511.19(A))

- (b) Underage Operating a Vehicle under the Influence of Alcohol or Drugs: No person under twenty-one (21) years of age shall operate any vehicle within this City if, at the time of the operation, any of the following apply:
- (1) The person has a concentration of at least two-hundredths of one percent ~~(0.02)~~ (0.02%), but less than eight-hundredths of one percent ~~(0.08)~~ (0.08%), by weight per unit volume of alcohol in the person's whole blood.
 - (2) The person has a concentration of at least three-hundredths of one percent ~~(0.03)~~ (0.03%), but less than ninety-six-thousandths of one percent ~~(0.096)~~ (0.096%), by weight per unit volume of alcohol in the person's blood serum or plasma.
 - (3) The person has a concentration of at least two-hundredths of one gram (0.02 g), but less than eight-hundredths of one gram (0.08 g), by weight of alcohol per two hundred ten liters (210 L) of the person's breath.
 - (4) The person has a concentration of at least twenty-eight one-thousandths of one gram (0.028 g), but less than eleven-hundredths of one gram (0.11 g), by weight of alcohol per one hundred milliliters (100 ml) of the person's urine.

(ORC 4511.19(B))

- (c) Limitation on Convictions: In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1)A. or division (a)(2) of this section, and a violation of division (b)(1), (b)(2) or (b)(3) of this section, but the person may not be convicted of more than one (1) violation of these divisions.

(ORC 4511.19(C))

- (d) Evidence; Tests; Immunity: In any criminal prosecution for a violation of division (a) or division (b) of this section, the evidentiary rules and procedures regarding the admission of any chemical tests, field sobriety tests, or laboratory reports shall be the same as those contained in ORC 4511.19(D) and (E), and the immunity provided by ORC 4511.19(F) shall also apply.

(ORC 4511.19(D), (E) and (F))

(e) Penalties:

- (1) Whoever violates divisions (a)(1)A. through (a)(1)I. or (a)(2) of this section is guilty of operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them. The Court shall sentence the offender in accordance with ORC 4511.19(G) and (I).
- (2) Whoever violates division (a)(1)J. is guilty of operating a vehicle while under the influence of a listed controlled substance or listed metabolite of a controlled substance, unless the exemptions listed in ORC 4511.19(K) apply. The Court shall sentence the offender in accordance with ORC 4511.19(G), (I) and (L).
- (3) Whoever violates division (b) of this section is guilty of operating a vehicle after underage consumption. The Court shall sentence the offender in accordance with ORC 4511.19(H).
- (4) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended for a violation of this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(ORC 4511.19(G)-(L))

- (f) Immobilization of Vehicle: If a person is convicted of or pleads guilty to a violation of this section, if the vehicle the offender was operating at the time of the offense is registered in the offender's name and if, within ten (10) years of the current offense, the offender has been convicted of or pled guilty to one (1) or more violations of Section 333.08(a) or (b) of this Traffic Code, ORC 4511.19(A) or (B), ~~a substantially equivalent State law or a municipal OVI ordinance~~, or one (1) or more other equivalent offenses, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, shall do whichever of the following is applicable:

- (1) Except as otherwise provided in division (f)(2) of this section, if, within ten (10) years of the current offense, the offender has been convicted of or pled guilty to one (1) or more violations of Section 333.08(a) or (b) of this Traffic Code, ORC 4511.19(A) or (B), ~~a substantially equivalent State law or a municipal OVI ordinance~~, or one (1) or more other equivalent offenses, the court shall order the immobilization for ninety (90) days of that vehicle and the impoundment for ninety (90) days of the license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with ORC 4503.233.
- (2) If, within ten (10) years of the current offense, the offender has been convicted of or pled guilty to two (2) or more violations of Section 333.08(a) or (b) of this Traffic Code, ORC 4511.19(A) or (B), ~~a substantially equivalent State law or municipal OVI ordinance~~, or

one (1) or more other equivalent offenses, or if the offender previously has been convicted of or pled guilty to a violation of 4511.19(A) of under circumstances in which the violation was a felony, and regardless of when the violation and the conviction or guilty plea occurred, the court shall order the criminal forfeiture to the City or State of that vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with ORC 4503.234.

(ORC 4511.19(G))

(g) Definitions: All the terms defined in ORC 4510.01 apply to this section. If the meaning of a term defined in ORC 4510.01 conflicts with the meaning of the same term as defined in ORC 4501.01 or 4511.01, the term as defined in ORC 4510.01 applies to this section.

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Operating vehicle under the influence of alcohol or drugs – OVI, see ORC 4511.19~~

Portion fine deposited in municipal or county indigent drivers alcohol treatment fund, see ORC 4511.193

333.09. Chemical Tests; Implied Consent; Refusal; Seizure And Suspension Of License

(a) Chemical Tests; Implied Consent; Refusal to Submit to Tests:

(1) As used in this section:

(A) "Physical control" has the same meaning as in Section 333.10 of this Traffic Code.

(B) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle upon a street, highway, or any public or private property used by the public for vehicular travel or parking within this City or who is in physical control of a vehicle shall be deemed to have given consent to the chemical test(s) of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of Section 333.08(a) or (b) or Section 333.10 of this Traffic Code, ORC 4511.191(A) or (B), ~~or a substantially equivalent State law or municipal ordinance, or a municipal OVI ordinance.~~

(3) The chemical test(s) under division (a)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle in violation of a division, section, or ordinance identified in division (a)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (a)(2) of this section and the test(s) may be administered, subject to ORC 313.12 to 313.16.

(5) (A) If a law enforcement officer arrests a person for a violation of Section 333.08(a) or (b) or Section 333.10 of this Traffic Code, ORC 4511.191(A) or (B), ~~or a substantially equivalent State law or municipal ordinance, or a municipal OVI ordinance,~~ and if

the person if convicted would be required to be sentenced under Section 333.08(e) or ORC 4511.19(G)(1)(c), (d), or (e), the law enforcement officer shall request the person to submit, and the person shall submit, to chemical test(s) of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to chemical test(s) is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test(s) and is not required to give the person the form described in division (g) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (a)(3) and (a)(4) of this section apply to the administration of chemical test(s) pursuant to this division.

- (B) If a person refuses to submit to a chemical test upon a request made pursuant to division (a)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
- (b) License Suspension for Refusal: Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of Section 333.08(a) or (b) or Section 333.10 of this Traffic Code, ORC 4511.191(A) or (B), ORC 4511.194, or a substantially equivalent State law or municipal ordinance, or a municipal OVI ordinance, that was ~~compiled~~ completed and sent to the Registrar and a court pursuant to divisions (f) to (i) of this section in regard to a person who refused to take the designated chemical test, the Registrar shall enter into the Registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this section and the period of the suspension, as determined under ORC 4511.191(B). The suspension shall be subject to appeal as provided in ORC 4511.197.
- (c) License Suspension for Positive Test Results: Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of Section 333.08(a) or (b) or Section 333.10 of this Traffic Code, ORC 4511.191(A) or (B) or a substantially equivalent State law or municipal OVI ordinance that was ~~compiled~~ completed and sent to the Registrar and a court pursuant to division (f) of this section in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in Section 333.08(a)(1)B., (a)(1)C., (a)(1)D. or (a)(1)E., or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in Section 333.08(a)(1)J., the Registrar shall enter into the Registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this section and the period of the suspension, as determined under ORC 4511.191(C). The suspension shall be subject to appeal as provided in ORC 4511.197. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of Section 333.10 of this Traffic Code, ORC 4511.194, or a substantially equivalent State law or municipal ordinance who submits to a designated chemical test.
- (d) Effective Date of License Suspension:
- (1) A suspension of a person's driver's license or commercial driver's license or permit or nonresident operating privilege under this section for the time described in ORC

4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test(s) under division (a) of this section does not affect the suspension.

- (2) If a person is arrested for operating a vehicle in violation of division (a) or (b) of Section 333.08 of this Traffic Code or ORC 4511.19(A) or (B) or a substantially equivalent State law or municipal OVI ordinance, or for being in physical control of a vehicle in violation of Section 333.10 of this Traffic Code or ORC 4511.194 or a substantially equivalent ~~State law~~ or municipal ordinance, regardless of whether the person's driver's license or commercial driver's license or permit or nonresident operating privilege is or is not suspended under ORC 4511.191(B) or (C) or ORC Chapter 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five (5) days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to ORC 4511.197 regarding the issues specified in that division.

(ORC 4511.191)

- (e) Application of ORC 4511.191: The provisions of ORC 4511.191(E), (F) and (G) shall apply to any suspension under this section.
- (f) Notice as to Effect of Taking or Refusing Chemical Test: Except as provided in division (a)(5) of this section and ORC 4511.191, the arresting law enforcement officer shall give advice in accordance with this section to any person under arrest for a violation of Section 333.08(a) or (b) or Section 333.10 of this Traffic Code, ORC 4511.191(A) or (B), or a substantially equivalent ~~State law~~ or municipal ordinance, or a municipal OVI ordinance. The officer shall give that advice in written form that contains the information described in division (g) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One (1) or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test(s), subsequent to the request of the arresting officer, within two (2) hours of the time of the alleged violation and, if the person does not submit to the test(s) within that two-hour time limit, the failure to submit automatically constitutes a refusal to submit to the test(s).
- (g) Written Form of Notice: Except as provided in division (a)(5) of this section, if a person is under arrest as described in division (f) of this section, before the person may be requested to submit to chemical test(s) to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine, the arresting officer shall read ~~to the person the written advice required by division (f) hereof. The written advice shall be in the form described in ORC 4511.192(B).~~ the following form to the person:

"You now are under arrest for (specifically state the offense under state law or a substantially equivalent municipal ordinance for which the person was arrested--operating a vehicle under the influence of alcohol, a drug, or a combination of them; operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance; operating a vehicle after underage alcohol consumption; or having physical control of a vehicle while under the influence).

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of OVI, OVUAC, or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding twenty years, you now are under arrest for state OVI, and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state OVI.

(Read this part unless the person is under arrest for solely having physical control of a vehicle while under the influence.) If you take any chemical test required by law and are found to be at or over the prohibited amount of alcohol, a controlled substance, or a metabolite of a controlled substance in your whole blood, blood serum or plasma, breath, or urine as set by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

If you take a chemical test, you may have an independent chemical test taken at your own expense."

(ORC 4511.192)

- (h) Seizure of License When Chemical Test not Requested: If the arresting law enforcement officer does not ask the person under arrest as described in division (a)(5) or division (f) of this section to submit to chemical test(s) under this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the Division of Police within twenty-four (24) hours after the arrest and, upon surrender, the Division of Police shall immediately forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under ORC 4611.196.
- (i) Suspension and Seizure of License When Chemical Test Refused or Positive; Sworn Report by the Arresting Officer:
- (1) If a law enforcement officer asks a person under arrest as described in division (a)(5) of this section to submit to chemical test(s) under that section and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense; or if a law enforcement officer asks a person under arrest as described in division (f) of this section to submit to chemical test(s) under this section, the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and either the person refuses to submit to the test(s) or unless the arrest was for a violation of Section 333.10 of this Traffic Code or ORC 4511.194 or a substantially equivalent ~~State law or~~ municipal ordinance, the person submits to the test(s) and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at time of the alleged offense, the arresting officer shall comply with each and all of the provisions of set forth in ORC 4511.192(D) ~~regarding seizure and suspension of the person's license and filing a sworn report with the Registrar.~~
- (2) The arresting officer shall give the officer's sworn report that is completed under this division to the arrested person at the time of the arrest, or the Registrar of Motor Vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen (14) days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than forty-eight (48) hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.
- (3) The sworn report of an arresting officer completed under this division is prima-facie proof of the information and statements that it contains. It shall be admitted and considered as prima-facie proof of the information and statements that it contains in any appeal under ORC 4511.197 relative to any suspension of a person's driver's or commercial driver's

license or permit or nonresident operating privilege that results from the arrest covered in the report.

(ORC 4511.192)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Implied consent, see ORC 4511.191~~

~~Advice to OVI arrestee, see ORC 4511.192~~

333.11. Seizure Of Vehicle Upon Arrest For OVI

(a) Seizure Required: The arresting officer or another officer of the Franklin Police Division, in addition to any action that the arresting officer is required or authorized to take under Sections 333.08 or 333.09 of this Traffic Code, shall seize the vehicle that the arrested person was operating at the time of the alleged offense and its license plates if the vehicle is registered in the arrested person's name and if either of the following applies:

- (1) The person is arrested for a violation of Section 333.08(a) of this Traffic Code and, within ten (10) years of the alleged violation, the person previously has been convicted of or pled guilty to one (1) or more violation of Section 333.08(a) or (b) or equivalent State or municipal offenses; or
- (2) The person is arrested for a violation of Section 333.08(a) of this Traffic Code and the person previously has been convicted of or pled guilty to a violation of ORC 4511.19(A) under circumstances in which the violation was a felony, regardless of when the prior felony violation of ORC 4511.19(A) and the conviction or guilty plea occurred.

(b) Rented or Leased Vehicle: The Franklin Police Division, when the arresting officer makes an arrest of a type described in division (a) of this section and that involves a rented or leased vehicle that is being rented or leased for a period of thirty (30) days or less shall notify, within twenty-four (24) hours after the officer makes the arrest, the lessor or owner of the vehicle regarding the circumstance of the arrest and the location at which the vehicle may be picked up. At the time of the seizure of the vehicle, the arresting officer shall give the arrested person written notice that the vehicle and its license plates have been seized; that the vehicle either will be kept by the Franklin Police Division or will be immobilized at least until the operator's initial appearance on the charge of the offense for which the arrest was made; that, at the initial appearance, the court in certain circumstance may order the vehicle and its license plates be released to the arrested person until the disposition of that charge; and that, if the arrested person is convicted of that charge, the court generally must order the immobilization of the vehicle and the impoundment of its licenses plates or the forfeiture of the vehicle.

(c) Notice to the Vehicle Owner by the Court:

- (1) The arresting officer or another officer of the Franklin Police Division shall give written notice of the seizure to the court that will conduct the initial appearance of the arrested person the charges arising out the arrest. Upon receipt of the notice, the court promptly shall determine whether the arrested person is the vehicle owner. If the court determines that the arrested person is not the vehicle owner, it promptly shall send by regular mail written notice of the seizure to the vehicle's registered owner. The written notice shall contain all of the information required by division (b) of this section to be in a notice to be given to the arrested person and also shall specific the date, time and place of the arrested person's initial appearance. The notice shall also inform the vehicle owner that if title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and ORC 4503.234(B)(2) or (B)(3) applies, the court may fine the ~~arrest~~ arrested person the value of the vehicle. The notice also shall state that if the vehicle is immobilized under ORC 4503.233(A), seven (7) days after the end of the period of immobilization the Franklin Police Division will send the vehicle owner a notice,

informing the owner that if the release of the vehicle is not obtained in accordance with ORC 4503.233(D)(3), the vehicle shall be forfeited. The notice also shall inform the vehicle owner that the vehicle owner may be charged expenses or charges incurred under this section and ORC 4503.233 for the removal and storage of the vehicle.

- (2) The written notice that is given to the arrested person also shall state that if the person is convicted of or pleads guilty to the offense and the court issues an immobilization and impoundment order relative to that vehicle, ORC 4503.233(D)(4) prohibits the vehicle from being sold during the period of immobilization without the prior approval of the court.
- (d) Motion for Release: At or before the initial appearance, the vehicle owner may file a motion requesting the court to order that the vehicle and its license plates be released to the vehicle owner. Except as provided in this division and subject to the payment of expenses or charges incurred in the removal and storage of the vehicle, the court, in its discretion, then may issue an order releasing the vehicle and its license plates to the vehicle owner. Such an order may be conditioned upon such terms as the court determines appropriate, including the posting of a bond in an amount determined by the court. If the arrested person is not the vehicle owner and if the vehicle owner is not present at the arrested person's initial appearance, and if the court believes that the vehicle owner was not provided with adequate notice of the initial appearance, the court, in its discretion, may allow the vehicle owner to file a motion within seven (7) days of the initial appearance. If the court allows the vehicle owner to file such a motion after the initial appearance, the extension of time granted by the court does not extend the time within which the initial appearance is to be conducted. If the court issues an order for the release of the vehicle and its license plates, a copy of the order shall be made available to the vehicle owner. If the vehicle owner presents a copy of the order to the Franklin Police Division, the Division promptly shall release the vehicle and its license plates to the vehicle owner upon payment by the vehicle owner of any expenses or charges incurred in the removal and storage of the vehicle.
- (e) Duties Regarding Towing and/or Immobilization: A vehicle seized under division (a) of this section either shall be towed to a place specified by the Franklin Police Division, to be safely kept by the agency at that place for the time and in the manner specified in this section, or shall be otherwise immobilized for the time and in the manner specified in this section. ~~An officer of the Franklin Police Division shall remove the identification license plates of the vehicle, and they shall be safely kept by the Division for the time and in the manner specified in this section.~~ The license plates shall remain on the seized vehicle unless otherwise ordered by the court. No vehicle that is seized and either towed or immobilized pursuant to this division shall be considered contraband for purposes of ORC Chapter 2981. The vehicle shall not be immobilized at any place other than a commercially-operated private storage lot, a place owned by the Franklin Police Division or the City of Franklin, or a place to which one of the following applies:
 - (1) The place is leased by or otherwise under the control of a law enforcement agency or other government agency;
 - (2) The place is owned by the vehicle operator, the vehicle operator's spouse, or a parent or child of the vehicle operator;
 - (3) The place is owned by a private person or entity, and, prior to the immobilization, the private entity or person that owns the place, or the authorized agent of that private entity or person, has given express written consent for the immobilization to be carried out at that place; or
 - (4) The place is a street or highway on which the vehicle is parked in accordance with the law.
- (f) Duties Regarding Storage: A vehicle seized under division (a) of this section shall be safely kept at the place to which it is towed or otherwise moved by the Franklin Police Division until the initial appearance of the arrested person relative to the charge in question. ~~The license plates of the vehicle that are removed pursuant to division (a) of this section shall be safely~~

~~kept by the Franklin Police Division until the initial appearance of the arrested person relative to the charge in question. The license plates shall remain on the seized vehicle unless otherwise ordered by the court.~~

- (g) Initial Appearance; Dismissal of Charge:
- (1) At the initial appearance or not less than seven (7) days prior to the date of final disposition, the court shall notify the arrested person that, if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and ORC 4503.234 (B)(2) or (3) applies, the court may fine the arrested person the value of the vehicle. If, at the initial appearance, the arrested person pleads guilty to the violation of Section 333.08(a) of this Traffic Code or pleads no contest to and is convicted of the violation, the court shall impose sentence upon the person as provided by law or ordinance; the court shall order the immobilization of the vehicle the arrested person was operating at the time of the offense if registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and ORC 4511.19 or 4511.193 or the criminal forfeiture to the City or State of the vehicle if registered in the arrested person's name under ~~4503.233~~ 4503.234 and ORC 4511.19 or 4511.193, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.
 - (2) If, at any time, the charge that the arrested person violated Section 333.08(a) of this Traffic Code is dismissed for any reason, the court shall order that the vehicle seized at the time of the arrest and its license plates immediately be released to the person.
- (h) Final Disposition: If a vehicle and its license plates are seized under division (a) of this section and are not returned or released to the arrested person pursuant to division (g) of this section, the vehicle and its license plates shall be retained until the final disposition of the charge in question. Upon the final disposition of that charge, the court shall do whichever of the following is applicable:
- (1) If the arrested person is convicted of or pleads guilty to the violation of Section 333.08(a) of this Traffic Code, the court shall impose sentence upon the person as provided by law or ordinance and shall order the immobilization of the vehicle the person was operating at the time of the offense if it is registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and ORC 4511.19 or 4511.193, or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under ORC ~~4503.233~~ 4503.234 and ORC 4511.19 or 4511.193, whichever is applicable.
 - (2) If the arrested person is found not guilty of the violation of Section 333.08(a) of this Traffic Code, the court shall order that the vehicle and its license plates immediately be released to the arrested person.
 - (3) If the charge that the arrested person violated Section 333.08(a) of this Traffic Code is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.
 - (4) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner, and shall order that the political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.
- (i) Immobilization: If a vehicle is seized under division (a) of this section, the time between the seizure of the vehicle and either its release to the arrested person under division (g) of this section or the issuance of an order of immobilization of the vehicle under ORC 4503.233 shall be credited against the period of immobilization ordered by the court.
- (j) Towing and Storage Charges; Liens:

- (1) Except as provided in division (h)(4) of this section, the arrested person may be charged expenses or charges incurred in the removal and storage of the immobilized vehicle. The court with jurisdiction over the case, after notice to all interested parties, including lienholders, and after an opportunity for them to be heard, if the court finds that the arrested person does not intend to seek release of the vehicle at the end of the period of immobilization under ORC 4503.233 or that the arrested person is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the person or entity that removed it, next into the name of a lienholder, or lastly into the name of the owner of the place of storage.
- (2) Any lienholder that receives title under a court order shall do so on the condition that it pay any expenses or charges incurred in the vehicle's removal and storage. If the person or entity that receives title to the vehicle is the person or entity that removed it, the person or entity shall receive title on the condition that it pay any lien on the vehicle. The court shall not order that title be transferred to any person or entity other than the owner of the place of storage if the person or entity refuses to receive the title. Any person or entity that receives title either may keep title to the vehicle or may dispose of the vehicle in any legal manner that it considers appropriate, including assignment of the certificate of title to the motor vehicle to a salvage dealer or a scrap metal processing facility. The person or entity shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.
- (3) If the person or entity that receives title assigns the motor vehicle to a salvage dealer or scrap metal processing facility, the person or entity shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The person or entity shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.
- (4) Whenever a court issues an order under division (j)(1) of this section, the court also shall order removal of the license plates from the vehicle and cause them to be sent to the registrar of motor vehicles if they have not already been sent to the registrar. Thereafter, no further proceedings shall take place under this section or under ORC 4503.233.
- (5) Prior to initiating a proceeding under division (j)(1) of this section, and upon payment of the fee under ORC 4505.14(B), any interested party may cause a search to be made of the public records of the bureau of motor vehicles or the clerk of the court of common pleas, to ascertain the identity of any lienholder of the vehicle. The initiating party shall furnish this information to the clerk of the court with jurisdiction over the case, and the clerk shall provide notice to the arrested person, any lienholder, and any other interested parties listed by the initiating party, at the last known address supplied by the initiating party, by certified mail or, at the option of the initiating party, by personal service or ordinary mail.

(k) Definitions: As used in this section:

"Arrested Person" means a person who is arrested for a violation of Section 333.08(a) of this Traffic Code and whose arrest results in a vehicle being seized under division (a) of this section.

"Interested Party" include the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed.

"Vehicle Owner" means either of the following:

- (1) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (a) of this section; or
- (2) A person to whom the certificate of title to a vehicle that is seized under division (a) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (a) of this section.

(ORC 4511.195)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Seizing and detaining vehicle if operator has prior conviction, see ORC 4511.195~~

333.17. Reckless Operation

- (a) On Any Street or Highway: No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property.

(ORC 4511.20)

- (b) Elsewhere:

- (1) 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.
- (2) This section 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.

(ORC 4511.201)

~~(c) Violations: Whoever violates division (a) or (b) of this section is guilty of reckless operation.~~

- ~~(d)~~ (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates division (a) of this section is guilty of a misdemeanor of the third degree.

(ORC 4511.20; 4511.201)

- ~~(e)~~ (d) License Suspension: Whenever a person is found guilty under this section of reckless operation, the court, in addition to or independent of all other penalties provided by law, may impose a class five suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in ORC 4510.02(A)(5).

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Operation in willful or wanton disregard of the safety of persons or property, see ORC 4511.20~~

~~Operation off street or highway in willful or wanton disregard of the safety of persons or property, see ORC 4511.201~~

CHAPTER 335. DRIVERS' LICENSES; SUSPENSIONS; ACCIDENTS

335.02. License Requirements For New Residents; Possession Of More Than One License Prohibited

(a) Definition. For purposes of division (b) of this section, "resident" means any person to whom any of the following applies:

(1) The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

(2) The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under ORC 4507.01.

(a) (b) Requirement for New Residents: Any person who becomes a resident of this state, within thirty days of becoming a resident, shall surrender any driver's license, temporary instruction permit, or identification card issued by another state to the registrar of motor vehicles or a deputy registrar. If such a person intends to operate a motor vehicle upon the public roads or highways, the person shall apply for a temporary instruction permit or driver's license in this state. If the person fails to apply for a driver's license or temporary instruction permit within thirty days of becoming a resident, the person shall not operate any motor vehicle in this state under a license or permit issued by another state.

(c) Penalty.

(1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.

(2) The offense established under division (B)(1) of this section is a strict liability offense and strict liability is a culpable mental state for purposes of ORC 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(ORC 4507.213))

(b) (d) Prohibitions on Possessing Multiple Licenses: No person shall be permitted to have more than one (1) valid driver's license, or motorcycle operator's endorsement of a driver's or commercial driver's license, at any time, whether issued by this State or by another jurisdiction recognized by this State.

(1) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, temporary instruction permit, or identification card unless and until the person surrenders to the registrar or a deputy registrar all valid licenses, temporary instruction permits, and identification cards issued to the person by another jurisdiction recognized by this state.

(2) No person shall possess more than one valid license, temporary instruction permit, or identification card at any time.

(ORC 4507.02(A)(2) and (4))

(e) (e) Penalties: Whoever violates division (d) of this section is guilty of a misdemeanor of the first degree.

(ORC 4507.99))

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Permitting operation by unlicensed driver – surrender of out of state license, see ORC 4507.02

Surrender of foreign driver's license, see ORC 4507.213

Penalty, see ORC 4507.99

335.03. Temporary Instruction Permit; Prohibitions

(a) Conditions: No holder of a temporary instruction permit issued under ORC 4507.05 shall operate a motor vehicle upon the streets, highways, or any public or private property used by the public for purposes of vehicular travel or parking within this City unless all of the following conditions are met:

(1) If the holder is at least fifteen (15) years six (6) months of age, but less than sixteen (16) years of age:

(A) The vehicle is not a commercial motor vehicle;

(B) The permit and temporary instruction permit identification card for a driver's license identification card are in the holder's immediate possession;

(C) The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath or urine, as provided in Section 333.08 of this Traffic Code or ORC ~~4544.19~~ 4511.19(A); and

(D) The total number of occupants in the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(2) If the holder is at least sixteen (16) years of age:

(A) The vehicle is not a commercial vehicle;

(B) The permit and temporary instruction permit identification card are in the holder's immediate possession;

(C) The holder is accompanied by a licensed operator who is at least twenty-one (21) years of age who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath or urine, as provided in Section 333.08 of this Traffic Code or ORC ~~4544.19~~ 4511.19(A); and

(D) The total number of occupants in the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(ORC 4507.05(A) and (F)(1))

(b) Violations:

(1) No holder of a temporary instruction permit shall operate a motor vehicle upon a street, highway, or any public or private property used by the public for purposes of vehicular travel or parking in violation of the conditions established under division (a) of this section.

(2) No holder of a temporary instruction permit who has not attained the age of eighteen (18) years shall operate a motor vehicle upon a street, highway, or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and 6:00 a.m., unless, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian, or custodian holds a current valid driver's or commercial driver's license issued by this State; is actually occupying the seat beside the permit holder; and does not have a

prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath or urine, as provided in Section 333.08 of this Traffic Code or ~~4544.49~~ 4511.19(A).

(ORC 4507.05(F))

- (3) No holder of a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle, motor-driven cycle or motor scooter, or motorized bicycle, shall operate a motorcycle, ~~motor-driven~~ motor-driven cycle or motor scooter, or motorized bicycle upon a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking, without having in the holder's immediate possession his or her temporary instruction permit and temporary instruction permit identification card and under the restrictions prescribed in ORC 4511.53, or to drive a motorized bicycle under restrictions determined by the Registrar. A temporary instruction permit and temporary instruction permit identification card to operate a motorized bicycle may be issued to a person fourteen (14) or fifteen (15) years old.

(ORC 4507.05(B))

(c) Secondary Offense:

- (1) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by division (a)(1)D. or (a)(2)D. of this section, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that those divisions have been or are being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of division (a)(1)D. or (a)(2)D. of this section.
- (2) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (b)(2) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(ORC 4507.05(G))

(d) Penalties: Whoever violates division (b) of this section is guilty of a minor misdemeanor.

(e) Definitions: As used in this section:

"Eligible Adult" means any of the following:

- (1) An instructor of a driver training course approved by the Ohio Department of Public Safety; or
- (2) Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
- (A) A parent, guardian, or custodian of the permit holder;
- (B) A person twenty-one (21) years of age or older who acts in loco parentis of the permit holder.

"Occupant Restraining Device" has the same meaning as in ORC 4513.263.

"Temporary Instruction Permit" means a permit issued by the Registrar of Motor Vehicles, or a Deputy Registrar, in accordance with ORC 4507.05(A).

(ORC 4507.05(H))

(Ord. 2012-17. Passed 10-1-12; Ord. 2016-15. Passed 11-21-16.)

Statutory reference: ~~Temporary instruction permit – temporary instruction permit identification card, see ORC 4507.05~~

335.04. Driver's Licenses; Certain Acts Prohibited

(a) Prohibitions: No person shall do any of the following:

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended, or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto, to use any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit, or any renewal, reprint, or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under ORC 4507.08 or 4507.081 when knowing the same to be false or fictitious.

(b) Penalties: Whoever violates any division of this section is guilty of a misdemeanor of the first degree.

(ORC 4507.30)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:
~~Prohibitions, see ORC 4507.30~~

335.08. Driving Under Failure To Appear Or Pay Suspension, Unruly Child Suspension, Violation Of Liquor Or Tobacco Laws Suspension, Or Child Support Suspension

(a) Prohibitions: No person shall operate any motor vehicle upon a street, highway, or any public or private property used by the public for purposes of vehicular travel or parking in this City whose driver's or commercial driver's license has been suspended pursuant to the following sections of the ORC:

- (1) ORC 2151.354 (Unruly Child Suspension);
- (2) ORC 2151.87 (Cigarettes/Tobacco Violation Suspension);
- (3) ORC 2935.27 (Security for Appearance in Court Suspension);

- (4) ORC 3123.58 (Child Support Default Suspension);
 - (5) ORC 4301.99 (Liquor Control Law Violation Suspension);
 - (6) ORC 4510.032 (Abstracts where Charges Dismissed or Reduced; Bail Forfeiture);
 - (7) ORC 4510.22 (Failure to Appear or Pay Court Fines Suspension); or
 - (8) ORC 4510.33 (Use of License to Violate Liquor Laws Suspension).
- (b) Prima-Facie Evidence: Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) of this section may be admitted into evidence as ~~prima-facie~~ prima-facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a) of this section. The person charged with a violation of division (a) ~~or (b)~~ of this section may offer evidence to rebut this prima-facie evidence.
- (c) Penalties: Whoever violates division (a) of this section is guilty of driving under suspension and shall be punished as follows:
- (1) Except as otherwise provided in division (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding ORC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding ORC 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under ORC 2705.02(A) that may be filed in the underlying case.
 - (2) If, within three (3) years of the offense, the offender previously was convicted of or pled guilty to two (2) or more violations of division (a) of this section, or any combination of two (2) or more violations of division (a) of this section or Section 335.07 or 335.11 of this Traffic Code, or Sections 4510.11, ~~4540.144~~ 4510.111(A), or 4510.16 of the ORC, or a substantially equivalent ~~State law or~~ municipal ordinance, the offense is a misdemeanor of the fourth degree, and the offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(ORC 4510.411)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-13. Passed 12-1-14.)

Statutory reference:

~~Driving under suspended license for failing to appear or pay fine or for default in payment of child support, see ORC 4510.111~~

335.10. Driving Under OVI Suspension

- (a) Driving Under OVI Suspension: No person whose driver's or commercial driver's license, or permit, or nonresident operating privilege has been suspended under Sections 333.08,

333.09, or 333.12 of this Traffic Code, or ORC 4511.19, 4511.191, or 4511.196, or ORC 4510.07 for a conviction of a violation of a municipal OVI ordinance, shall operate any motor vehicle upon the public roads or highways within this City during the period of the suspension.

(b) Violations and Penalties: Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under ORC 2929, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (b)(2) or (b)(3) of this section, driving under an OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(A) A mandatory jail term of three (3) consecutive days. The three-day term shall be imposed unless, subject to division (c) of this section, the court instead imposes a sentence of not less than thirty (30) consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six (6) months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six (6) months;

(B) A fine of not less than two hundred fifty dollars (\$250) and not more than one thousand dollars (\$1,000);

(C) A ~~licenses~~ license suspension under division (e) of this section; and

(D) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for thirty (30) days of the offender's vehicle and impoundment for thirty (30) days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with ORC 4503.233.

(2) If, within six (6) years of the offense, the offender previously has been convicted of or pled guilty to one (1) violation of this section, ORC 4510.14, or a substantially equivalent State or municipal offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(A) A mandatory jail term of ten (10) consecutive days. Notwithstanding the jail terms provided in ORC 2929.21 to 2929.28, the court may sentence the offender to a longer jail term of not more than one (1) year. The mandatory ten (10) day jail term shall be imposed unless, subject to division (c) of this section, the court instead imposes a sentence of not less than ninety (90) consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one (1) year;

(B) Notwithstanding the fines provided for in ORC Chapter 2929, a fine of not less than five hundred dollars (\$500) and not more than two thousand five hundred dollars (\$2,500);

(C) A ~~licenses~~ license suspension under division (e) of this section; and

(D) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for sixty (60) days of the offender's vehicle and impoundment for sixty (60) days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with ORC 4503.233.

(3) If, within six (6) years of the offense, the offender previously has been convicted of or pled guilty to two (2) or more violations of this section, ORC 4510.14, or a substantially equivalent

State or municipal offense, driving under OVI suspension is a misdemeanor ~~of the first degree~~.
The court shall sentence the offender to all of the following:

- (A) A mandatory jail term of thirty (30) consecutive days. Notwithstanding the jail terms provided in ORC 2929.21 to 2929.28, the court may sentence the offender to a longer jail term of not more than one (1) year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term;
- (B) Notwithstanding the fines provided for in ORC Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500);
- (C) A ~~licenses~~ license suspension under division (e) of this section; and
- (D) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the City or State of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with ORC 4503.234. If title to a motor vehicle that is subject to an order of criminal forfeiture under this division is assigned or transferred and ORC 4503.234(B)(2) or (3) applies, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile ~~Dealers'~~ Dealers Association. The proceeds from any fine so imposed shall be distributed in accordance with ORC 4503.234(C)(2).

(c) House Arrest in Lieu of Mandatory Jail Term:

- (1) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (b)(1) or (2) of this section unless, within sixty (60) days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.
- (2) An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Indigent Drivers' Alcohol Treatment Fund: Fifty percent (50%) of any fine imposed by ~~the a~~ a court under division (b)(1), (b)(2), or (b)(3) of this section shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of ~~the~~ that court, as created pursuant to ORC ~~4544.19(H)~~ 4511.191(H).

(e) License Suspension:

- (1) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license, or permit, or nonresident operating privilege from the range specified in ORC 4510.02(A)(7).
- (2) When permitted, as specified in ORC 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted ~~licenses~~ license plates, issued under ORC 4503.231, on the vehicle driven subject to the privileges, except as provided in ORC 4503.231(B).
- (3) A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under ORC 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under ORC 4506.16 shall be issued a driver's license under ORC Chapter 4507 during the period for which

the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under ORC Chapter 4507 during the period of the suspension.

- (f) Proof of Financial Responsibility: The offender shall provide the court with proof of financial responsibility, as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced ~~under this section~~.

- (g) Definitions: As used in this section:

"Electronic Monitoring" has the same meaning as in ORC 2929.01.

"Equivalent Offense" means any of the following:

- (1) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (a) of this section;
- (2) A violation of a former law of this State that was substantially equivalent to division (a) of this section.

"Jail" has the same meaning as in ORC 2929.01.

"Mandatory Jail Term" means the mandatory term in jail of three (3), ten (10), or thirty (30) consecutive days that must be imposed under division (b)(1), (2), or (3) of this section upon an offender convicted of a violation of division (a) of this section and in relation to which all of the following apply:

- (1) Except as specifically authorized under this section, the term must be served in a jail.
- (2) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of this Traffic Code or the Ohio Revised Code.

(ORC 4510.14)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference: ~~Driving under OVI suspension, ORC 4510.14~~

335.11. Driving Under FRA (Financial Responsibility Administration) Or Nonpayment Of Judgment Suspension

- (a) Driving Under FRA (Financial Responsibility Administration) Suspension or Cancellation: No person, whose driver's or commercial driver's license, or temporary instruction permit, or nonresident's operating privilege has been suspended or canceled pursuant to ORC Chapter 4509 shall operate any motor vehicle within this City, or knowingly permit any motor vehicle owned by the person to be operated by another person within this City, during the period of the suspension or cancellation, except as specifically authorized by ORC Chapter 4509. No person shall operate a motor vehicle within this City, or knowingly permit any motor vehicle owned by the person to be operated by another person within this City, during the period in which the person is required by ORC 4509.45 to file and maintain proof of financial responsibility for a violation of ORC 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

- (b) Driving Under Nonpayment of Judgment Suspension: No person shall operate any motor vehicle upon a street, highway, or any public or private property used by the public for purposes of vehicular travel or parking in this City if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to ORC 4509.37 or 4509.40 for nonpayment of a judgment.
- (c) Prima Facie Evidence: Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) or (b) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (b) of this section. The person charged with a violation of division (a) or (b) of this section may offer evidence to rebut this prima-facie evidence.
- (d) Penalties: Whoever violates division (a) of this section is guilty of driving under financial responsibility law suspension or cancellation, and shall be punished as provided in this division. Whoever violates division (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in this division.
- (1) Except as otherwise provided in division (d)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding ORC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding ORC 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under ORC 2705.02(A) that may be filed in the underlying case.
- (2) If, within three (3) years of the offense, the offender previously was convicted of or pled guilty to two (2) or more violations of this section, or any combination of two (2) violations of this section, Section 335.07, or Section 335.08 of this Traffic Code, or ORC 4510.11 or 4510.111, or a substantially equivalent State law or municipal ordinance, the offense is a misdemeanor of the fourth degree.
- (3) The offender shall provide the court with proof of financial responsibility as defined in ORC 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to ORC 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(ORC 4510.16)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-13. Passed 12-1-14.)

Statutory reference:

~~Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension, see ORC 4510.16~~

335.13. Proof Of Financial Responsibility

(a) Confiscation of License, Certificate of Registration and License Plates:

- (1) ~~Except as provided in division (a)(2) of this section, any~~ Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a

person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment pursuant to ORC 4509.101 may confiscate the license, certificate of registration, and license plates and return them to the Registrar.

~~(2) Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment resulting from failure to respond to a financial responsibility random verification shall not, for that reason, arrest the owner or operator or seize the vehicle or license plates. Instead, the peace officer shall issue a citation for a violation of Section 335.11 of this Traffic Code specifying the circumstances as failure to respond to a financial responsibility random verification.~~

~~(3)~~ (2) For the purpose of enforcing this section, every peace officer is deemed an agent of the Registrar of Motor Vehicles.

(b) Producing Proof of Financial Responsibility:

- (1) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (c) of this section at the time the peace officer acts to enforce the provisions of this Traffic Code and during motor vehicle inspections conducted pursuant to Section 337.01 of this Traffic Code.
- (2) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (b)(1) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.
- (3) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. In a manner prescribed by the Registrar, the clerk of courts shall provide the Registrar with the identity of any person who fails to submit proof of the maintenance of financial responsibility pursuant to division (b)(2) of this section.
- (4) Upon receiving notice from a clerk of courts pursuant to division (b)(3) of this section, the Registrar shall proceed in accordance with ORC 4509.101(D)(5).
- (5) A peace officer may charge an owner or operator of a motor vehicle with a violation of Section 335.11 of this Traffic Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (b)(1) of this section if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under ORC 4509.45 for a previous violation of ORC Chapter 4509.
- (6) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the Registrar.
- (7) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.
- (8) As used in this section, "peace officer" has the meaning set forth in ORC 2935.01.

- (9) For the purpose of enforcing this section, every peace officer is deemed an agent of the Registrar of Motor Vehicles.

(c) Proof of Financial Responsibility:

- (1) (A) The court or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the Registrar of Motor Vehicles. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the court or peace officer any of the following documents or a copy of the documents:
- (i) A financial responsibility identification card, as provided in ORC 4509.103;
 - (ii) A certificate of proof of financial responsibility on a form provided and approved by the Registrar for the filing of an accident report required to be filed under ORC 4509.06;
 - (iii) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with ORC 4509.20 or ORC 4509.49 to 4509.61;
 - (iv) A bond or certification of the issuance of a bond as provided in ORC 4509.59;
 - (v) A certificate of deposit of money or securities as provided in ORC 4509.62; or
 - (vi) A certificate of self-insurance as provided in ORC 4509.72.
- (B) A person also may present proof of financial responsibility under this section to the court or peace officer through the use of an electronic wireless communications device, as specified under ORC 4509.103.
- (2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (c)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court, by reason of circumstances in a particular case, may consider appropriate.
- (3) A motor carrier certificated by the Interstate Commerce Commission or by the Ohio Public Utilities Commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certifying authority is in full force and effect.
- (d) Documentation or Display: In order for any document or display of text or images on an electronic wireless communications device described in division (c)(1) of this section to be used for the demonstration of proof of financial responsibility under this section, the document or words or images shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.
- (e) Use of Electronic Wireless Communications Device:
- (1) When a person utilizes an electronic wireless communication device to present proof of financial responsibility, only the evidence of financial responsibility on the device shall be viewed by the peace officer or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.
 - (2) When a person provided an electronic wireless communications device to a peace officer or the court, the person assumes the risk of any resulting damage unless the peace

officer or employee, official or personnel of the court purposely, knowingly or recklessly commits an action that results in damage to the device.

(ORC 4509.101(D), (G), (H))

(f) Definitions: For the purposes of this section:

“Electronic wireless communications device” includes any of the following:

- (1) A wireless telephone, including a cellular telephone;
- (2) A ~~person~~ personal digital assistant;
- (3) A computer, including a laptop computer, a netbook computer and a tablet computer;
and
- (4) Any other substantially similar wireless device that is designed or used to communicate and display text or images.

“Owner” does not include a licensed motor vehicle leasing dealer as defined in ORC 4517.01, but does include a motor vehicle renting dealer as defined in ORC 4549.65. Nothing in this section shall be construed to prohibit a motor vehicle renting dealer from entering into a contractual agreement with a person whereby the person renting the motor vehicle agrees to be solely responsible for maintaining proof of financial responsibility, in accordance with this section, with respect to the operation, maintenance or use of a motor vehicle during the period of the motor vehicle's rental.

(ORC 4509.101(I); ORC 4509.103(A))

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Operating of motor vehicle without proof of financial responsibility, see ORC 4509.101
Insurer to provide financial responsibility identification cards, see ORC 4509.103~~

335.14. Misleading Police Officer As Falsification

- (a) Prohibitions: No person who has knowingly failed to maintain proof of financial responsibility in accordance with ORC 4509.101 shall produce any document or present to a peace officer an electronic wireless communications device that is displaying any text or images with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Section 335.13(b) of this Traffic Code or with ORC 4509.101(D) (2).
- (b) Penalties: Whoever violates this section is guilty of falsification under ORC 2921.13 or under the City's General Offenses Code.

(ORC 4509.102)

- (c) Definitions: For the purposes of this section, “Electronic Wireless Communications Device” includes any of the following:
 - (1) A wireless telephone, including a cellular telephone;
 - (2) A ~~person~~ personal digital assistant;
 - (3) A computer, including a laptop computer, a netbook computer and a tablet computer; and
 - (4) Any other substantially similar wireless device that is designed or used to communicate and display text or images.

(ORC 4509.103)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Falsification, see ORC 4509.102~~

~~Insurer to provide financial responsibility identification cards, see ORC 4509.103~~

335.15. Failure To Reinstate License

- (a) Failure to Reinstate: No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property within this City after the suspension has expired, unless the person has complied with all license reinstatement requirements imposed by the court, the bureau of motor vehicles, or another provision of this Traffic Code or the Ohio Revised Code.
- (b) ~~Prima Facie Evidence~~: Prima-Facie Evidence: Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) of this section may be admitted into evidence as ~~prima facie~~ prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of division (a) of this section. The person charged with a violation of division (a) of this section may offer evidence to rebut this prima-facie evidence.
- (c) Penalties: Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:
- (1) Except as otherwise provided in division (c)(2) of this section, whoever violates division (a) of this section is guilty of an unclassified misdemeanor. The offender shall be sentenced pursuant to ORC 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to ORC 2929.26; notwithstanding ORC 2929.28(A)(2)(a), the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding ORC 2929.27(A)(3), the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred (500) hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under ORC 2705.02(A) that may be filed in the underlying case.
 - (2) If, within three (3) years of a violation of division (a) of this section, the offender previously was convicted of or pled guilty to two (2) or more violations of division (a) of this section, ORC 4510.21 or a substantially equivalent ~~State law or~~ municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
 - (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in ORC 4510.02(A)(7).

(ORC 4510.21)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Failure to reinstate license, see ORC 4510.21~~

335.16. Affirmative Defenses

- (a) Substantial Emergency: It is an affirmative defense to any prosecution brought under Sections 335.07, 335.10, 335.11, or 335.15 of this Traffic Code that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(ORC 4510.04)

- ~~(b) Financial Responsibility Random Verification Suspension: It is an affirmative defense to any prosecution brought under Section 335.11 of this Traffic Code that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under ORC 4509.101(A)(3)(c) and that, at the time of the initial financial responsibility random verification request, the alleged offender was in compliance with ORC 4509.101(A)(1) as shown by proof of financial responsibility that was in effect at the time of that request.~~

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Affirmative defenses to driving under suspension or cancellation, see ORC 4510.04~~

335.17. Seizure Of Vehicle Upon Arrest For Driving Under OVI Suspension Or For Wrongful Entrustment

- (a) When Seizure is Required: If a person is arrested for a violation of Section 335.10 or Section 333.16 of this Traffic Code, or a ~~State law~~ ORC 4510.14 or 4511.203, or a municipal ordinance that is substantially equivalent to either of those sections, the arresting officer or another officer of the law enforcement agency that employs the arresting officer, in addition to any action that the arresting officer is required or authorized to take by any other provision of law, shall seize the vehicle that the person was operating at the time of, or that was involved in, the alleged offense if the vehicle is registered in the arrested person's name and its license plates. A law enforcement agency that employs a law enforcement officer who makes an arrest of a type that is described in this division and that involves a rented or leased vehicle that is being rented or leased for a period of thirty (30) days or less shall notify, within twenty-four (24) hours after the officer makes the arrest, the lessor or owner of the vehicle regarding the circumstances of the arrest and the location at which the vehicle may be picked up. At the time of the seizure of the vehicle, the law enforcement officer who made the arrest shall give the arrested person written notice that the vehicle and its license plates have been seized; that the vehicle either will be kept by the officer's law enforcement agency or will be immobilized at least until the person's initial appearance on the charge of the offense for which the arrest was made; that at the initial appearance the court, in certain circumstances, may order that the vehicle and license plates be released to the arrested person until the disposition of that charge; that if the arrested person is convicted of that charge, the court generally must order the immobilization of the vehicle and the impoundment of its license plates or the forfeiture of the vehicle; and that the arrested person may be charged expenses or charged incurred under this section and ORC 4503.233 and 4510.41 for the removal and storage of the vehicle.

(b) Written Notice:

- (1) The arresting officer or a law enforcement officer of the agency that employs the arresting officer shall give written notice of the seizure under division (a) of this section to the court that will conduct the initial appearance of the arrested person on the charges arising out of the arrest. Upon receipt of the notice, the court promptly shall determine whether the arrested person is the vehicle owner. If the court determines that the arrested person is not the vehicle owner, it promptly shall send by regular mail written notice of the seizure to the vehicle's registered owner. The written notice shall contain all of the information required by division (a) of this section to be in a notice to be given to the arrested person and also shall specify the date, time, and place of the arrested person's initial

appearance. The notice also shall inform the vehicle owner that if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and ORC 4503.234(B)(2) or (3) applies, the court may fine the arrested person the value of the vehicle. The notice also shall state that if the vehicle is immobilized under ORC 4503.233(A), seven (7) days after the end of the period of immobilization a law enforcement agency will send the vehicle owner a notice, informing the owner that if the release of the vehicle is not obtained in accordance with ORC 4503.233(D)(3), the vehicle shall be forfeited. The notice also shall inform the vehicle owner that the owner may be charged expenses or charges incurred under this section and ORC 4503.233 and 4510.41 for the removal and storage of the vehicle.

- (2) The written notice that is given to the arrested person also shall state that if the person is convicted of or pleads guilty to the offense and the court issues an immobilization and impoundment order relative to that vehicle, ORC 4503.233(D)(4) prohibits the vehicle from being sold during the period of immobilization without the prior approval of the court.
- (c) Initial Appearance: At or before the initial appearance, the vehicle owner may file a motion requesting the court to order that the vehicle and its license plates be released to the vehicle owner. Except as provided in this division and subject to the payment of expenses or charges incurred in the removal and storage of the vehicle, the court, in its discretion, then may issue an order releasing the vehicle and its license plates to the vehicle owner. Such an order may be conditioned upon such terms as the court determines appropriate, including the posting of a bond in an amount determined by the court. If the arrested person is not the vehicle owner, and if the vehicle owner is not present at the arrested person's initial appearance, and if the court believes that the vehicle owner was not provided with adequate notice of the initial appearance, the court, in its discretion, may allow the vehicle owner to file a motion within seven (7) days of the initial appearance. If the court allows the vehicle owner to file such a motion after the initial appearance, the extension of time granted by the court does not extend the time within which the initial appearance is to be conducted. If the court issues an order for the release of the vehicle and its license plates, a copy of the order shall be made available to the vehicle owner. If the vehicle owner presents a copy of the order to the law enforcement agency that employs the law enforcement officer who arrested the arrested person, the law enforcement agency promptly shall release the vehicle and its license plates to the vehicle owner upon payment by the vehicle owner of any expenses or charges incurred in the removal or storage of the vehicle.
- (d) Towing and Storage of Vehicle:
- (1) A vehicle seized under division (a) of this section either shall be towed to a place specified by the law enforcement agency that employs the arresting officer, to be safely kept by the agency at that place for the time and in the manner specified in this section, or shall be otherwise immobilized for the time and in the manner specified in this section. A law enforcement officer of that agency shall remove the identification license plates of the vehicle, and they shall be safely kept by the agency for the time and in the manner specified in this section. No vehicle that is seized and either towed or immobilized pursuant to this division shall be considered contraband for purposes of ORC Chapter 2981. The vehicle shall not be immobilized at any place other than a ~~commercially-operated~~ commercially operated private storage lot, a place owned by a law enforcement or other government agency, or a place to which one (1) of the following applies:
 - (A) The place is leased by or otherwise under the control of a law enforcement or other government agency;
 - (B) The place is owned by the arrested person, the arrested person's spouse, or a parent or child of the arrested person;
 - (C) The place is owned by a private person or entity and, prior to the immobilization, the private entity or person that owns the place, or the authorized agent of that private entity or person, has given express written consent for the immobilization to be carried out at that place; or

- (D) The place is a public street or highway on which the vehicle is parked in accordance with the law.
- (2) A vehicle seized under division (a) of this section shall be safely kept at the place to which it is towed or otherwise moved by the law enforcement agency that employs the arresting officer until the initial appearance of the arrested person relative to the charge in question. The license plates of the vehicle that are removed pursuant to division (a) of this section shall be safely kept by the law enforcement agency that employs the arresting officer until at least the initial appearance of the arrested person relative to the charge in question.
- (e) Sentencing Provisions: At the initial appearance, or not less than seven (7) days prior to the date of final disposition, the court shall notify the arrested person that if title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and ORC 4503.234(B)(2) or (3) applies, the court may fine the arrested person the value of the vehicle. If, at the initial appearance, the arrested person pleads guilty to the violation of Section 335.10 or 333.16 of this Traffic Code, or ORC 4510.14 or 4511.203, a State law or a municipal ordinance that is substantially equivalent to either of those sections, or pleads no contest to and is convicted of the violation, the following sentencing provisions apply:
- (1) Driving Under OVI Suspension - If the person violated Section 335.10 of this Traffic Code, or a State law ORC 4510.14 or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance; the court shall order the immobilization of the vehicle the arrested person was operating at the time of, or that was involved in, the offense if registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and 4510.14, and Section 335.10 of this Traffic Code, or the criminal forfeiture to the State or City of the vehicle if registered in the arrested person's name under ORC 4503.234 and 4510.14, and Section 335.10 of this Traffic Code, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.
- (2) Wrongful Entrustment - If the person violated Section 333.16 of this Traffic Code, ORC 4511.203, or a State law or municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance; the court may order the immobilization of the vehicle the arrested person was operating at the time of, or that was involved in, the offense if registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and Section 333.16 of this Traffic Code or ORC Section 4511.203, or the criminal forfeiture to the State or City of the vehicle if registered in the arrested person's name under ORC 4503.234 and Section 333.16 of this Traffic Code or ORC 4511.203, whichever is applicable; and the vehicle and its license plates shall not be returned or released to the arrested person.
- (3) If, at any time, the charge that the arrested person violated Section 335.10 or 333.16 of this Traffic Code, or ORC 4510.14 or 4511.203, a State law or a municipal ordinance that is substantially equivalent to either of those sections, is dismissed for any reason, the court shall order that the vehicle seized at the time of the arrest and its license plates immediately be released to the person.
- (f) Final Disposition: If a vehicle and its license plates are seized under division (a) of this section and are not returned or released to the arrested person pursuant to division (e)(4) of this section, the vehicle and its license plates shall be retained until the final disposition of the charge in question. Upon the final disposition of that charge, the court shall do whichever of the following is applicable:
- (1) Driving Under OVI Suspension - If the arrested person is convicted of or pleads guilty to the violation of Section 335.10 of this Traffic Code, 4510.14, or a State law or municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and shall order the immobilization of

the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and 4510.14, and Section 335.10 of this Traffic Code, or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under ORC 4503.234 and 4510.14, and Section 335.10, whichever is applicable.

- (2) Wrongful Entrustment - If the arrested person is convicted of or pleads guilty to the violation of Section 333.16 of this Traffic Code or ORC 4511.203, ~~or a State law~~ or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under ORC 4503.233 and Section 333.16 of this Traffic Code or ORC 4511.203, or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under ORC 4503.234 and Section 333.16 of this Traffic Code or ORC 4511.203 and ORC 4503.234, whichever is applicable.
- (3) If the arrested person is found not guilty of the violation of Section 335.10 or 333.16 of this Traffic Code, or ORC 4510.14 or 4511.203 ~~a State law~~ or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.
- (4) If the charge that the arrested person violated Section 335.10 or 333.16 of this Traffic Code, or ORC 4510.14 or 4511.203 ~~a State law~~ or a municipal ordinance that is substantially equivalent to either of those sections, is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.
- (5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner, and shall order that the City, as the political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle, pay all expenses and charges incurred in its removal and storage.
- (6) If a vehicle is seized under division (a) of this section, the time between the seizure of the vehicle and either its release to the arrested person pursuant to this division (e) of this section or the issuance of an order of immobilization of the vehicle under ORC 4503.233 shall be credited against the period of immobilization ordered by the court.

(g) Towing and Storage Expenses:

- (1) Except as provided in division (f)(4) of this section, the arrested person may be charged expenses or charges incurred in the removal and storage of the immobilized vehicle. The court with jurisdiction over the case, after notice to all interested parties, including lienholders, and after an opportunity for them to be heard, if the court finds that the arrested person does not intend to seek release of the vehicle at the end of the period of immobilization under ORC 4503.233 or that the arrested person is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the person or entity that removed it, next into the name of a lienholder, or lastly into the name of the owner of the place of storage.
- (2) Any lienholder that receives title under a court order shall do so on the condition that it pay any expenses or charges incurred in the vehicle's removal and storage. If the person or entity that receives title to the vehicle is the person or entity that removed it, the person or entity shall receive title on the condition that it pay any lien on the vehicle. The court shall not order that title be transferred to any person or entity other than the owner of the place of storage if the person or entity refuses to receive the title. Any person or entity that receives title either may keep title to the vehicle or may dispose of the vehicle in any

legal manner that it considers appropriate, including assignment of the certificate of title to the motor vehicle to a salvage dealer or a scrap metal processing facility. The person or entity shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.

- (3) If the person or entity that receives title assigns the motor vehicle to a salvage dealer or scrap metal processing facility, the person or entity shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The person or entity shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.
- (4) Whenever a court issues an order under division (g)(1) to (g)(3) of this section, the court also shall order removal of the license plates from the vehicle and cause them to be sent to the Registrar if they have not already been sent to the Registrar. Thereafter, no further proceedings shall take place under this section or under ORC 4503.233.
- (5) Prior to initiating a proceeding under division (g)(1) to (g)(3) of this section, and upon payment of the fee under ORC 4505.14(B), any interested party may cause a search to be made of the public records of the Bureau of Motor Vehicles or the clerk of the court of common pleas, to ascertain the identity of any lienholder of the vehicle. The initiating party shall furnish this information to the clerk of the court with jurisdiction over the case, and the clerk shall provide notice to the arrested person, any lienholder, and any other interested parties listed by the initiating party, at the last known address supplied by the initiating party, by certified mail, or, at the option of the initiating party, by personal service or ordinary mail.

(h) Definitions: As used in this section:

"Arrested Person" means a person who is arrested for a violation of Section 335.10 or 333.16 of this Traffic Code, ~~or a State law ORC 4510.14 or 4511.203 or a~~ municipal ordinance that is substantially equivalent to either of those sections, and whose arrest results in a vehicle being seized under division (a) of this section.

"Interested Party" includes the owner of a vehicle seized under this section, all lienholders, the arrested person, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed.

"Vehicle Owner" means either of the following:

- (1) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (a) of this section; or
- (2) A person to whom the certificate of title to a vehicle that is seized under division (a) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (a) of this section.

(ORC 4511.41)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Seizure of vehicle and removal of license plates upon arrest for certain traffic violations—
immobilization orders, see ORC 4510.41~~

335.23. Removal Of Vehicle Or Accident Debris

(a) Removal of Vehicle or Accident Debris: If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:

- (1) Remove, or order the removal of, the motor vehicle (if the motor vehicle is unoccupied), cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.
- (2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.

(b) Immunities:

(1) Except as provided in division (b)(2) of this section, a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further, except as provided in division (b)(2) of this section, if a public safety official, authorizes, employs, or arranges to have a private or towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (b)(1) of this section does not apply to any of the following:

- (A) Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway.
- (B) A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;
- (C) Except as provided in division (b)(2)D. of this section, a private towing service that was authorized, employed, or arranged by ~~the~~ a public safety official, to perform the removal of the unoccupied motor vehicle, cargo, or personal property, but the ~~of~~ private towing service performed the removal in a negligent manner;
- (D) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety, but the private towing service performed the removal in a reckless manner.

(c) Definitions: As used in this section:

“Hazardous Material” has the same meaning as in ORC 2305.232.

“Public Safety Official” means any of the following:

- (1) The Warren County Sheriff or the Chief of the Franklin Police Division;
- (2) A State Highway Patrol trooper;
- (3) The Chief of the Franklin Fire & EMS Division; or
- (4) A duly-authorized subordinate acting on behalf of an official specified in divisions (c)(2)A. to (c)(2)B. of this section.

(ORC 4513.66)

(Ord. 2013-13. Passed 6-17-13; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Removal of highway obstruction, ~~see ORC 4513.66~~

CHAPTER 337. UNSAFE VEHICLES; LIGHTS; EQUIPMENT AND SAFETY REQUIREMENTS

337.01. Prohibitions Against Operating Unsafe Vehicles

- (a) Prohibitions: No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street or highway within this City any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.
- (b) Power of Law Enforcement Officer State Highway Patrol Trooper:
 - (1) When directed by any state highway patrol trooper, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection under ORC 4513.02(B)(1) or (2), as appropriate, and such tests as are necessary.
 - (2) When any motor vehicle is found to be unsafe for operation, the law enforcement officer inspecting officer may order it removed from the street or highway and not operated, except for the purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in ORC 4513.02(F) of this section.
- (c) Penalties: Whoever violates ~~division (a)~~ of this section is guilty of a minor misdemeanor.

(ORC 4513.02)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Unsafe vehicles, ~~see ORC 4513.02~~

337.02. Lighted Lights Required

- (a) Requirements: Every vehicle, other than a motorized bicycle, operated upon a street or highway within this City shall display lighted lights and illuminating devices as required by ORC 4513.04 to 4513.37, Section 337.03 and other provisions of this Chapter during all of the following times:
 - (1) The time from sunset to sunrise;
 - (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles and substantial objects on the highway are not discernible at a distance of one-thousand feet (1,000') ahead; and
 - (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

(4) Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Director of Public Safety under ORC 4511.521

(4) (5) No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this City using only parking lights as illumination.

(b) Measurement of Distances and Heights:

(1) Whenever in this Chapter 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.

(2) Whenever in this Chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(c) Secondary Offense: Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway within this City to stop the vehicle solely because the officer observes that a violation of division (a)(3) of this section has been or is being committed, or for the sole purpose of issuing a ticket, citation, or summons for a violation of that division, or causing the arrest of, or commencing a prosecution of, a person for a violation of that division.

(d) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.03)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Time for lighted lights on motor vehicles, see ORC 4513.03~~

337.03. Headlights

(a) Requirements: Every motor vehicle, other than a motorcycle, shall be equipped with at least two (2) headlights with at least one (1) near each side of the front of the motor vehicle.

Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.04)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Headlights, see ORC 4513.04~~

337.08. Red Light Or Flag Required On Extended Loads

(a) Requirements: Whenever the load upon any vehicle extends to the rear four feet (4') 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 ORC 4513.03 and Section 337.02 of this Traffic Code, a red light or lantern plainly visible from a distance of at least five hundred feet (500') to the sides 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 rear end of such load a red flag or cloth not less than sixteen inches (16") square.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.09)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Red light or flag required, see ORC 4513.09~~

337.09. Lights On Parked Or Stopped Vehicles

(a) Requirements: Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto within this City, whether attended or unattended, during the times mentioned in ORC 4513.03 and Section 337.02 of this Traffic Code, such vehicle shall be equipped with one (1) or more lights which shall exhibit a white or amber light on the roadway-side visible from a distance of five hundred feet (500') to the front of such vehicle, and a red light visible from a distance of five hundred feet (500') to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the City where there is sufficient light to reveal any person or substantial object within a distance of five hundred feet (500') upon such street or highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.09)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Lights on parked vehicles, see ORC 4513.10~~

Penalty, see ORC 4513.99

337.16. Number Of Lights Permitted; Limitations On Red And Flashing Lights

(a) Number of Lights Permitted; Intensity:

- (1) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power (300 CP), not more than a total of five (5) of any such lights on the front of a vehicle shall be lighted at any one (1) time when the vehicle is upon a street or highway within this City.
- (2) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than three hundred candle power (300 CP) 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 seventy-five feet (75') from the vehicle.

(b) Limitations of Red and Flashing Lights:

- (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash, or recyclable materials on the roadside, rural mail delivery vehicles, vehicles transporting preschool children (as provided in Section 337.15 of this Traffic Code or ORC 4513.182), highway or street maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the Ohio Department of Transportation or City Public Works Department,

which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 of this Traffic Code to have a flashing red light.

- (2) When used on a street or highway within the City, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light and the prohibition contained in division (b)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in Section 337.10 of this Traffic Code.
- (3) Except a person operating a public safety vehicle or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway, any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the City or State, who is operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway, any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light ~~or a flashing combination blue and red light~~, or an oscillating or rotating blue light, or a combination blue and white or blue ~~and red~~ oscillating or rotating light.
- (4) For the purposes of this division, "public safety vehicle" shall be as defined in ORC 4511.01(E).

(ORC 4513.17)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-06. Passed 7-7-14; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Limit on number of lights, see ORC 4513.17

337.18. Brake Equipment; Jake-Braking

(a) Requirements: The following requirements govern as to brake equipment on vehicles:

- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway within the City shall be equipped with brakes adequate to control the movement of and to stop and hold the motor vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) 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 (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.
- (2) Every motorcycle, when operated upon a street or highway within the City shall be equipped with at least one (1) adequate brake, which may be operated by hand or by foot.
- (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Director of Public Safety under ORC 4511.521.
- ~~(2)~~ (4) When operated upon the streets or highways in this City, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

- (A) Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds (2,000 lbs) or more, manufactured or assembled on or after January 1, 1942;
- (B) Every manufactured home or travel trailer with an empty weight of two thousand pounds (2,000 lbs) or more, manufactured or assembled on or after January 1, 2001.
- ~~(3)~~ (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds (3,000 lbs) or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two (2) wheels.
- ~~(4)~~ (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- ~~(5)~~ (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than two thousand pounds (2,000 lbs) 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.
- ~~(6)~~ (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one (1) part shall not leave the vehicle without operative brakes.
- ~~(7)~~ (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material upon application of the service or foot brake within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:
 - (A) Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in thirty feet (30') or less from a speed of twenty miles per hour (20 mph).
 - (B) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty feet (40') or less from a speed of twenty miles per hour (20 mph).
- ~~(8)~~ (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(ORC 4513.20)

(b) Noise Prevention and Mechanical Exhaust Braking Systems (Jake-Braking):

- (1) It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City any mechanical exhaust device designed to aid in the braking or deceleration of any vehicle which results in the excessive, loud, unusual or explosive noise from such vehicle, or otherwise known as "jake-braking."
- (2) Signs shall be posted at all major points into the City indicating that all such mechanical exhaust braking systems are prohibited in the City.

(Ord. 2005-30. Passed 8-1-05)

(c) Penalties:

- (1) Whoever violates division (a) of this section is guilty of a minor misdemeanor.
- (2) Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense such person is guilty of a misdemeanor of the third degree.

(Ord. 2005-30. Passed 8-1-05; Ord. 2012-17. Passed 10-1-12)

Statutory reference:

~~Brake equipment for vehicles, see ORC 4513.20~~

Penalty, see ORC 4513.99

337.20. Mufflers; Muffler Cutout; Excessive Smoke, Gas, Or Noise

(a) Mufflers Required:

- (1) 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, bypass, or similar device upon a motor vehicle on a street or highway within the City. Every motorcycle muffler shall be equipped with baffle plates.
- (2) No person shall own, operate, or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.
- ~~(3) No person shall own, operate, or have in his possession any motor vehicle equipped with a muffler that has been modified in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle.~~

(Ord. 1964-60. Passed 12-21-64.)

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.22)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Mufflers, see ORC 4513.22~~

337.21. Rear View Mirrors

(a) Requirements: 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 and motorcycles and shall have a clear view to the rear of their vehicles and motorcycles by mirror.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.23)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Rear view mirror, ORC 4513.23~~

337.222. Decals On Side Windows Or Sidewings

(a) When Display Allowed: Notwithstanding Section 337.22 and division (b) of Section 337.221 of this Traffic Code, and ORC 4513.24 and 4513.241(F) or any rule adopted thereunder, a decal, whether reflectorized or not, may be displayed upon any side window or siding of a motor vehicle if all of the following are met:

- (1) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected;
- (2) The decal is no larger than is necessary to accomplish the security arrangements; and
- (3) The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor. (Ord. 2012-17. Passed 10-1-12.)

(ORC 4513.242)

Statutory reference:

~~Displaying security decal on side window or siding, see ORC 4513.242~~

337.24. Directional Signals

(a) Requirements:

(1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.

(2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

~~(3)~~ (3) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02 of this Traffic Code.

(b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(c) Definitions: "Directional Signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(ORC 4513.261)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Vehicles to be equipped with electrical or mechanical directional signals, see ORC 4513.261~~

337.27. Seatbelt Requirements; Exceptions

(a) Prohibited Acts: No person shall do any of the following:

- (1) Operate an automobile on any street or highway within this City unless that person is wearing all of the available elements of a properly adjusted ~~occupant-restraining~~ occupant restraining device, or operate a school bus that has an ~~occupant-restraining~~ occupant restraining device installed for use in its operator's seat, unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway within this City unless each passenger in the automobile who is subject to the requirement set forth in division (a)(3) of this section is wearing all of the available elements of a properly adjusted ~~occupant-restraining~~ 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 within this City unless that person is wearing all of the available elements of a properly adjusted ~~occupant-restraining~~ occupant restraining device; or
- (4) Operate a taxicab on any street or highway unless all factory-equipped ~~occupant-restraining~~ occupant restraining devices in the taxicab are maintained in usable form.

(b) Exceptions:

- (1) Division (a)(3) of this section does not apply to a person who is required by Section 337.26 of this Traffic Code to be secured in a child-restraint device or booster seat.
- (2) Division (a)(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.
- (3) Divisions (a)(1) and (a)(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 ORC Chapter 4731 or a chiropractor licensed to practice in this State under ORC Chapter 4734 that states the following:
 - (A) ~~that~~ That the person has a physical impairment that makes use of an occupant-restraining device impossible or impractical;
 - (B) Whether the physical impairment is temporary, permanent, or reasonably expected to be permanent;
 - (C) If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
- (4) Divisions (a)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with division (b)(5) of this section.
- (5) A person who has received an affidavit under division (b)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment

that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under division (b)(5) of this section is not required to have the affidavit obtained in accordance with division (b)(3) of this section in their possession while operating or occupying an automobile.

- (6) A physician or chiropractor who issues an affidavit for the purposes of division (b)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton, or reckless misconduct.
- (7) The Registrar shall adopt rules in accordance with ORC Chapter 119 establishing a process for a person to be included in the database under division (b)(5) of this section. The information provided and included in the database under division (b)(5) of this section is not a public record subject to inspection or copying under ORC 149.43.
- (c) Secondary Offense: 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 (a) 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 for 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 the violation has been or is being committed.
- (d) Admissibility of Evidence:
- (1) Subject to division (d)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant-restraining device in violation of division (a)(1) or (a)(3) of this section, or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant-restraining device in violation of division (a) (2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But, the trier of fact may determine, based on evidence admitted consistent with the Ohio Rules of Evidence, that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in ORC 2307.011, in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant-restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant-restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant-restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Ohio Rules of Evidence, the fact that the occupant was not wearing the available occupant-restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- (A) It seeks to recover damages for injury or death to the occupant;
- (B) The defendant in question is the manufacturer, designer, distributor, or seller of the passenger car; and

(C) The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

(e) Penalties:

- (1) Whoever violates division (a)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates division (a)(2) or (a)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this division, whoever violates division (a)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to a violation of division (a) (4) of this section, whoever violates division of this section is guilty of a misdemeanor of the third degree.

(f) Definitions: As used in this section:

"Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant-restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, 80 Stat. 719, 15 USC U.S.C.A. 1392.

"Commercial Tractor," "Passenger Car," and "Commercial Car" have the same meanings as in ORC 4501.01.

"Occupant-Restraining Device" means a seat safety belt, shoulder belt, harness, or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.

"Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant-restraining device is provided.

"Tort Action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in ORC 2307.71, and an asbestos claim, as defined in ORC 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

"Vehicle" and "Motor Vehicle," as used in the definitions of the terms set forth in division (f)(2) of this section, have the same meanings as in ORC 4511.01.

(ORC 4513.263)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Occupant restraining devices, see ~~ORC 4513.263~~

337.32. Installation Of Nonconforming Air Bags

(a) Prohibitions:

- (1) No person shall install or reinstall in any motor vehicle a counterfeit or nonfunctional air bag or any object to fulfill the function of an air bag, ~~including an air bag~~, other than an air bag that was designed in conformance with or that is regulated by Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard.

(2) No person shall knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of a vehicle to inaccurately indicate that the vehicle is equipped with a functional air bag.

(b) Penalties: Whoever violates division (a) of this section is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense. On each subsequent offense, or if the violation results in serious physical harm to an individual, the person is guilty of a felony to be prosecuted under appropriate State law.

Each installation, reinstallation, or sale, in violation of this section shall constitute a separate and distinct violation.

(c) Definitions: As used in this section "Air Bag," "Counterfeit Air Bag" and "Nonfunctional Air Bag" shall have the same meaning as in ORC 4549.20(A).

(ORC 4549.20)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-06. Passed 7-7-14.)

Statutory reference:

~~Improper replacement of motor vehicle air bag, see ORC 4549.20~~

337.33. Vehicles Exempt From Standards

(a) Collector's or Historical Vehicles:

(1) No person shall be prohibited from owning or operating a licensed collector's vehicle or historical motor vehicle that is equipped with a feature of design, type of material, or article of equipment that was not in violation of any motor vehicle equipment law of this City or this State in effect during the calendar year the vehicle was manufactured, and no licensed collector's vehicle or historical motor vehicle shall be prohibited from displaying or using any such feature of design, type of material, or article of equipment.

(2) No person shall be prohibited from owning or operating a licensed collector's vehicle or historical motor vehicle for failing to comply with an equipment provision contained in this Chapter 337 or ORC Chapter 4513 in any ordinance or in any state rule that was enacted or adopted in a year subsequent to that in which the vehicle was manufactured, and no licensed collector's vehicle or historical motor vehicle shall be required to comply with an equipment provision in this Chapter 337 or ORC Chapter 4513 in any ordinance that was enacted or adopted by state rule subsequent to the calendar year in which it was manufactured. No owner of a licensed collector's vehicle or historical motor vehicle shall be required to comply with equipment provisions contained in laws or rules that were enacted or adopted subsequent to the calendar year in which the vehicle was manufactured, and the operation of a licensed collector's vehicle or historical motor vehicle shall not be prohibited for failure to comply with any such equipment laws or rules.

(3) Except as provided in ORC 4505.061, no person shall be required to submit his collector's vehicle to a physical inspection prior to or in connection with an issuance of title to, or the sale or transfer of ownership of such vehicle, except that a police officer may inspect it to determine ownership.

(ORC 4513.38; 4513.41(C))

(b) Collector's or Historical Agricultural Tractor or Traction Engine:

(1) No owner of a licensed collector's vehicle, a historical motor vehicle, or a collector's vehicle that is an agricultural tractor or traction engine shall be required to comply with an emission, ~~or~~ noise control, or fuel usage provision contained in this Chapter 337 or a

law or rule of this state or City that was enacted or adopted subsequent to the calendar year in which the vehicle was manufactured.

- (2) No person shall be prohibited from operating a licensed collector's vehicle, a historical motor vehicle, or a collector's vehicle that is an agricultural tractor or traction engine for failing to comply with an emission, or noise control, or fuel usage law or rule of this state or City that was enacted or adopted subsequent to the calendar year in which his vehicle was manufactured.

(ORC 4513.41(A) and (B))

- (c) Farm Machinery or Road Equipment: Sections 337.01 to 337.32 of this Traffic Code, and ORC 4513.01 to 4513.37, with respect to equipment on vehicles, do not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors, except as made applicable to such articles of machinery.

(ORC 4513.02(G))

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Unsafe vehicles, see ORC 4513.02~~

~~Collector's or historical agricultural tractor exempted from tests, see ORC 4513.41~~

CHAPTER 339. COMMERCIAL VEHICLES; COMMERCIAL DRIVERS' LICENSES; BUSES; HEAVY VEHICLES

339.06. Driving With Impaired Alertness Or Ability

(a) Prohibitions:

- (1) No person shall drive a commercial motor vehicle, as defined in ORC 4506.01, or a commercial car or commercial tractor, as defined in ORC 4501.01, while the person's ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for the person to drive such vehicle. No driver shall use any drug which would adversely affect the driver's ability or alertness.
- (2) No owner, as defined in ORC 4501.01, 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.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of ~~or pled guilty to~~ one (1) or more violations of this section or Sections 331.40, 339.16, 339.17, 339.18, 339.19, or 339.20 of this Traffic Code or ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.77, or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(ORC 4511.79)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Driving commercial vehicle with impaired ability or alertness prohibited, see ORC 4511.79~~

339.11. CDL Prohibitions

- (a) Prohibitions: No person shall do any of the following:

- (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one (1) valid driver's license issued by this State, any other state, or by a foreign jurisdiction;
- (2) Drive a commercial motor vehicle on a street or highway in this City in violation of an out-of-service order, while the person's driving privilege is suspended, revoked, or canceled, or while the person is subject to disqualification; ~~and/or~~
- (3) Drive a motor vehicle on a street or highway in this City under authority of a commercial driver's license issued by another State or a foreign jurisdiction, after having been a resident of the State of Ohio for thirty (30) days or longer.; or
- (4) Knowingly give false information in any application or certification required by ORC 4506.07

(b) Penalties:

- (1) Whoever violates division (a)(1), (2), or (3) of this section is guilty of a misdemeanor of the first degree.
- (2) Whoever violates division (a)(4) of this section is guilty of falsification, a misdemeanor of the first degree. In addition, the provisions of ORC 4507.19 apply.

(ORC 4506.04)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Prohibited acts, see ORC 4506.04

339.13. Alcohol And Controlled Substance Testing; Disqualification

- (a) Implied Consent: ~~Any person who holds a commercial driver's license (CDL) or commercial driver's license temporary instruction permit, or who operates a commercial motor vehicle requiring a commercial driver's license or permit within the State of Ohio shall be~~ Both of the following are deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance. ;
 - (1) A person while operating a commercial motor vehicle that requires a commercial driver's license or commercial driver's license temporary instruction permit;
 - (2) A person who holds a commercial driver's license or commercial driver's license temporary instruction permit while operating a motor vehicle, including a commercial motor vehicle.
- (b) Testing: A test or tests as provided in division (a) of this section may be administered at the direction of a peace officer having reasonable ground to stop or detain the person and, after investigating the circumstances surrounding the operation of the commercial motor vehicle, also having reasonable ground to believe the person was driving the commercial vehicle while having a measurable or detectable amount of alcohol or of a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine. Any such test shall be given within two (2) hours of the time of the alleged violation.
- (c) Refusal:
 - (1) A person requested by a peace officer to submit to a test under division (a) of this section shall be advised by the peace officer that a refusal to submit to the test will result in the

person immediately being placed ~~out-of-service~~ out-of-service for a period of twenty-four (24) hours and being disqualified from operating a commercial motor vehicle for a period of not less than one (1) year, and that the person is required to surrender the person's CDL or permit to the peace officer.

- (2) If a person refuses to submit to a test after being warned as provided in division (c)(1) of this section, or submits to a test that discloses the presence of an amount of alcohol or a controlled substance prohibited by divisions (a)(1) to (a)(5) of Section 339.12 of this Traffic Code or a metabolite of a controlled substance, the person immediately shall surrender the person's CDL or permit to the peace officer. The peace officer shall forward the CDL or permit, together with a sworn report, to the Registrar of Motor Vehicles certifying that the test was requested pursuant to division (a) of this section and that the person either refused to submit to testing or submitted to a test that disclosed the presence of one (1) of the prohibited concentrations of a substance listed in divisions (a)(1) to (a)(5) of Section 339.12 of this Traffic Code or a metabolite of a controlled substance. The form and contents of the report required by this section shall be established by the Registrar by rule, but shall contain the advice to be read to the driver and a statement to be signed by the driver acknowledging that the driver has been read the advice and that the form was shown to the driver.
- (d) Disqualification: Upon receipt of a sworn report from a peace officer as provided in division (c) of this section, the Registrar shall disqualify the person named in the report from driving a commercial motor vehicle for the period described below:
 - (1) Upon a first incident, one (1) year;
 - (2) Upon an incident of refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance after one (1) or more previous incidents of either refusal or of a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance, the person shall be disqualified for life or such lesser period as prescribed by rule by the Registrar.
 - (3) The Registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty (30) days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty (30) days of the mailing of the notice, the order of disqualification is final. The Registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence.
 - (4) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the Registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's CDL is not otherwise suspended. A person whose CDL is suspended shall not apply to the Registrar for or receive a driver's license under ORC Chapter 4507 during the period of suspension.
- (e) Blood Tests: A test of a person's whole blood or a person's blood serum or plasma given under this section shall comply with the applicable provisions of ORC 4511.19(D) and any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist, or phlebotomist who withdraws whole blood or blood serum or plasma from a person under this section, and any hospital, first-aid station, clinic, or other facility at which whole blood or blood serum or plasma 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 of malpractice for any act performed in withdrawing whole blood or blood serum or plasma from the person. The immunity provided in this division also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section.

- (f) Testing Results: When a person submits to a test under this section, the results of the test, at the person's request, shall be made available to the person, the person's attorney, or the person's agent, immediately upon completion of the chemical test analysis. The person also may have an additional test administered by a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist of the person's own choosing as provided in ORC 4511.19(D) for tests administered under that section, and the failure to obtain such a test has the same effect as in that division.
- (g) Surrender of License:
- (1) No person shall refuse to immediately surrender the person's CDL or permit to a peace officer when required to do so by this section.
 - (2) A peace officer issuing an out-of-service order or receiving a CDL or permit surrendered under this section may remove or arrange for the removal of any commercial motor vehicle affected by the issuance of that order or the surrender of that license.
- (h) Immunities:
- (1) Except for civil actions arising out of the operation of a motor vehicle and civil actions in which the City is a plaintiff, no peace officer of the City's Division of Police is liable in compensatory damages in any civil action that arises under this Traffic Code, the Ohio Revised Code, or common law of the State of Ohio for an injury, death, or loss to person or property caused in the performance of official duties under this section and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
 - (2) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the City is a plaintiff, no peace officer of the City's Division of Police is liable in punitive or exemplary damages in any civil action that arises under this Traffic Code, the Ohio Revised Code, or common law of the State of Ohio for any injury, death, or loss to person or property caused in the performance of official duties under this section and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner.
- (i) Penalties: Whoever violates division (g)(1) of this section is guilty of a misdemeanor of the first degree.
- (j) Definitions: As used in this section, "~~Emergency Medical Technician-Intermediate~~ Technician-Intermediate" and "Emergency Medical Technician-Paramedic" have the same meanings as in ORC 4765.01.

(ORC 4506.17)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Implied consent to tests—effect of refusal, see ORC 4506.17~~

339.14. Employment Of Drivers Of Commercial Vehicles

(a) Duties of Employers:

- (1) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:
 - (A) The driver's commercial driver's license (CDL) is suspended, revoked, or canceled by any state or foreign jurisdiction;

- (B) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
 - (C) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction; and/or
 - (D) The driver has more than one (1) driver's license.
- (2) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 339.12 of this Traffic Code.
 - (3) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle if the driver does not hold a valid, current commercial driver's license or commercial driver's license temporary instruction permit bearing the proper class or endorsements for the vehicle.
 - (4) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of the restrictions on the driver's commercial driver's license or commercial driver's license temporary instruction permit.

(ORC 4506.20)

(b) Duties of Employees:

- (1) Any driver who ~~held~~ holds a commercial driver's license issued by this State and is convicted in another state or a foreign jurisdiction of violating any law or ordinance relating to motor vehicle traffic control, other than a parking violation, shall provide written notice of that conviction within thirty (30) days after the date of conviction to the Bureau of Motor Vehicles and to the driver's employer, in accordance with the provisions of 49 ~~CFR~~ C.F.R. 383, subpart C, as amended.
- (2) The provisions of 49 ~~CFR~~ C.F.R. 383, subpart C, as amended, shall apply to all commercial drivers or persons who apply for employment as commercial drivers. No person shall fail to make a report to the person's employer as required by this section.

(ORC 4506.18; 4506.19)

(c) Penalties:

- (1) Whoever violates division (a)(1), (a)(3) or (a)(4) of this section is guilty of a misdemeanor of the first degree.
- (2) Whoever violates division (a)(2) of this section may be assessed a fine not to exceed ten thousand dollars (\$10,000).
- (3) Whoever violates division (b)(1) or (b)(2) of this section is guilty of a misdemeanor of the first degree.

(ORC 4506.18; 4506.19; 4506.20)

(Ord. 2013-20. Passed 12-2-13; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Driver to give notice of out of state conviction, see ORC 4506.18~~

~~Application of provisions of 49 C.F.R. 383, subpart C, see ORC 4506.19~~

~~Duties of employer of commercial motor vehicle driver, see ORC 4506.20~~

339.16. School Bus Regulations

- (a) Prohibitions: No person shall operate a vehicle used for pupil transportation within this City in violation of the rules of the State Department of Education or Department of Public Safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this City in violation of the rules of the Ohio Department of Education or the Department of Public Safety.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of this section, Section 331.40, 339.06, 339.17, 339.18, 339.19, or 339.20 of this Traffic Code, or ~~a State law or~~ ORC 4511.63, 4511.761, 4511.762, 4511.764, 4511.76, 4511.77, or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (c) Definitions: As used in this section, "Vehicle Used for Pupil Transportation" means any vehicle that is identified as such by the Ohio Department of Education by rule and that is subject to OAC Chapter 3301-83, and includes all school buses both publicly and privately owned.

(ORC 4511.76)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Administrative rules for school bus construction, design, equipment, operation and licensing, see ORC 4511.76~~

339.17. Safety Inspection Decals For School Buses

- (a) Safety Inspection Decals: No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this City unless there are displayed thereon the decals issued by the Ohio State Highway Patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued. The decal shall be affixed to the outside surface of each side of each school bus.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of this section, Section 331.40, 339.06, 339.16, 339.18, 339.19 or 339.20 of this Traffic Code, or ~~a State law or~~ ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (c) License Suspension: Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time, not exceeding three (3) years, or cancel the license of any person, partnership, association, or corporation, issued under ORC 4511.763.

(ORC 4511.761)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~School bus inspections, see ORC 4511.761~~

339.18. School Buses Not Used For School Purposes

- (a) Prohibitions: Except as provided in division (b) of this section, no person who is the owner of a bus that previously was registered as a school bus that is used or is to be used exclusively for purposes other than the transportation of children shall operate the bus or permit it to be operated within this City unless the bus has been painted a color different from that prescribed

for school buses by Section 339.20 of this Traffic Code and painted in such a way that the words "STOP" and "SCHOOL BUS" are obliterated.

- (b) Church Buses: Any church bus that previously was registered as a school bus and is registered under ORC 4503.07 may retain the paint color prescribed for school buses by Section 339.20 of this Traffic Code if the bus complies with all of the following:
- (1) The words "SCHOOL BUS" required by Section 339.20 of this Traffic Code are covered or obliterated and the bus is marked on the front and rear with the words "CHURCH BUS" painted in black lettering not less than ten inches (10") in height;
 - (2) The automatically extended stop warning sign required by ORC 4511.75 is removed and the word "STOP" required by Section 339.20 of this Traffic Code is covered or obliterated;
 - (3) The flashing red and amber lights required by Section 339.21 of this Traffic Code are covered or removed;
 - (4) The inspection decal required by Section 339.17 of this Traffic Code is covered or removed; and
 - (5) The identification number assigned under Section 339.19 of this Traffic Code and marked in black lettering on the front and rear of the bus is covered or obliterated.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of this section or Section 331.40, 339.06, 339.16, 339.17, 339.19 or 339.20 of this Traffic Code, or ~~of a State law~~ ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (d) License Suspension: Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time, not exceeding three (3) years, or cancel the license of any person, partnership, association, or corporation, issued under ORC 4511.763.

(ORC 4511.762)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~School bus no longer used for transporting school children, see ORC 4511.762~~

339.19. Registration Of School Buses

- (a) Identifying Numbers: No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this City unless there is displayed thereon an identifying number, issued by the Superintendent of the Ohio State Highway Patrol, in accordance with ~~ORC 4544.76~~ 4511.764. The required identifying number shall be marked on the front and rear of the vehicle in black lettering not less than six inches (6") in height and will remain unchanged as long as the ownership of that vehicle remains the same.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of this section or Section 331.40, 339.06, 339.16, 339.17, 339.18 or 339.20 of this Traffic Code, or ~~of a State law~~ ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

(ORC 4511.764)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~School buses must be registered and have identifying number, see ORC 4511.764~~

339.20. School Bus Markings

- (a) Required Markings: No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this City unless it is painted national school bus yellow and is marked on both front and rear with the words "SCHOOL BUS" in black lettering not less than eight inches (8") in height and on the rear of the bus with the word "STOP" in black lettering not less than ten inches (10") in height.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pled guilty to one (1) or more violations of this section or Section 331.40, 339.06, 339.16, 339.17, 339.18 or 339.19 of this Traffic Code, or of ~~a State law~~ ORC 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (c) License Suspension: Whenever a person is found guilty in a court of record of a violation of this section, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time, not exceeding three (3) years, or cancel the license of any person, partnership, association, or corporation, issued under ORC 4511.763.

(ORC 4511.77)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~School bus painting and marking, see ORC 4511.77~~

339.21. Lights On School Buses

- (a) Required Lights: Every school bus shall, in addition to any other equipment and distinctive markings required pursuant to Sections 339.16, 339.17, 339.19 and 339.20 of this Traffic Code, be equipped with signal lamps mounted as high as practicable, which shall display to the front two (2) alternately flashing red lights and two (2) alternately flashing amber lights located at the same level, and to the rear two (2) alternately flashing red lights and two (2) alternately flashing amber lights located at the same level, and these lights shall be visible at five hundred feet (500') in normal sunlight. The alternately flashing red lights shall be spaced as widely as practicable, and the alternately flashing amber lights shall be located next to them.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.771)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Signal lamps to be equipped with flashing red and amber lights, see ORC 4511.771~~

339.22. License To Drive School Bus

- (a) Special License Required: No person, partnership, association, or corporation shall transport pupils to or from school on a school bus, or enter into a contract with a board of education of any school district for the transportation of pupils on a school bus, without being licensed by the Ohio Department of Public Safety.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.763)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Licensing by Department of Public Safety, see ORC 4511.763

339.23. Load Limits On City Streets And Bridges; Truck Routes

- (a) Limitations on Bridges: No person shall operate a vehicle exceeding the posted maximum allowable gross weight upon any bridge or culvert in this City except upon those bridges designated as a truck route and marked as such by appropriate traffic signs.
- (b) Limitations on Local Streets:
 - (1) No person shall operate a vehicle exceeding a gross weight of five (5) tons upon any street, alley, highway, or bridge in this City other than a State route, where not prohibited, except upon those local streets designated as a truck route and marked as such by appropriate signs; however, a person may operate a vehicle deviating from either a State Route or a designated truck route within the City if 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 City.
 - (2) Signs shall be posted indicating "NO THRU TRUCKS - GROSS WEIGHT 5 TONS," or words of similar import, in conformance with the Ohio Manual of Uniform Traffic Control Devices to alert operators of the limitations imposed by this section, and no person shall operate a vehicle in violation of any signs so posted.

(Ord. 1988-36, passed 5-2-88; Ord. 2004-41, passed 12-20-04; Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

Unlawful vehicle weight, see ORC 4513.33

Penalty, see ORC 4513.99

Operation of vehicle on highways in excess of prescribed weights forbidden, see ORC 5577.02
Classification of roads by board of county commissioners with reference to the maximum weights, as to vehicles and load of over five (5) tons, see ORC 5577.08

Editor's note:

See Section 339.31 of this Traffic Code for penalty provisions

339.24. Weight Of Load; Width Of Tire On State Routes Or Truck Routes

- (a) Load Limits: No person, firm, or corporation shall transport over the improved public streets, alleys, highways, bridges, or culverts in this City designated as a State route or a truck route,

any vehicle propelled by muscular, motor, or other power, any burden, including weight of vehicle and load, greater than the following:

(1) Metal tires:

- (A) In vehicles having metal tires three inches (3") or less in width, a load of five hundred pounds (500 lbs.) for each inch of the total width of tire on all wheels;
- (B) When the tires on such vehicles exceed three inches (3") in width, an additional load of eight hundred pounds (800 lbs.) shall be permitted for each inch by which the total width of the tires on all wheels exceeds twelve inches (12").

(2) Rubber tires: In vehicles having tires of rubber or other similar substances, for each inch of the total width of tires on all wheels, as follows:

- (A) For tires three inches (3") in width, a load of four hundred fifty pounds (450 lbs.);
- (B) For tires three and one-half inches (3.5") in width, a load of four hundred fifty pounds (450 lbs.);
- (C) For tires four inches (4") in width, a load of five hundred pounds (500 lbs.);
- (D) For tires five inches (5") in width, a load of six hundred pounds (600 lbs.);
- (E) For tires six inches (6") and over in width, a load of six hundred fifty pounds (650 lbs.).

(3) In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed six hundred fifty pounds (650 lbs.) to each inch in width of the tread as defined in this section for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load.

(b) Tire Width:

- (1) The total width of tires on all wheels shall be, in case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds (~~→~~ $\frac{2}{3}$) the width so measured between the flanges.
- (2) In the case of pneumatic tires, of rubber or other similar substance, the total width of tires on all wheels shall be the actual width of all such tires, measured at the widest portion thereof when inflated and not bearing a load.

(ORC 5577.03)

(Ord. 2012-17. Passed 10-1-12.)

~~Statutory reference:~~

~~Weight of load — width of tire, see ORC 5577.03~~

Editor's note:

See Section 399.31 of this Traffic Code for penalty provisions

339.29. Maximum Width, Height, And Length

- (a) Prohibitions: No vehicle shall be operated upon the public highways, streets, bridges, and culverts within this City, whose dimensions exceed those specified in this section.
- (b) Maximum Width: No such vehicle shall have a width in excess of:

- (1) One hundred four inches (104") for passenger bus-type vehicles operated exclusively within the City;
 - (2) One hundred two inches (102"), excluding such safety devices as are required by law, for passenger bus-type vehicles operated over freeways, and such other State roads within the City with minimum pavement widths of twenty-two feet (22'), except those roads or portions of roads over which operation of one hundred two-inch (102") buses is prohibited by order of the Ohio Director of Transportation;
 - (3) One hundred thirty-two inches (132") for traction engines;
 - (4) One hundred two inches (102") for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches (6") or less in width, and except that the Ohio Director of Transportation may prohibit the operation of one hundred two-inch (102") recreational vehicles on designated State highways or portions of highways;
 - (5) One hundred two inches (102"), including load, for all other vehicles, except that the Ohio Director of Transportation may prohibit the operation of one hundred two-inch (102") vehicles on such State highways or portions of State highways as the Director designates. The width prescribed in this division shall not include automatic covering devices, tarp and tarp hardware, and tie-down assemblies, provided these safety devices do not extend more than three inches (3") from each side of the vehicle.
 - (6) The widths prescribed in this division shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.
- (c) Maximum Length: No such vehicle shall have a length in excess of:
- (1) Sixty-six feet (66') for passenger bus type vehicles and articulated passenger bus-type vehicles operated by a regional transit authority pursuant to ORC 306.30 to 306.54;
 - (2) Forty-five feet (45') for all other passenger bus-type vehicles;
 - (3) Fifty-three feet (53') for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates.
 - (4) Twenty-eight and one-half feet (28.5') for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor- semitrailer-semitrailer combination, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor- semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State highways or portions of State highways as the Director designates;
 - (5) Vehicle transporter combinations:
 - (A) Ninety-seven feet (97') for drive-away saddle-mount vehicle transporter combinations and drive-away saddle-mount with full- mount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one (1) road mile from any interstate, United States route, or State route, not to exceed three (3) saddle-mounted vehicles, but which may include one (1) full-mount;
 - (B) Seventy-five feet (75') for drive-away saddle-mount vehicle transporter combinations and drive-away saddle-mount with full- mount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States

route, or State route, not to exceed three (3) saddle-mounted vehicles, but which may include one (1) full-mount;

- (6) Sixty-five feet (65') for any other combination of vehicles coupled together, with or without load, except as provided in divisions (c)(3), (c)(4), and (c)(9) of this section;
 - (7) Forty-five feet (45') for recreational vehicles;
 - (8) Fifty feet (50') for all other vehicles except trailers and semitrailers, with or without load.
 - (9) The lengths prescribed in divisions (c)(2) to (c)(8) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty-carrying devices or components that do not extend more than twenty-four inches (24") beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-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 adopted by the Ohio Director of Transportation.
 - (10) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet (65') and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet (75'), except that the load thereon may extend no more than four feet (4') beyond the rear of such vehicles and may extend no more than three feet (3') beyond the front of such vehicles, and except further that the Ohio Director of Transportation may prohibit the operation of a stinger-steered automobile transporter, stinger-steered boat transporter, or a B-train assembly on any State highway or portion of any State highway that the Director designates.
- (d) Maximum Height: No such vehicle shall have a height in excess of thirteen feet six inches (13' 6"), with or without load.
- (e) Exceptions:
- (1) This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to the City, to the fire department of any municipal corporation or any volunteer fire department or used by such department in the discharge of its functions.
 - (2) 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.
 - (3) The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this City, shall comply with the rules of the Ohio Director of Transportation and the City's Safety Director governing such movement. ORC 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.
 - (4) This section does not require the State, the City, 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 this City.
- (f) Definitions: As used in this section, "Recreational Vehicle" has the same meaning as in ORC 4501.01.

(ORC 5577.05)

(Ord. 2013-13. Passed 6-17-13.)

Statutory reference:

Prohibition against violation, see ORC 5577.05

Editor's note:

See Section 399.31 of this Traffic Code for penalty provisions

339.31. Operation Of Vehicle In Excess Of Load Limits Prohibited; Penalties; Liability For Damages

(a) Prohibitions: No person shall operate or move a traction engine, steam roller, or other vehicle, load, object, or structure, whether propelled by muscular or motor power, ~~not including vehicles run upon stationery rails or tracks, fire engines, fire trucks, or other vehicles or apparatus belonging to or used by any municipal or volunteer fire department in the discharge of its functions, shall be operated or moved~~ over or upon the improved public streets, highways, bridges, or culverts in this City, ~~upon wheels, rollers, or otherwise, weighing that weighs~~ in excess of the weights prescribed in ~~Sections 339.24 to 339.30, inclusive, of this Traffic Code, including the weight of vehicle, object, structure, or contrivance and load, except upon special permission, granted as provided by Section 339.32 of this Traffic Code.~~ ORC 5577.01 to 5577.14, unless the person has been issued a permit under ORC 4513.34. The prohibition in this section applies regardless of whether the weight is moved upon wheels, rollers, or otherwise. Any weight determination shall include the weight of the vehicle, object, structure, contrivance, and load.

(ORC 5577.02)

(b) Penalties:

- (1) Whoever violates the weight provisions of Sections 339.24 to 339.30 of this Traffic Code in regard to streets and highways under Section 339.05 shall be fined eighty dollars (\$80.00) for the first two thousand pounds (2,000 lbs.), or fraction thereof, of overload; for overloads in excess of two thousand pounds (2,000 lbs.) but not in excess of five thousand pounds (5,000 lbs.), such person shall be fined one hundred dollars (\$100.00), and in addition thereto one dollar (\$1.00) per one hundred pounds (100 lbs.) of overload; for overloads in excess of five thousand pounds (5,000 lbs.) but not in excess of ten thousand pounds (10,000 lbs.), such person shall be fined one hundred thirty dollars (\$130.00), and in addition thereto two dollars (\$2.00) per one hundred pounds (100 lbs.) of overload, or imprisoned not more than thirty (30) days, or both. For all overloads in excess of ten thousand pounds (10,000 lbs.), such person shall be fined one hundred sixty dollars (\$160.00), and in addition thereto three dollars (\$3.00) per one hundred pounds (100 lbs.) of overload, or imprisoned not more than thirty (30) days, or both. Whoever violates the weight provision of vehicle and load relating to gross load limits shall be fined not less than one hundred dollars (\$100.00). No penalty prescribed in this division shall be imposed on any vehicle combination if the overload on any axle does not exceed one thousand pounds (1,000 lbs.), 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 (2) axles on one (1) vehicle less than eight feet (8') apart, shall be considered as one (1) axle.
- (2) Whoever violates Section 339.29 of this Traffic Code 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 ~~first~~ fourth degree.

(ORC 5577.99(A) and (C))

(c) Liability for Damages: Any person violating any law relating to or regulating the use of the improved public roads shall be liable for all damage resulting to any such street, highway,

bridge, or culvert by reason of such violation. In case of any injury to such a City street, highway, bridge, or culvert, such damages shall be collected by civil action, brought in the name of the City. All damages collected under this section shall be paid into the Street Fund and credited to any fund for the repair of streets, highways, roads, bridges, or culverts.

(ORC 5577.12)

(d) Vehicles Fueled by Natural Gas:

- (1) Notwithstanding this section and Section 339.25 of this Traffic Code, a vehicle fueled solely by compressed natural gas or liquid natural gas may exceed by not more than two thousand pounds (2,000 lbs.) the gross vehicle weight provisions of Sections 339.24 to 339.30 of this Traffic Code or the axle load limits of those sections.
- (2) If a vehicle described in division (d)(1) of this section exceeds the weight provisions of Sections 339.24 to 339.30 of this Traffic Code by more than the allowance provided for in division (d)(1) of this section, both of the following apply:
 - (A) The applicable penalty prescribed in ~~division (b) of this section~~ ORC 5577.99;
 - (B) The civil liability imposed by ~~division (c) of this section~~ ORC 5577.12.

(ORC 5577.044)

(Ord. 2013-13. Passed 6-17-13; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Operation of vehicle on highways in excess of prescribed weights forbidden, see ORC 5577.02~~
~~Weight restrictions for vehicles fueled by natural gas, see ORC 5577.044~~
~~Liability for damages – prosecution – application of moneys, see ORC 5577.12~~

339.32. Special Permits For Vehicles Of Excessive Weight, Size, Or Load

(a) State Highways: With respect to all highways that are a part of the State's highway system:

- (1) The Ohio Director of Transportation, upon application in writing; shall issue a special regional heavy hauling permit in accordance with ORC 4513.34(A)(1).
- (2) In circumstances where a person is not eligible to receive a permit under ORC 4513.24(A)(1), the Ohio Director of Transportation may, upon application and for good cause shown, issue a special written permit, in accordance with ORC 4513.34(A)(2), upon any highway that is a part of the State highway system under the Director's jurisdiction.
- (3) Notwithstanding Section 301.02 of this Traffic Code, the holder of a permit issued by the Director under ORC 4513.34 may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the State highway system when the movement is partly within and partly without the corporate limits of the City.

(b) City Streets - Special Regional Heavy Hauling Permits: With respect to all highways under the City's jurisdiction:

- (1) The City's Public Works Director, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:
 - (A) At a size or weight of vehicle or load exceeding the maximums specified in Sections 339.24 to 339.30 of this Traffic Code or ORC 5577.01 to 5577.09, or otherwise not

in conformity with Chapters 337 or 339 of this Traffic Code or ORC 4513.01 to 4513.37;

(B) Upon any highway under the jurisdiction of the City, except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application;

~~(C) For regional trips at distances of one hundred fifty (150) miles or less from a facility stated on the application as the applicant's point of origin.~~

(2) Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the City's Public Works Director in accordance with this section.

(3) The application for a permit issued under division (b) of this section shall be in the form that the Public Works Director prescribes.

(4) The City's Public Works Director shall issue a special regional heavy hauling permit under division (b) of this section upon application and payment of the applicable fee.

(c) City Streets - Special Permits:

(1) In circumstances where a person is not eligible to receive a permit under division (b) of this section, the City's Public Works Director 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 lead exceeding the maximums specified in Sections 339.24 to 339.30 of this Traffic Code or ORC 5577.01 to 5577.09, or otherwise not in conformity with Chapters 337 or 339 of this Traffic Code or ORC 4513.01 to 4513.37, upon any street or highway under City jurisdiction.

(2) The application for a permit issued under division (c) this section shall be in the form that the Public Works Director prescribes.

(3) The Public Works Director may issue or grant, or withhold, a permit applied for under division (c) of this section.

(d) Permit Conditions; Security:

(1) If a permit is to be issued under this section, the Public Works Director may limit or prescribe conditions of operation for the vehicle or combination of vehicles including, but not limited to, the route, the hours, speed or other such restrictions as the Public Works Director deems advisable.

(2) In addition, the Public Works Director may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the street or roadway.

(3) As a condition of issuance of a permit for an overweight vehicle or combination of vehicles, the Public Works Director may require the applicant to enter into an agreement with the City to compensate for or to repair excess damage caused to the street or roadway by travel under the permit.

(4) No permit shall be issued by the City's Public Works Director under this section to any person, partnership, association or corporation who has been ~~disbarred~~ debarred by the State Director of Transportation from applying for a permit under ORC 4513.34 for the period of the ~~disbarment~~ debarment. If the applicant is a partnership, association, or corporation, the Public Works Director also may debar from consideration for permits any partner of the partnership, or the officers, directors, or employees of the association or corporation being debarred.

(5) When the Public Works Director reasonably believes that grounds for debarment exist, the Public Works Director shall send the person that is subject to debarment a notice of the proposed debarment. A notice of proposed debarment shall indicate the grounds for the debarment of the person and the procedure for requesting a hearing. The notice and hearing shall be in accordance with ORC Chapter 119. If the person does not respond with a request for a hearing in the manner specified in that chapter, the Public Works Director shall issue the debarment decision without a hearing and shall notify the person of the decision by certified mail, return receipt requested. The debarment period may be of any length determined by the Public Works Director, and the Public Works Director may modify or rescind the debarment at any time. During the period of debarment, the Public Works Director shall not issue, or consider issuing, a permit under this section to any partnership, association, or corporation that is affiliated with a debarred person. After the debarment period expires, the person, and any partnership, association, or corporation affiliated with the person, may reapply for a permit.

(e) Fees for Permits from the City:

(1) The Public Works Director may prescribe a permit fee to be imposed and collected when a permit is issued under this section. The permit fee may be in an amount sufficient to reimburse the City for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the street or roadway as the result of the operation of the nonconforming vehicle or combination of vehicles. The Public Works Director shall establish a schedule of fees for special permits issued by him under this section, which schedule shall be set forth in Appendix A of Chapter 17, Rate and Fee Schedule.

(2) In addition, the Safety Director may establish an hourly fee for any traffic control, made necessary because of the movement of the nonconforming vehicle or combination of vehicles, that is provided by the City's Division of Police or other City Department. The hourly fee may be charged in quarterly increments, and shall be charged per officer or employee. The fee so set by the Safety Director shall be set forth in Appendix A of Chapter 17, Rate and Fee Schedule.

(f) Carrying Permit: Every permit issued by the State Director of Transportation under ORC 4513.34 and/or every permit issued by the City's Public Works Director under this section 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.

(g) Effect of Permit:

(1) The City shall not 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 that is a part of the State highway system.

(2) The Ohio Director of Transportation shall not require the holder of a permit issued by the City under this section to obtain a special permit for the movement of vehicles or combination of vehicles on streets within the jurisdiction of the City.

(h) Validity of Permit:

(1) A permit issued by the Ohio Director of Transportation under ORC 4513.34 or by the City's Public Work's Director under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the conditions and limitations specified on the permit. Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit; however, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer.

(2) Permits may be issued for any period of time not to exceed one (1) year, as the Ohio Director of Transportation or the City's Public Works Director, in the Director's discretion, determines advisable, or for the duration of any public construction project.

(i) Restrictions:

- (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.
- (2) No person shall violate the terms of a permit issued under this section that relate to axle load by more than two thousand pounds (2,000 lbs.) per axle or group of axles.
- (3) No person shall violate the terms of a permit issued under this section that relate to an approved route, except upon the order of a law enforcement officer or authorized agent of the issuing authority.

(j) Penalties: Whoever violates division (i) of this section is guilty of a minor misdemeanor and shall be punished as provided in ORC 4513.99.

(k) Definitions: For the purpose of this section:

- (1) Milk transported in bulk by vehicle is deemed a nondivisible load.
- (2) Three (3) or fewer aluminum coils, transported by vehicle, are deemed a nondivisible load.

(ORC 4513.34)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Written permits for oversized vehicles, see ORC 4513.34~~
Penalty, see ORC 4513.99

339.33. Weighing Vehicle; Removal Of Excess Load

(a) Weighing Vehicle:

(1) 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 a compact, self-contained, portable, sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a sealed scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle or on successive axles of a highway vehicle, or a sealed scale adapted to weighing highway vehicles, loaded or unloaded. The driver of such vehicle shall, if necessary, be directed to proceed to the nearest available of such sealed scales to accomplish the weighing, provided such scales are within three (3) miles of the point where such vehicle is stopped.

(2) Portable Scales:

(A) During determination of weight by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, they shall always be used on terrain of sufficient length and width to accommodate the entire vehicle being weighed. Such terrain shall be level, or if not level, it shall be of such elevation that the difference in elevation between the wheels on any one (1) axle does not exceed two inches (2") and the difference in elevation between axles being weighed does not exceed one-fourth inch (0.25") per foot of the distance between said axles.

(B) In all determination of all weights, except gross weight, by compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all successive axles, twelve feet (12') or less apart, shall be weighed simultaneously by placing one (1) such scale under the outside wheel of each such axle.

(C) In determinations of gross weight by the use of compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all axles shall be weighed simultaneously by placing one (1) such scale under the outside wheel of each axle.

(3) Any vehicle stopped in accordance with this section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this section.

(4) All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a City, County, or State Sealer with the State standards or standards approved by the State and such scales shall not be sealed if they do not conform to the State standards or standards approved by the State.

(5) At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to insure the level positioning of vehicles during weight determinations.

(b) Removal of Excess Load: Whenever such officer upon weighing a vehicle and load determines that the weight is unlawful, he 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 weight of such vehicle to the limit permitted under Sections 339.23 to 339.30 of this Traffic Code.

(c) City Determination that Weight Limits Greater Than Reasonable Under Existing Conditions: Whenever the City determines upon the basis of an engineering and traffic investigation that the weight limits permitted under ORC 5577.01 to 5577.14, or the weight limits permitted when compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, are used on any part of a state route under its jurisdiction is greater than is reasonable under the conditions found to exist at such location, the City may, by resolution, request the Director of Transportation to determine and declare reasonable weight limits. Upon receipt of such request the Director may determine and declare reasonable weight limits at such location, and if the Director alters the weight limits set by ORC 5577.01 to 5577.14 and 4513.33, then such altered weight limits shall become effective only when appropriate signs giving notice thereof are erected at such location by the City.

The Director may withdraw his approval of any altered weight limit whenever, in his opinion, any altered weight limit becomes unreasonable, and upon such withdrawal the altered weight limit shall become ineffective, and the signs relating thereto shall be immediately removed by the City. Alteration of weight limits on state routes by the City is not effective until alteration has been approved by the Director.

~~(e)~~ (d) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4513.33)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Unlawful vehicle weight, see ORC 4513.33
Penalty, see ORC 4513.99

339.34. Statement Of Gross Vehicle Weight

(a) Prohibitions:

- (1) No person shall issue or aid in issuing any bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semitrailer, commercial tractor, or any other commercial vehicle used for the transportation of property, the gross weight of which, with load, exceeds three (3) tons, with intent to defraud by misrepresenting thereon the weight of such goods or property to be so transported.
- (2) Any driver or operator of a commercial car, trailer, or semitrailer may obtain from any person, firm, partnership, corporation, or association, including the owner, lessee, or operator of such commercial car, trailer, or semitrailer, owning and operating sealed scales in this State, a written "statement of gross vehicle weight" showing the gross weight of the vehicle including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer, or semitrailer shall retain such statement of gross vehicle weight on his person, and any law enforcement officer of this City may request that such driver or operator exhibit it to him.

If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he shall indorse it with his name and the date and place where it was exhibited to him. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law enforcement officer of this state.

- (3) No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement.

(ORC 5577.10)

- (b) Penalties: Whoever violates this section shall be fined not more than five hundred thousand dollars ~~(\$500.00)~~ (\$5,000.00) or imprisoned for not less than thirty (30) days nor more than six (6) months, or both.

(ORC 5577.99(D))

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Statement of gross vehicle weight, see ORC 5577.10

Penalty, see ORC 5577.99

CHAPTER 341. MOTOR VEHICLE LICENSING; LICENSE PLATES; CERTIFICATE OF TITLE

341.01. Display Of License Plates

- (a) Display of License Plates or Temporary License Placard:

- (1) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the ~~front and~~ rear of the motor vehicle a license plate that ~~bears~~ displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under ORC 4503.19 and 4503.191, except as follows: However, a commercial tractor shall display the license plate on the front of the commercial tractor.

~~(A) A manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a motorcycle, motorized bicycle or moped, motor-driven cycle or motor scooter, autocycle, cab enclosed motorcycle, manufactured home, mobile home, trailer or semitrailer shall display a license plate on the rear only.~~

~~(B) A motor vehicle that is issued two (2) license plates shall display the validation sticker only on the rear license plate; except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor.~~

~~(C) An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles.~~

(2) ~~All~~ The license plates plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) No person to whom a temporary license placard or windshield sticker motor vehicle license registration has been issued for the use of a motor vehicle under ORC 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, ~~or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.~~

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.

(b) Penalties:

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

(2) The offenses established under division (a) of this section are strict liability offenses and ORC 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

(ORC 4503.21)

~~(b) Parked Vehicles: A law enforcement officer shall only issue a ticket, citation or summons, or cause the arrest or commence a prosecution, for the failure to display a license plate in plain view on the front of a parked motor vehicle if the officer first determines that another offense has occurred and either places the operator or vehicle owner under arrest or issues a ticket, citation or summons to the operator or vehicle owner for the other offense.~~

~~(c) Penalties:~~

~~(1) Except as provided in division (c)(2) of this section, whoever violates this section is guilty of a minor misdemeanor.~~

~~(2) Whoever violates division (a) of this section by failing to display a license plate in plain view on the front of a motor vehicle as required under division (a) of this section while the motor vehicle is otherwise legally parked is guilty of a minor misdemeanor and may be fined not more than one hundred dollars (\$100.00). A person who is subject to the penalty prescribed in this division (c)(2) is not subject to the charging of points under ORC 4510.036.~~

~~(3) The offense established under division (a) of this section is a strict liability offense and ORC 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.~~

~~(d) Definitions: For the purposes of this section, "Plain View" shall mean the licenses plate is fastened in such a manner as to be readable in its entirety from left to right, and is not covered,~~

~~obscured or concealed by any part or accessory of the vehicle or by any foreign substance or material.~~

(ORC 4503.21)

(Ord. 2012-17. Passed 10-1-12; Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Display of license plates and validation stickers or temporary license placard or windshield sticker, see ORC 4503.21~~

341.03. Illegal Operation Of Manufacturer's Or Dealer's Motor Vehicle

(a) Prohibitions: No person shall operate or cause to be operated upon a public road, street, or highway within this City a motor vehicle of a manufacturer or dealer unless the vehicle carries and displays ~~two (2) placards~~ a placard, except as provided in Section 341.01 of this Traffic Code or ORC 4503.21, issued by the Ohio Director of Public Safety that ~~bear~~ displays the registration number of its manufacturer or dealer.

(b) Penalties: Whoever violates this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor.

(ORC 4549.10)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Operating manufacturer vehicle without placard, see ORC 4549.10~~

341.05. Expired Or Unlawful License Plates

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

(b) Tax Amount: Except as provided by ORC 4503.12 and 4503.16, the taxes payable on all applications made under ORC 4503.10 and 4503.102 shall be the sum of the tax due under ORC 4503.11(B)(1)(a) or (b) plus the tax due under ORC 4503.11(B)(2)(a) or (b):

(1) (A) If the application is made before the second month of the current registration period to which the motor vehicle is assigned as provided in ORC 4503.101, the tax due is the full amount of the tax provided in ORC 4503.04;

(B) If the application is made during or after the second month of the current registration period to which the motor vehicle is assigned as provided in ORC 4503.101, and prior to the beginning of the next such registration period, the amount of the tax provided in ORC 4503.04 shall be reduced by one-twelfth of the amount of such tax, rounded upward to the nearest cent, multiplied by the number of full months that have elapsed in the current registration period. The resulting amount shall be rounded upward to the next highest dollar and shall be the amount of tax due.

(2) (A) If the application is made before the sixth month of the current registration period to which the motor vehicle is assigned as provided in ORC 4503.101, the amount of tax due is the full amount of local motor vehicle license taxes levied under ORC Chapter 4504;

(B) If the application is made during or after the sixth month of the current registration period to which the motor vehicle is assigned as provided in ORC 4503.101 and prior to the beginning of the next such registration period, the amount of tax due is

one-half of the amount of local motor vehicle license taxes levied under ORC Chapter 4504.

- (3) The taxes payable on all applications made under ORC 4503.103(A)(3) shall be the sum of the tax due under ORC 4503.11(B)(1)(a) or (b) plus the tax due under ORC 4503.11(B)(2)(a) or (b) for the first year plus the full amount of the tax provided in ORC 4503.04 and the full amount of local motor vehicle license taxes levied under ORC Chapter 450 for each succeeding year.

~~(b)~~ (c) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4503.11)

(Ord. 2013-13. Passed 6-17-13; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Owner required to file application – taxes, see ORC 4503.11

341.061. Misuse Of Walking-Impaired Person License Plate Or Placard

- (a) False Application: No person or organization that is not eligible for the issuance of license plates or any placard under ORC 4503.44 shall willfully and falsely represent that the person or organization is so eligible.
- (b) Special License Plates: No person or organization shall display license plates issues under ORC 4503.44 unless the license plates have been issued for the vehicle on which they are displayed and are valid.
- (c) Windshield Placard: No person or organization to which a removable windshield placard or temporary removable windshield placard is issued shall do either of the following:
- (1) Display or permit the display of the placard on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for persons with disabilities that limit or impair the ability to walk; or
 - (2) Refuse to return or surrender the placard, when required;
- (d) Enforcement:
- (1) For ~~the~~ purposes of enforcing this section, every peace officer is deemed to be an agent of the Registrar. Any peace officer or any authorized employee of the Bureau of Motor Vehicles who, in the performance of duties authorized by law, becomes aware of a person whose placard or parking card has been revoked pursuant to ORC 4503.44, may confiscate that placard or parking card and return it to the Registrar. The Registrar shall prescribe any forms used by law enforcement agencies is administering this section.
 - (2) No peace ~~office~~ officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the Bureau of Motor Vehicles is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division of ORC 2935.01(B).
- (e) Penalties: Whoever violates this section is guilty of a misdemeanor of the fourth degree.
- (f) Report of Conviction: Upon a conviction of a violation of division (a), (b) or (c) of this section, the court shall report the conviction, and send the placard, if available, to the Registrar of Motor Vehicles, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placard holder at that holder's last known address as shown in the records of

the Bureau of Motor Vehicles, and the placard holder shall return the placard if not previously surrendered to the court, to the Registrar within ten (10) days following mailing of the notice.

(g) Definitions: Except as otherwise provided, as used in this section:

“Organization” means any private organization or corporation, or any governmental board, agency, department, division or office that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by persons with disabilities. This definition does not apply to division (c) of this section.

“Person with a Disability that Limits or Impairs the Ability to Walk” means any person who, as determined by a health care provider, meets any of the following criteria:

- (1) Cannot walk two hundred feet (200') without a rest;
- (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
- (3) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one (1) second, when measured by spirometry, is less than one liter (1L) or the arterial oxygen tension is less than sixty millimeters (60 ml) of mercury on room air at rest;
- (4) Uses portable oxygen;
- (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or IV according to the standards set by the American Heart Association;
- (6) Is severely limited in the ability to walk due to an arthritic, neurological or orthopedic condition; or
- (7) Is blind, legally blind or severely visually impaired.

(ORC 4503.44)

(Ord. 2013-20. Passed 12-2-13; Ord. 2014-13. Passed 12-1-14.)

Statutory reference:

~~Windshield placards, license plates and parking cards for walking impaired persons—registration of altered vehicles, see ORC 4503.44~~

341.07. Temporary License Placard

(a) Use of Temporary License Placard: ~~Temporary license placards or windshield stickers shall only be used to allow the purchaser of a new motor vehicle to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall not be displayed on any other vehicle. A purchaser of a motor vehicle, upon application and proof of purchase of the vehicle, may be issued a temporary motor vehicle license registration for the motor vehicle.~~

The purchaser of a motor vehicle that was previously issued a license plate during the current registration year that can legally transfer the license plate to that motor vehicle shall not be issued a temporary motor vehicle license registration.

A temporary motor vehicle license registration shall be issued only for the applicant's use of the motor vehicle to enable the applicant to legally operate the motor vehicle while proper title, license plates, and a certificate of registration are being obtained, and shall be displayed on no other motor vehicle.

A temporary motor vehicle license registration issued under division (A) of this section is valid for a period of forty-five (45) days from date of issuance and is not transferable or renewable.

The fee for a temporary motor vehicle license registration issued under this section is two dollars (\$2.00) plus a service fee equal to the amount established under ORC 4503.038.

(b) Penalties: Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(ORC 4503.182)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Temporary license placard or windshield sticker, see ORC 4503.182~~

341.08. Display Of Placards Issued To Manufacturers Or Dealers

(a) Display of Placards on Noncommercial Vehicles:

- (1) Any placards issued by the Registrar of Motor Vehicles and bearing the distinctive number assigned to a manufacturer, dealer, or distributor pursuant to ORC 4503.27 may be displayed on any motor vehicle, other than commercial cars, or on any motorized bicycle owned by the manufacturer, dealer, or distributor, or lawfully in the possession or control of the manufacturer, or the agent or employee of the manufacturer, the dealer, or the agent or employee of the dealer, the distributor, or the agent or employee of the distributor, and shall be displayed on no other motor vehicle or motorized bicycle. A placard may be displayed on a motor vehicle, other than a commercial car, owned by a dealer when the vehicle is in transit from a dealer to a purchaser, when the vehicle is being demonstrated for sale or lease, or when the vehicle otherwise is being utilized by the dealer. A vehicle bearing a placard issued to a dealer under ORC 4503.27 may be operated by the dealer, an agent or employee of the dealer, a prospective purchaser, or a third party operating the vehicle with the permission of the dealer.
- (2) Such placards may be displayed on commercial cars only when the cars are in transit from a manufacturer to a dealer, from a distributor to a dealer or distributor, or from a dealer to a purchaser, or when the cars are being demonstrated for sale or lease, and shall not be displayed when the cars are being used for delivery, hauling, transporting, or other commercial purpose.

(b) Display of Placard on Commercial Vehicles:

- (1) Commercial car demonstration placards, as defined by ORC 4503.301, may be displayed on commercial cars, commercial tractors, trailers and semitrailers owned by the manufacturer, dealer, or distributor, when those vehicles are operated by or being demonstrated to a prospective purchaser. In addition to the purposes permitted by division (a) of this section, the placards provided for in this division may be displayed on vehicles operated or used for delivery, hauling, transporting, or any other lawful purpose. When such placards are used, the placards provided for in division (a) of this section need not be displayed.
- (2) The operator of any commercial car, commercial tractor, trailer, or semitrailer displaying the placards provided for in this section, at all times, shall carry with the operator a letter from the manufacturer, dealer, or distributor authorizing the use of such manufacturer's, dealer's, or distributor's commercial car demonstration placards.

When such placards are used on any commercial car or commercial tractor, such power unit shall be considered duly registered and licensed for the purposes of ORC 4503.38.

- (3) No manufacturer, dealer, or distributor of motor vehicles shall use the commercial car demonstration placard for purposes other than those authorized by this section.

- (c) Penalties: Whoever violates division (a) or division (b)(3) of this section is guilty of a misdemeanor of the third degree.

(ORC 4503.30; ORC 4503.301)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Display of placards issued to manufacturers, dealers or distributors, see ORC 4503.30~~

~~Commercial car demonstration placards, see ORC 4503.301~~

341.11. Removal Of Plates Upon Transfer Of Ownership And Registration

- (a) Duty to Remove License Plates: Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except ~~when~~ that:

- (1) ~~The ownership of the vehicle has been transferred due to if a statutory merger or consolidation, or due to the incorporation of a proprietorship or partnership, the registration shall be continued upon the filing by the surviving or new corporation, and an amended certificate of registration has been issued within thirty (30) days of such transfer. 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 if the incorporation of a proprietorship or partnership results 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 thirty (30) days of such transfer, of an application for an amended 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) ~~The ownership of the vehicle has been transferred upon the death of the owner to the surviving spouse of the owner or the joint owner, if the motor vehicle was owned by two (2) persons under joint ownership with right of survivorship established under ORC 2131.12, and one (1) of those persons dies, and an amended certificate of registration has been issued. If the death of the owner of a motor vehicle results in the transfer of ownership of the motor vehicle to the surviving spouse of the owner or if a motor vehicle is owned by two persons under joint ownership with right of survivorship established under ORC 2131.12 and one of those persons dies, the registration shall be continued upon the filing by the survivor of an application for an amended certificate of registration. In relation to a motor vehicle that is owned by two persons under joint ownership with right of survivorship established under ORC 2131.12, the application shall be accompanied by a copy of the certificate of title that specifies that the vehicle is owned under joint ownership with right of survivorship. Upon a proper filing, the Registrar shall issue an amended certificate of registration in the name of the survivor.~~
- (3) ~~The ownership of the vehicle has been transferred upon the death of the owner to a transfer-on-death beneficiary or beneficiaries designated under ORC 2131.13, and an amended certificate of registration has been issued. If the death of the owner of a motor vehicle results in the transfer of ownership of the motor vehicle to a transfer-on-death beneficiary or beneficiaries designated under ORC 2131.13, the registration shall be continued upon the filing by the transfer-on-death beneficiary or beneficiaries of an application for an amended certificate of registration. The application shall be accompanied by a copy of the certificate of title that specifies that the owner of the motor vehicle has designated the motor vehicle in beneficiary form under ORC 2131.13. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the transfer-on-death beneficiary or beneficiaries.~~

- (4) ~~The registration and, where applicable, the license plates of a motor vehicle that has been transferred are displayed on another motor vehicle purchased by the same owner in whose name the original registration and license plates were issued. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty (30) days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the public roads and highways in this City. As to passenger cars, noncommercial vehicles, motor homes, and motorcycles, transfers within or between these classes of motor vehicles only are allowed. If the succeeding motor vehicle is of a different class than the motor vehicle for which the registration originally was issued, the owner must surrender the original license plates and have new license plates issued. 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, the owner may file an application for transfer of the registration and, where applicable, the license plates. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty (30)-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the public roads and highways in this state.~~

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 ORC 4503.11(B)(1)(a) and (b) shall apply. As to passenger cars, noncommercial vehicles, motor homes, 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 license plates also shall be issued upon the surrender of the license plates originally issued and payment of the fees provided in ORC 4503.10(C) and (D).

- (5) ~~The owner of a commercial car, having a gross vehicle weight or combined gross vehicle weight of more than ten thousand pounds (10,000 lbs.), has transferred the registration of that commercial car to another commercial car the owner owns without transferring ownership of the first commercial car. At any time during the remainder of the registration period for which the first commercial car was registered, the owner may file an application for the transfer of the registration and, where applicable, the license plates, accompanied by the certificate of registration of the first commercial car. No commercial car to which a registration is transferred under this division shall be operated on a public road or highway in this City until after the transfer of registration is completed in accordance ORC 4503.12(A)(5).~~ The owner of a commercial car having a gross vehicle weight or combined gross vehicle weight of more than ten thousand pounds may transfer the registration of that commercial car to another commercial car the owner owns without transferring ownership of the first commercial car. At any time during the remainder of the registration period for which the first commercial car was registered, the owner may file an application for the transfer of the registration and, where applicable, the license plates, accompanied by the certificate of registration of the first commercial car. The amount of any tax due or

credit to be allowed for a transfer of registration under this division shall be computed in accordance with ORC 4503.12(A)(4).

No commercial car to which a registration is transferred under this division shall be operated on a public road or highway in this state until after the transfer of registration is completed in accordance with this division.

- (6) ~~The person who owns or leases a motor vehicle has transferred the special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse, and a new certificate of registration for that motor vehicle has been issued. Upon application to the registrar or a deputy registrar, a person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.~~
A person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.
- (7) ~~The ownership of the vehicle has been transferred by a corporation to an affiliated corporation, and amended certificate of registration has been issued. If a corporation transfers the ownership of a motor vehicle to an affiliated corporation, the affiliated corporation may apply to the registrar for the transfer of the registration and any license plates. The registrar may require the applicant to submit documentation of the corporate relationship and shall determine whether the application for registration transfer is made in good faith and not for the purposes of circumventing the provisions of this chapter. Upon a proper filing, the Registrar shall issue an amended certificate of registration in the name of the new owner.~~
If a corporation transfers the ownership of a motor vehicle to an affiliated corporation, the affiliated corporation may apply to the registrar for the transfer of the registration and any license plates. The registrar may require the applicant to submit documentation of the corporate relationship and shall determine whether the application for registration transfer is made in good faith and not for the purposes of circumventing the provisions of this chapter. Upon a proper filing, the Registrar shall issue an amended certificate of registration in the name of the new owner.

(b) Application Requirements. An application under division (a) of this section shall be accompanied by a service fee equal to the amount established under ORC 4503.038, a transfer fee of one dollar, and the original certificate of registration, if applicable.

(c) Prohibitions. Neither the Registrar nor a deputy registrar shall transfer a registration under division (a) of this section if the registration is prohibited by ORC 2935.27(D), ORC 2937.221(A), ORC 4503.13(A), ORC 4503.234(D), ORC 4510.22(B), ORC 4521.10(B)(1), or ORC 5537.041(B).

~~(b)~~ (d) Penalties: Whoever violates division (a) this section is guilty of a misdemeanor of the fourth degree.

~~(e)~~ (e) Definitions:

"Motor Vehicle" as defined in ORC 4505.01 applies to this section.

(1) As used in division (a)(6) of this section, "Special License Plates" means either of the following:

(A) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in ORC 4503.04, ORC Chapter 4504, and the service fee prescribed in ORC 4503.10(D) or (G);
or

(B) License plates issued under ORC 4503.44.

(ORC 4503.12)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Transfer of ownership and registration, see ORC 4503.12~~

341.13. Certificate Of Title Offenses

(a) Offenses: No person shall do any of the following:

- (1) Procure or attempt to procure a certificate of title or a salvage certificate of title ~~or assignment form as prescribed by the registrar of motor vehicles for~~ a motor vehicle, or pass or attempt to pass a certificate of title, a salvage certificate of title, an assignment form, or any assignment of a certificate of title or salvage certificate of title ~~or assignment form~~ to a motor vehicle, or in any other manner gain or attempt to gain ownership to a motor vehicle, knowing or having reason to believe that the motor vehicle or any part of the motor vehicle has been acquired through commission of a theft offense as defined in ORC 2913.01;
- (2) Purport to sell or transfer a motor vehicle without delivering to the purchaser or transferee of it a certificate of title, a salvage certificate of title, an assignment form, or a manufacturer's or importer's certificate to it, assigned to the purchaser as provided for in ORC Chapter 4505, except as otherwise provided in ORC Chapter 4505;
- (3) With intent to defraud, possess, sell, offer to sell, counterfeit, or supply a blank, forged, fictitious, counterfeit, stolen, or fraudulently or unlawfully obtained certificate of title, registration, bill of sale, or other instruments of ownership of a motor vehicle, or conspire to do any of the foregoing;
- (4) Knowingly obtain goods, services, credit, or money by means of an invalid, fictitious, forged, counterfeit, stolen, or unlawfully obtained original or duplicate certificate of title, registration, bill of sale, or other instrument of ownership of a motor vehicle; or
- (5) Knowingly obtain goods, services, credit, or money by means of a certificate of title to a motor vehicle, which is required to be surrendered to the registrar of motor vehicles or the clerk of the court of common pleas as provided in ORC Chapter 4505.

(b) Penalties: Whoever violates this section shall be fined not more than five thousand dollars (\$5,000) or imprisoned in the county jail ~~or workhouse~~ not less than six (6) months nor more than one (1) year, or both, or in a State correctional institution not less than one (1) year nor more than five (5) years.

(ORC 4505.19)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Prohibited acts involving certificates of title, see ORC 4505.19~~

341.15. Salvage Certificate Of Title Prohibitions

(a) Prohibitions:

- (1) No person shall operate upon the streets or highways within this City a motor vehicle, title to which is evidenced by a salvage certificate of title, except to deliver the motor vehicle pursuant to an appointment for an inspection under ~~ORC 4505.11(E)~~ ORC 4505.11(F).
- (2) No motor vehicle the certificate of title or assignment form to which has been marked "FOR DESTRUCTION" and surrendered to a clerk of a court of common pleas shall be used for anything except parts and scrap metal.

(b) Penalties:

- (1) Whoever violates division (a)(1) of this section shall be fined not more than two ~~hundred thousand~~ ~~dollars (\$200.00)~~ dollars (\$2,000.00), imprisoned not more than one (1) year, or both.
- (2) Whoever violates division (a)(2) of this section shall be fined not more than one thousand dollars (\$1,000), imprisoned not more than six (6) months, or both.

(ORC 4505.11)

(Ord. 2013-20. Passed 12-2-13.)

Statutory reference:

~~Surrender and cancellation of certificate of title—issuance of salvage or rebuilt salvage certificate of title, see ORC 4505.11~~

TITLE SEVEN. PARKING

CHAPTER 351. PARKING ON PUBLIC OR PRIVATE PROPERTY; PARKING FACILITIES

351.01. Prohibitions Against Parking On Traveled Portion Of Street Or Highway

- (a) Prohibitions: Upon any street or highway outside a business or ~~residential~~ 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 the 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 two hundred feet (200') in each direction upon such street or highway.
- (b) Exceptions: 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.
- (c) Removal of Obstructing Vehicle: Whenever any police officer finds a vehicle unattended upon any street or 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.
- (d) Penalties: Except as otherwise provided in this division, whoever violates division (a) this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Prohibition against parking on highways, see ORC 4511.66
Police may remove illegally parked vehicle, see ORC 4511.67

351.02. Requirements When Leaving Vehicle Unattended

- (a) Requirements: No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the street or highway.

- (b) Exceptions: The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle do not apply to any of the following:
- (1) A motor vehicle that is parked on residential property;
 - (2) A motor vehicle that is locked, regardless of where it is parked;
 - (3) On emergency vehicle; or
 - (4) A public safety vehicle.
- ~~(c) Removal of Illegally Parked Vehicle: Whenever any police officer finds a vehicle standing upon a street or highway in violation of this section, such 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.~~
- ~~(d) (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.~~

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

Unattended motor vehicles, see ORC 4511.661

Police may remove illegally parked vehicle, see ORC 4511.67

351.03. Parking Prohibitions On Streets And Right-Of-Ways

- (a) Prohibitions: 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 ORC 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37, or while obeying the directions of a police officer or a ~~traffic control~~ traffic control device, in any of the following places:
- (1) On a sidewalk, except as provided in division (b) of this section;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within ten feet (10') of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within twenty feet (20') of a crosswalk at an intersection;
 - (7) Within thirty feet (30') of, and upon the approach to, any flashing beacon, stop sign, or ~~traffic control~~ traffic control device;
 - (8) Between a safety zone and the adjacent curb or within thirty feet (30') of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a ~~traffic control~~ traffic control device;
 - (9) Within fifty feet (50') of the nearest rail of a railroad crossing;

- (10) Within twenty feet (20') of a driveway entrance to any fire station, and on the side of the street opposite the entrance to any fire station, within seventy-five feet (75') of the entrance when it is properly posted with signs;
 - (11) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
 - (12) Alongside any vehicle stopped or parked at the edge or curb of a street or highway;
 - (13) Upon any bridge or other elevated structure upon a street or highway, or within a street or highway tunnel;
 - (14) At any place where signs prohibit stopping;
 - (15) Within one foot (1') of another parked vehicle;
 - (16) On the roadway portion of a freeway, expressway, or thruway; and/or
 - (17) On a curb or street lawn area.
- (b) Exceptions: A person ~~shall be~~ is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than one hundred and fifty (150) cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle; provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric ~~or~~ bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of Section 311.04 of this Traffic Code or ORC 4511.711.
- (c) Penalties: Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.68)

(Ord. 2012-17. Passed 10-1-12; Ord. 2014-06. Passed 7-7-14; Ord. 2014-13. Passed 12-1-14.)

Statutory reference:

Parking prohibited acts, see ORC 4511.68

351.05. Manner Of Angle Parking

- (a) Angle Parking: Upon streets where angle parking is permitted, no person shall stop, stand, or park a vehicle other than at the angle to the curb or edge of roadway as indicated by appropriate signs or markings.
- (b) Penalties: Whoever violates this section is guilty of a minor misdemeanor.

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Angle parking, see ORC 4511.69(A)

351.07. Parking Of Certain Vehicles Prohibited

- (a) Prohibitions: No person shall park any commercial tractor, semitrailer, trailer, agricultural tractor, travel trailer, motor home, bus, or truck designed by the manufacturer to carry a load

of more than three-quarters of a ton (1,500 lbs.) on any street except for loading or unloading, or in cases of emergencies.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (c) Definitions: As used herein, "Travel Trailer" and "Motor Home" have the same meaning as defined in ORC 4501.01.

(Ord. 1986-35. Passed 12-15-86; Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Local parking regulations, see ORC 4511.07(A)(1)

351.12. Parking For Disabled Persons

- (a) Handicapped Parking Spaces: Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by the City 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~~ 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 ORC 3781.111(C) shall be mounted on a fixed or movable post, and the distance from the ground to the bottom edge of the sign shall measure not less than five feet (5'). If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.
- (b) Prohibitions:
- (1) (A) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (a) of this section or at special ~~clearly marked~~ 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:
- (i) 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; or
- (ii) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (B) Any motor vehicle that is parked in a special marked parking location in violation of division (b)(1)A.(i) or (ii) of this section may be towed or otherwise removed from the parking location by the City's Division of Police. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the City or the place of storage for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays

all towing and storage fees normally imposed by the City or the place of storage for towing and storing motor vehicles.

- (C) If a person is charged with a violation of division (b)(1)A.(i) or (ii) of this section, 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 (1) of the criteria contained in ORC 4503.44(A)(1).
- (2) No person shall stop, stand or park any motor vehicle in a area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to a special parking location provided under division (a) of this section or at a special clearly marked parking location provided in or on a privately-owned parking lot, parking garage, or other parking area and designated in accordance with division (a) of this section.
- (c) Handicapped Parking in Excess of Posted Time Limits: When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two (2) hours in excess of the legal parking period permitted, except where otherwise prohibited by this Traffic Code or where the vehicle is parked in such a manner as to be clearly a traffic hazard.
- (d) Designated Parking Spaces: No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (a) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.
- (e) Placards or License Plates Issued under Prior Law: Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.
- (f) Penalties:
- (1) Whoever violates division (b)(1)A.(i) or (ii) of this section is guilty of a misdemeanor and shall be punished as follows:
- (A) Except as otherwise provided in division (f)(1)A. an offender who violates division (b)(1)A.(i) or (ii) of this section shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). An offender who violates division (b) (1)A.(i) or (ii) of this section shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:
- (i) At the time of the violation of division (b)(1)A.(i) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (b)(1)A.(i) of this section.
- (ii) At the time of the violation of division (b)(1)A.(ii) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in division (b)(1)A.(ii) of this section.

- (B) In no case shall an offender who violates division (b)(1)A.(i) or (ii) of this section be sentenced to any term of imprisonment.
- (C) An arrest or conviction for a violation of division (b)(1)A.(i) or (ii) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(2) Whoever violates division (b)(2) of this section shall be punished as follows:

- (A) An offender who violates division (b)(2) of this section shall be fined not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).
- (B) In no case shall an offender who violates division (b)(2) of this section be sentenced to any term of imprisonment.
- (C) An arrest or conviction for a violation of division (b)(2) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(3) Whoever violates division (d) of this section shall be punished as follows:

- (A) Except as otherwise provided in division (f)(3)B. of this section, the offender shall be issued a warning.
- (B) If the offender previously has been convicted of or pled guilty to a violation of division (d) of this section or ~~of a State law ORC 4511.69(H)~~ or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.

(4) The clerk of the court shall pay every fine collected under divisions (f)(1) and (2) of this section to the City of Franklin. Except as otherwise provided herein, the City shall use the fine moneys it receives under divisions (f)(1) and (2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (a) of this section. The City may use up to fifty percent (50%) of each fine it receives under divisions (f)(1) and (2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the City that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(g) Definitions: As used in this section:

“Handicapped Person” means any person who has lost the use of one (1) or both legs or one (1) or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

“Person with a Disability that Limits or Impairs the Ability to Walk” has the same meaning as in ORC 4503.44.

“Special License Plates” and “Removable Windshield Placard” mean any license plates or removable windshield placard or temporary removable windshield placard issued under ORC 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

(ORC 4511.69)

(Ord. 2013-20. Passed 12-2-13; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Parking requirements, see ORC 4511.69

351.14. Prohibitions Applicable To Off-Street Parking Facilities

(a) Prohibitions:

- (1) No person shall stop, park, or leave standing any vehicle, whether attended or unattended, within a marked fire lane in any off-street parking facility.
- (2) No person, while in or upon an off-street parking facility, shall race the motor of any vehicle, needlessly bring to a sudden start or stop any vehicle, needlessly blow the horn of any vehicle, engage in racing with another vehicle, or engage in any other behavior so as to create a nuisance or disturbance that would annoy or endanger any persons, property or other vehicles in or upon the facility.
- (3) No person shall consume any alcoholic beverage in or upon any off-street parking facility.
- (4) No person, alone or in concert with others, shall assemble or congregate in or upon any off-street parking facility for the purpose of lingering or loitering.

(b) Penalties:

- (1) Whoever violates divisions (a)(1) or (a)(2) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates divisions (a)(3) or (a)(4) of this section is guilty of a misdemeanor of the third degree.

(c) Definitions: As used in this section:

"Off-Street Parking Facility" means any off-street parking facility for vehicles including, but not limited to, parking lots, parking garages or any other place where vehicles may be parked, stored, housed or kept.

"Vehicle" shall be defined as in ORC 4501.01(A).

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Off-street parking facilities, see ORC 717.05

CHAPTER 353. PRIVATE TOW-AWAY ZONES; ABANDONMENT OF UNCLAIMED VEHICLES; RECLAMATION; DISPOSAL

353.02. Private Tow-Away Zones

- (a) Establishing Private Tow-Away Zones: The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

- (1) The owner of the private property posts on the property a sign, that is at least eighteen inches by twenty-four inches (18" x 24") in size, that is visible from all entrances to the property, and that includes all of the following information:
 - (A) A statement that the property is a tow-away zone;
 - (B) A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone;
 - (C) If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;
 - (D) The telephone number and the address of the place from which a towed vehicle it may be recovered at any time during the day or night; and
 - (E) A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle, as provided in ORC 4505.101(B).
 - (F) In order to comply with the requirements of division (a)(1) of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.
- (2) A towing service ensures that a vehicle towed under this section is taken to a location from which it may be recovered that complies with all of the following:
 - (A) It is located within twenty-five (25) linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within twenty-five (25) linear miles;
 - (B) It is well-lighted; and
 - (C) It is on or within a reasonable distance of a regularly scheduled route of one or more ~~mode~~ modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(b) Removal of Vehicle from Tow-Away Zone:

- (1) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (a) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this section. The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed, as provided in ORC 4505.101. The owner or lienholder of a vehicle that has been removed under this section, subject to division (c) of this section, may recover a vehicle in accordance with division (g) of this section.
- (2) If the City requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the City shall cause the removal and storage of any vehicle

pursuant to division (b) of this section by an unlicensed tow truck or unlicensed tow truck operator.

- (3) No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.
- (c) Reclamation While Vehicle is being Prepared for Removal: If the owner or operator of a vehicle that is being removed under authority of division (b) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half (1/2) of the fee for the removal of the vehicle established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25, in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.
- (d) Duties of Towing Service:
- (1) Prior to towing a vehicle under division (b) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (a) of this section. The towing service shall record the time and date of the photographs taken under this section. The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least thirty (30) days after the date on which the vehicle is recovered by the owner or lienholder or at least two (2) years after the date on which the vehicle was towed, whichever is earlier.
 - (2) A towing service shall deliver a vehicle towed under division (b) of this section to the location from which it may be recovered not more than two (2) hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster or other event that is not within the power of the towing service.
- (e) Notice to Police Division; Record of Vehicles:
- (1) If an owner of a private property that is established as a private tow-away zone in accordance with division (a) of this section causes the removal of a vehicle from that property by a towing service under division (b) of this section, the towing service, within two (2) hours of removing the vehicle, shall provide notice to the City's Police Division, if the private property is located within the City, concerning all of the following:
 - (A) The vehicle's license number, make, model and color;
 - (B) The location from which the vehicle was removed;
 - (C) The date and time the vehicle was removed;
 - (D) The telephone number of the person from whom the vehicle may be recovered; and
 - (E) The address of the place from which the vehicle may be recovered.

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

(f) Notice to Owner and Lienholder by Towing Service or Storage Facility:

- (1) When a vehicle is removed from private property in accordance with this section, within three (3) business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of ~~the records of the Ohio Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of the motor vehicle. Subject to division (f)(4) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholders as follows. either~~ of the following to ascertain the identity of the owner and any lienholder of the vehicle:

(A) The records of the Registrar of Motor Vehicles;

(B) The records of any vendor or vendors, approved by the Registrar of Motor Vehicles, that are capable of providing real-time access to owner and lienholder information.

The towing service or storage facility may search the national motor vehicle title information system in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.

- (2) Subject to division (f)(5) of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

(A) Within five (5) business days after the ~~Ohio Registrar of Motor Vehicles~~ applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a return receipt;

(B) If the vehicle remains unclaimed thirty (30) days after the first notice is sent, in the manner required under division ~~(f)(1)A.~~ (f)(2)A. of this section;

~~(C) If the vehicle remains unclaimed forty-five (45) days after the first notice is sent, in the manner required under division (f)(1)A. of this section.~~

- ~~(2)~~ (3) Sixty (60) days after any notice sent pursuant to division ~~(f)(4)~~ (f)(2) of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under ORC 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in ORC 4505.101(B).

- ~~(3)~~ (4) A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under ORC 4505.101(B).

- ~~(4)~~ (5) With respect to a vehicle concerning which a towing service or a storage facility is not eligible to obtain title under ORC 4505.101, the towing service or storage facility need only comply with the initial notice required under division ~~(f)(1)A.~~ (f)(2)A. of this section.

(g) Reclamation of Vehicle from Storage:

- (1) The owner or lienholder of a vehicle that is removed under division (b) of this section may reclaim it upon both of the following:
 - (A) Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;
 - (B) Payment of the following fees:
 - (i) All applicable fees established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice send under division ~~(f)(4)A.~~ (f)(2)A. of this section;
 - (ii) If notice has been sent to the owner and lienholder as described in division (f) of this section, a processing fee of twenty-five dollars (\$25).
- (2) A towing service or storage facility in possession of a vehicle that is removed under authority of division (b) of this section shall show the vehicle owner, operator, or lienholder who contest the removal of the vehicle all photographs taken under division (d) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.
- (3) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under section 353.04 of this Traffic Code or ORC 4513.611.
- (4) Upon presentation of proof of ownership, which may be evidence by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (b) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For the purposes of division (g)(4) of this section, "personal items" do not include any items that are attached to the vehicle.
- (h) Duty of Towing Service: No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this section or store such a vehicle other than in accordance with this section, or otherwise fail to comply with any applicable requirement of this section.
- (i) Limitations: This section does not affect or limit the operation of Section 353.01 or 353.03 to 353.08 of this Traffic Code as they relate to property other than private property that is established as a private tow-away zone under division (a) of this section.
- (j) Penalties: Whoever violates division (h) of this section is guilty of a minor misdemeanor.
- (k) Definitions: As used in this section, "Owner of a Private Property" or "Owner of the Private Property" includes, with respect to a private property, any of the following:
 - (1) Any person who holds title to the property;
 - (2) Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;
 - (3) A person who is authorized to manage the property;

- (4) A duly authorized agent of any person listed in divisions (k)(1) to (k)(3) of this section.

(ORC 4513.601)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference:

~~Vehicle left on private residential or private agricultural property without the permission of person having right to possession of property, see ORC 4513.60
Private Tow-away Zones, see ORC 4513.601~~

Editor's note:

See Section 351.13 of this Traffic Code regarding parking on private property violations

353.03. Impounding Motor Vehicle Left On Public Property; Reclamation; Disposal

- (a) Impoundment: The City's Chief of Police, or a state highway patrol trooper upon notification to the Chief of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in Section 353.08 of this Traffic Code, that:
- (1) Has come into the possession of the Chief or state highway patrol trooper as a result of the performance of the Chief's or trooper's duties; or
 - (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic, it may be ordered into storage immediately unless either of the following applies:
 - (A) The vehicle was involved in an accident and is subject to Section 335.23 of this Traffic Code; or
 - (B) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Chief of Police or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Chief of Police or state highway patrol trooper. If the Chief of Police or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Chief of Police or state highway patrol trooper shall order the removal of the vehicle.
 - (3) Subject to division (c) of this section, the Chief shall designate the place of storage of any motor vehicle so ordered removed.
- (b) Delivery to Place of Storage: If the Chief of Police or state highway patrol trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Chief of Police not more than two (2) hours after the time it is removed.
- (c) Notice to Vehicle Owner:
- (1) The Chief of Police shall cause a search to be made of the records of the Ohio Bureau of Motor Vehicles to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Chief or by a state highway patrol trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any

form of delivery requiring a signed receipt, notice that informs the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of ~~mailing~~ sending of the notice.

- (2) The owner or lienholder of the motor vehicle may reclaim the motor vehicle it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Ohio Public Utilities Commission in rules adopted under ORC 4921.25 if the owner retrieves the personal items after hours, unless the towing services or storage facility fails to provide the notice required under ORC 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:
- (A) Retrieve any personal item that has been determined by the Chief of Police or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation.
- (B) Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

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

- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the records of the Bureau has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the owner of the place of storage or the owner's employee, the owner or lienholder shall pay to the place of storage a processing fee of twenty-five dollars (\$25), in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(d) Disposal of Vehicle When Unclaimed:

- (1) If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of mailing of the notice, and if the vehicle is to be disposed of at public auction, as provided in Section 353.05 of this Traffic Code and ORC 4513.62, the Chief of Police shall proceed in accordance with ORC 4513.61(D), as follows: The Chief of Police, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located, an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in ORC 4513.62, the Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Chief of Police shall retain the original of the affidavit for the Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within thirty days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.
- (2) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.

- (e) Duties of Towing Service or Storage Facility: No towing service or storage facility shall fail to comply with this section.

(ORC 4513.61)

(Ord. 2017-23. Passed 8-21-17.)

~~**Statutory reference:** Storing vehicles in possession of law enforcement officers or left on public property, see ORC 4513.61~~

353.05. Disposition Of Unclaimed Motor Vehicles In Storage

~~Unclaimed motor vehicles~~ An unclaimed motor vehicle ordered into storage pursuant to Sections 353.01 or 353.03 of this Traffic Code or ORC 4513.60(A)(1) or ORC 4513.61 is subject to one of the following:

- (a) ~~shall be disposed of at the order of the~~ The City's Chief of Police may dispose of it with ~~to~~ a motor vehicle salvage dealer or scrap metal processing facility, as defined in ORC 4737.05, or ~~to~~ with any other facility owned by or under contract with the City for the disposal of such motor vehicles.
- (b) ~~, or shall be sold by the~~ The Chief of Police or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by advertisement, published once a week for two (2) successive weeks, in a newspaper of general circulation in the county or as provided in ORC 7.16.
- (c) A towing service or storage facility may obtain title to the motor vehicle in accordance with ORC 4505.104.

Any moneys accruing ~~from the disposition of an unclaimed motor vehicle~~ pursuant to division (a) or (b) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the City's general fund.

(ORC 4513.62)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Disposal of unclaimed vehicles ordered into storage, see ORC 4513.62~~

353.06. Junk Motor Vehicles; Order To Cover Or Remove

- (a) Junk Motor Vehicle Defined: For purposes of this section, "junk motor vehicle" means any motor vehicle meeting the requirements of divisions (a)(2), (a)(3), (a) (4), and (a)(5) of Section 353.08 of this Traffic Code that is left uncovered in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12, or regulated under authority of the City; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation; or if the motor vehicle is a collector's vehicle.
- (b) Unlicensed Collector's Vehicles: The City shall not prevent a person from storing or keeping, or restrict a person in the method of storing or keeping, any collector's vehicle on private property with the permission of the person having the right to the possession of the property; except that the City may require a person having such permission to conceal, by means of buildings, fences, vegetation, terrain, or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

- (c) Order to Conceal or Remove: The City's Chief of Police, the City Council, or the City's Zoning Official may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.
- (d) Prohibitions: No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each day subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense.
- (e) Penalties:
- (1) Whoever violates division (d) of this section is guilty of a minor misdemeanor ~~on the first offense, and the Court shall impose a mandatory fine of not less than fifty dollars (\$50.00).~~
 - (2) ~~If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to a violation of this section, the offender shall be guilty of a misdemeanor of the fourth degree on the first offense and the Court shall impose a mandatory fine of not less than one hundred twenty five dollars (\$125.00), in addition to any other penalties provided by law.~~
 - (3) ~~If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to two (2) violations of this section, the offender shall be guilty of a misdemeanor of the third degree and the Court shall impose a mandatory fine of not less than two hundred fifty dollars (\$250.00), in addition to any other penalties provided by law.~~
 - (4) ~~If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to three (3) violations of this section, the offender shall be guilty of a misdemeanor of the second degree and the Court shall impose a mandatory fine of not less than three hundred seventy five dollars (\$375.00), in addition to any other penalties provided by law.~~
 - (5) ~~If, within two (2) years of the offense, the offender has previously been convicted or pled guilty to four (4) or more violations of this section, the offender shall be guilty of a misdemeanor of the first degree and the Court shall impose a mandatory fine of not less than five hundred dollars (\$500.00), in addition to any other penalties provided by law.~~
 - (6) ~~In addition, the offender may be assessed any costs incurred by the City in removing and/or in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the City from the disposal of the vehicle.~~

(ORC 4513.65)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

Willfully leaving junk motor vehicle, see ORC 4513.65

353.07. Prohibitions Against Abandonment Of Motor Vehicle Or Junk Motor Vehicle

(a) Prohibitions against Abandonment of Motor Vehicle:

- (1) ~~No person shall willfully leave a motor vehicle on private property within this City for more than forty eight (48) hours without the permission of the person having the right to the possession of the property;~~

~~(2) No person shall willfully leave a motor vehicle on a public street or other property open to the public for purposes of vehicular travel or parking within this City, or upon or within the right-of-way of any road or highway, for twenty-four (24) hours or longer without notification to the City's Chief of Police of the reasons for leaving the motor vehicle in such place.~~

~~(3) 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.~~

~~(b)~~ (a) Prohibitions against Abandonment of Junk Motor Vehicle:

(1) No person shall willfully leave an abandoned junk motor vehicle, as defined in Section 353.08 of this Traffic Code, on private property within this City for more than ~~twenty-four (24)~~ seventy-two (72) hours without the permission of the person having the right to the possession of the property;

(2) No person shall willfully leave an abandoned junk motor vehicle, as defined in Section 353.08 of this Traffic Code, on a public street or other property open to the public for purposes of vehicular travel or parking within this City, or upon or within the right-of-way of any road or highway, for ~~twelve (12)~~ forty-eight (48) hours or longer without notification to the City's Chief of Police of the reasons for leaving the motor vehicle in such place.

(3) 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.

~~(c)~~ (b) Penalties:

(1) Whoever violates divisions (a) or (b) of this section is guilty of a minor misdemeanor ~~on the first offense, and the Court shall impose a mandatory fine of not less than fifty dollars (\$50.00).~~

~~(2) If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to a violation of this section, the offender shall be guilty of a misdemeanor of the fourth degree on the first offense and the Court shall impose a mandatory fine of not less than one hundred twenty-five dollars (\$125.00), in addition to any other penalties provided by law.~~

~~(3) If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to two (2) violations of this section, the offender shall be guilty of a misdemeanor of the third degree and the Court shall impose a mandatory fine of not less than two hundred fifty dollars (\$250.00), in addition to any other penalties provided by law.~~

~~(4) If, within two (2) years of the offense, the offender has previously been convicted of or pled guilty to three (3) violations of this section, the offender shall be guilty of a misdemeanor of the second degree and the Court shall impose a mandatory fine of not less than three hundred seventy-five dollars (\$375.00), in addition to any other penalties provided by law.~~

~~(5) If, within two (2) years of the offense, the offender has previously been convicted or pled guilty to four (4) or more violations of this section, the offender shall be guilty of a misdemeanor of the first degree and the Court shall impose a mandatory fine of not less than five hundred dollars (\$500.00), in addition to any other penalties provided by law.~~

~~(6)~~ (2) In addition, the offender may be assessed any costs incurred by the City in removing and/or in disposing of the abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the City from the disposal of the vehicle.

(ORC 4503.64)

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

Statutory reference:

~~Willfully leaving abandoned junk motor vehicle, see ORC 4513.64~~

353.10. Applicability

Nothing in this Chapter shall be deemed to apply to stolen vehicles, which shall be disposed of in accordance with ORC 2981.11 to 2981.13.

(ORC 2981.11(A)(1))

(Ord. 2012-17. Passed 10-1-12; Ord. 2015-08. Passed 6-1-15.)

353.13. Personal Delivery Devices

(a) Operation of Personal Delivery Devices: An eligible entity may operate a personal delivery device on sidewalks and crosswalks so long as all of the following requirements are met:

- (1) The personal delivery device is operated in accordance with all regulations, if any, established by the City;
- (2) A personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device;
- (3) The eligible entity maintains an insurance policy that includes general liability coverage of not less than one hundred thousand dollars (\$100,000) for damages arising from the operation of the personal delivery device by the eligible entity and any agent of the eligible entity; and
- (4) The device is equipped with all of the following:
 - (A) A marker that clearly identifies the name and contact information of the eligible entity operating the personal delivery device and a unique identification number;
 - (B) A braking system that enables the personal delivery device to come to a controlled stop; and
 - (C) If the personal delivery device is being operated between sunset and sunrise, a light on both the front and rear of the personal delivery device that is visible in clear weather from a distance of at least five hundred feet (500') to the front and rear of the personal delivery device when directly in front of low beams of headlights on a motor vehicle.

(b) Prohibitions:

- (1) No personal delivery device operator shall allow a personal delivery device to do any of the following:
 - (A) Fail to comply with traffic or pedestrian control devices and signals;
 - (B) Unreasonably interfere with pedestrians or traffic;
 - (C) Transport any hazardous material that would require a permit issued by the Ohio Public Utilities Commission; or
 - (D) Operate on a street or highway, except when crossing the street or highway within a crosswalk.

(2) A personal delivery device has all of the rights and obligations applicable to a pedestrian under the same circumstances, except that a personal delivery device shall yield the right-of-way to human pedestrians on sidewalks and crosswalks.

~~(2)~~ (3) No person shall operate a personal delivery device unless the person is authorized to do so under this section and complies with the requirements of this section.

~~(3)~~ (4) An eligible entity is responsible for both of the following:

(A) Any violation of this section that is committed by a personal delivery device operator; and

(B) Any other circumstance, including a technological malfunction, in which a personal delivery device operates in a manner prohibited by division (b)(1) of this section.

(c) Penalties:

(1) Except as otherwise provided in division (c)(2) or (c)(3) of this section, a minor misdemeanor.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, 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~~ two (2) or more predicate motor vehicle or traffic offenses, a misdemeanor of the third degree.

(d) Definitions: As used in this section:

"Eligible Entity" means a corporation, partnership, association, firm, sole proprietorship or other entity engaged in business.

"Personal Delivery Device" means an ~~electrically-powered~~ electrically-powered device to which all of the following apply:

(1) The device is intended primarily to transport property on sidewalks and crosswalks;

(2) The device weights less than ninety pounds (90 lbs.), excluding any property being carried by the device;

(3) The device has a maximum speed of ten miles per hour (10 mph); and

(4) The device is equipped with technology that enables the operation of the device with active control or monitoring by a person, without active control or monitoring by a person, or both with or without active control or monitoring by a person.

"Personal Delivery Device Operator" means an agent of an eligible entity who exercises direct physical control over, or monitoring of, the navigation and operation of a personal delivery device. "Personal Delivery Device Operator" does not include, with respect to a delivery or other service rendered by a personal delivery device, the person who requests the delivery or service. "Personal Delivery Device Operator" also does not include a person who only arranges for and dispatches a personal delivery device for a delivery or other service.

(ORC 4511.513)

(Ord. 2017-23. Passed 8-21-17.)

Statutory reference: ~~Operation of personal delivery device on sidewalks and crosswalks, see ORC 4511.513~~
Penalty, see ORC 4511.99

TITLE NINE. PEDESTRIANS, BICYCLES AND MOTORCYCLES

CHAPTER 371. PEDESTRIANS; HITCHHIKING; RIDING ON OUTSIDE OF VEHICLE; MOTORIZED WHEELCHAIRS

371.01. Right-Of-Way Of Pedestrian In Crosswalk; Limitations

(a) Yielding to Pedestrian in Crosswalk:

- (1) When ~~traffic control~~ traffic control signals are not in place, or not in operation, or are not clearly assigning the right-of-way, or if required by Section 313.02 of this Traffic Code, the driver of a vehicle shall yield the ~~right-of-way~~ right of way, slowing down or stopping if need be to so yield 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.
- (2) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(b) Prohibition on Pedestrians: 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) Limitations: Division (a) of this section does not apply under the conditions stated in Section 371.03(a)(2) ~~or ORC 4511.48(B) or a substantially equivalent State law or municipal ordinance.~~

(d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.46)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Right of way of pedestrian within crosswalk, see ORC 4511.46~~

Editor's note:

See Section 331.19 of this Traffic Code for rules applicable to private property

371.02. Right-Of-Way Of Blind Persons; Prohibitions Against Use Of White Or Metallic Cane By Others

(a) Prohibitions:

- (1) The driver of every vehicle shall yield the ~~right-of-way~~ 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.
 - (2) No person, other than a blind person, while on any public highway, street, alley, or other public thoroughfare in this City, shall carry a white or metallic cane, with or without a red tip.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

- (c) Definitions: 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 twenty degrees (20°).

(ORC 4511.47)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Right of way of blind person, see ORC 4511.47~~

371.03. Pedestrian Crossing Roadway Outside Crosswalk (Jaywalking)

- (a) Regulations:
- (1) 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~~ right of way to all vehicles upon the roadway.
 - (2) 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~~ right of way to all traffic upon the roadway.
 - (3) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
 - (4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official ~~traffic control~~ traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.
- (b) Duty of Drivers: This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~pled guilty to~~ two (2) or more

predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.48)

(Ord. 2012-17. Passed 10-1-12.)

~~Statutory reference:~~

~~Right of way yielded by pedestrian, see ORC 4511.48~~

371.04. Pedestrian Movement In Crosswalk

- (a) Regulations: Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.49)

(Ord. 2012-17. Passed 10-1-12.)

~~Statutory reference:~~

~~Pedestrians on right half of crosswalk, see ORC 4511.49~~

371.05. Pedestrian To Yield To Public Safety Vehicle

- (a) Regulations: Upon the immediate approach of a public safety vehicle, as stated in Section 331.21 of this Traffic Code or ORC 4511.45 ~~or a substantially equivalent State law or municipal ordinance~~, every pedestrian shall yield the right-of-way to the public safety vehicle.
- (b) Duty of Driver of Public Safety Vehicle: This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
- (d) Definitions: As used in this section, "Public Safety Vehicle" has the same meaning as in ORC 4511.01.

(ORC 4511.452)

(Ord. 2012-17. Passed 10-1-12.)

~~Statutory reference:~~

~~Right of way yielded by pedestrian to public safety vehicle, see ORC 4511.452~~

371.06. Pedestrians Walking Along Streets Or Highways

- (a) Regulations:

- (1) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.
 - (2) Where a sidewalk is not available, any pedestrian walking along and upon a street or highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
 - (3) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a street or 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.
 - (4) Except as otherwise provided in Sections 313.03, 313.06, and 371.01 of this Traffic Code, any pedestrian upon a roadway shall yield the ~~right-of-way~~ right-of-way to all vehicles upon the roadway.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.50)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Pedestrian walking in roadway, see ORC 4511.50~~

371.07. Intoxicated Pedestrian On Street Or Highway

- (a) Prohibitions: A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard, shall not walk or be upon any street or highway within this City.
- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.481)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Intoxicated or drugged pedestrian on highway, see ORC 4511.481~~

371.08. Hitchhiking; Use Of Street Or Highway For Soliciting; Riding On Outside Of Vehicle, Cargo Storage Area, Or Tailgate

- (a) Hitchhiking: No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.
- (b) Soliciting on Street or Highway:

- (1) Except as provided in division (b)(2) of this section, no person shall stand on a street or highway within this City for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
- (2) Under Chapter 721 of City's Business Regulations, the City Manager, or his designee, may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a street or highway, other than a freeway as prohibited by ORC 4511.051(A), that is under the jurisdiction of the City. The permit shall be valid for only one (1) period of time, which shall be specified in the permit, in any calendar year. The City Council, by ordinance or resolution, 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 Council 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 IRC 501(c)(3).

(c) Riding on Outside of Vehicle:

- (1) 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.
- (2) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) Riding in Cargo Storage Area or on Tailgate: No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained sixteen (16) years of age to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour (25 mph), 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 Section 337.27(f)(3) of this Traffic Code and ORC 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt; or
- (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.
- (3) No driver of a truck, trailer, or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(e) Penalties:

- (1) Except as otherwise provided in this division, whoever violates any provision of divisions (a), (b), or (c) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates any provision of divisions (a), (b), or (c) of this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or ~~pled guilty to~~ two

(2) or more predicate motor vehicle or traffic offenses, whoever violates any provision of divisions (a), (b), or (c) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (d) of this section is guilty of a minor misdemeanor.

(ORC 4511.51)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Hitchhiking—soliciting employment, business, or contributions from occupant of vehicle, see ORC 4511.54~~

371.09. Pedestrians On Bridges Or Railroad Crossings

- (a) Bridges: 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) Railroad Crossings: No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad ~~grade crossing~~ grade crossing or bridge while the gate or barrier is closed or is being opened or closed.
- (c) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.511)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Pedestrian on bridge or railroad grade crossing, see ORC 4511.511~~

CHAPTER 373. BICYCLES; MOTORCYCLES; MOTORIZED BICYCLES; ELECTRIC MOBILITY DEVICES

373.01. Application Of Traffic Code To Bicycles And Electric Bicycles

- (a) Applicability: The provisions of this Traffic Code ~~and ORC 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37~~ which are applicable to bicycles and electric bicycles apply whenever a bicycle or electric bicycle is operated upon any street or highway within this City, or upon any path set aside for the exclusive use of bicycles.
- (b) Violations; No Points to be Assessed: Except as provided in division (d) of this section, a bicycle operator or electric bicycle operator who violates any provision of this Traffic Code described in division (a) of this section that is applicable to bicycles or electric bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle or electric bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under ORC 4510.036.
- (c) Court-Ordered Bicycling Skills Course: Except as provided in division (d) of this section, in the case of a violation of any provision of this Traffic Code described in division (a) of this section by a bicycle operator, electric bicycle operator, ~~or by a~~ motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle

riders or electric bicycle operators at the time of the violation, the court, notwithstanding any provision of this Traffic Code or the Ohio Revised Code to the contrary, may require the bicycle operator, electric bicycle operator, or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by this Traffic Code or the Ohio Revised Code for that violation.

- (d) Exception: Divisions (b) and (c) of this section do not apply to violations of Section 333.08 of this Traffic Code or ORC 4511.19 ~~a substantially equivalent State law or municipal ordinance.~~

(ORC 4511.52)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Bicycles – issuance of ticket – points not assessed, see ORC 4511.52~~

373.02. Equipment Of Bicycles And Electric Bicycles

- (a) Required Equipment: Every bicycle or electric bicycle, when in use at the times specified in Section 337.02(a) of this Traffic Code or ORC 4513.03 ~~a substantially equivalent State law or municipal ordinance~~, shall be equipped with all of the following:

(1) A lamp mounted on the front of either the bicycle or electric bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet (500') to the front and three hundred feet (300') to the sides. A ~~generator-powered~~ generator-powered lamp that emits light only when the bicycle or electric bicycle is moving may be used to meet this requirement;

(2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet (100' - 600') to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; and

(3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet (500') to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

- (b) Additional Lamps and Reflectors: Additional lamps and reflectors may be used in addition to those required under division (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle or electric bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle or electric bicycle.

- (c) Bicycle Horns: A bicycle or electric bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle or electric bicycle shall not be equipped with nor shall any person use upon a bicycle or electric bicycle any siren or whistle.

- (d) Brakes: Every bicycle and electric bicycle shall be equipped with an adequate brake when used on a street or highway within this City.

- (e) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.56)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Bicycle signal devices, see ORC 4511.56~~

373.03. Prohibitions Against Attaching Bicycles Or Sleds To Vehicles

(a) Prohibitions:

- (1) No person riding upon any bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.
- (2) No operator shall knowingly permit any person riding upon any bicycle, electric bicycle, coaster, roller skates, sled, skateboard, or toy vehicle to attach the same or himself or herself to any vehicle while it is moving upon a roadway.
- (3) This section does not apply to towing a disabled vehicle.

- (b) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.54)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Prohibition against attaching bicycles and sleds to vehicles, see ORC 4511.54~~

373.07. Place And Manner Of Operating Bicycles And Electric Bicycles On Roadway; Riding Bicycles, Electric Bicycles And Motorcycles Abreast

- (a) Bicycle Operation: Every person operating a bicycle or electric 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) Riding Abreast: Persons riding bicycles, electric bicycles, or motorcycles upon a roadway shall ride not more than two (2) abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles, electric bicycles, or motorcycles.
- (c) Exceptions for Safety Purposes: This section does not require a person operating a bicycle or electric bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, ~~or~~ surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle or electric bicycle and an overtaking vehicle to travel safely ~~side-by-side~~ side by side within the lane.
- (d) Penalties: Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of

the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

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

(ORC 4511.55(A))

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Operating bicycles and motorcycles on roadway, see ORC 4511.55

373.08. Rules For Operation Of Bicycles, Electric Bicycles And Motorcycles; Helmets

(a) Rules for Operation of Bicycles and Electric Bicycles:

- (1) No person operating a bicycle or electric bicycle shall ride other than upon or astride the permanent and regular seat attached thereto or carry any other person upon such bicycle or electric bicycle other than upon a firmly attached and regular seat thereon, and no person shall ride upon a bicycle or electric bicycle other than upon such a firmly attached and regular seat.
- (2) No person operating a bicycle or electric bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handlebars.
- (3) No bicycle, electric bicycle or motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.
- (4) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle or electric bicycle.

(b) Rules for Operation of Motorcycles:

(1) Riding:

- (A) No person operating a motorcycle shall ride other than upon or astride the permanent and regular seat or saddle attached thereto, or carry any other person upon such motorcycle other than upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle.
- (B) No person shall ride upon a motorcycle that is equipped with a saddle other than while sitting astride the saddle, facing forward, with one (1) leg on each side of the motorcycle.
- (C) No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat.

- (2) Number of Passengers: No motorcycle shall be used to carry more persons at one (1) time than the number for which it is designed and equipped. No motorcycle shall be operated on a street or other street or other roadway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.

- (3) Low-Rider Handlebars Prohibited: No motorcycle shall be operated on a street or other roadway when the handlebars rise higher than the shoulders of the operator when the operator is seated in the operator's seat or saddle.
- (4) Safety Glasses: Except as provided division (b)(7) of this section, no person shall operate or be a passenger on a motorcycle without using safety glasses or other protective eye device. The safety glasses or other protective eye device shall conform to the regulations prescribed and promulgated by the Ohio Director of Public Safety.
- (5) Helmets:
 - (A) Except as provided in division (b)(5)C. of this section, no person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect, as provided in ORC 4507.13, shall operate a motorcycle on a street or highway, or be a passenger on a motorcycle, unless wearing a United States Department of Transportation-approved protective helmet on the person's 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 shall conform to the regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.
 - (B) No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to ORC 4507.05 unless the person, at the time of such operation, is wearing on the person's head a protective helmet that has been approved by the United States Department of Transportation and that conforms to the rules adopted by the Ohio Director of Public Safety.
 - (C) Division (b)(5)A. of this section does not apply to a person operating an autocycle or cab-enclosed motorcycle when the occupant compartment top is in place enclosing the occupants.
- (6) Temporary Instruction Permits: No person shall operate a motorcycle with a valid temporary instruction permit and temporary instruction permit identification card issued by the Registrar of Motor Vehicles pursuant to ORC 4507.05 in any of the following circumstances:
 - (A) At any time when lighted lights are required by Section 337.02(a) of this Traffic Code and ORC 4513.03(A)(1);
 - (B) While carrying a passenger; or
 - (C) On any limited access highway or heavily congested roadway.
- (c) Penalties: Except as otherwise provided in this division, whoever violates division (a) or (b) this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of or ~~pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.53)

(Ord. 2013-13. Passed 6-17-13; Ord. 2015-08. Passed 6-1-15; Ord. 2016-09. Passed 8-15-16; Ord. 2016-15. Passed 11-21-16.)

Statutory reference:

~~Operation of bicycles, motorcycles and snowmobiles, see ORC 4511.53~~

373.11. Equipment Of Motorized Bicycles (Mopeds)

- (a) Lighted Lights: Every motorized bicycle shall display, during the times specified in Section 337.02(a) of this Traffic Code, lighted lights that meet the rules adopted by the Ohio Director of Public Safety under ORC 4511.521.
- (b) Brakes: Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under ORC 4511.521.
- (c) Additional Requirements: The requirements of division (a) and (b) of this section are in addition to the requirements of Section 373.10(a)(2).
- (d) Penalties: Whoever violates division (a) or (b) of this section is guilty of a minor misdemeanor.

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Motorized bicycle equipment generally, ORC 4511.521

Time for lighted lights on motor vehicles, ORC 4513.03

Brake equipment for vehicles, ~~ORC 4513.20~~ ORC 4511.521 per ORC 4513.20(A)(3)

Penalty, see ORC 4513.99

373.12. Operation Of Electric Personal Assistive Mobility Devices

(a) Operation and Applicability of Traffic Code:

- (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (3) The City may regulate or prohibit the operation of electric personal assistive mobility devices on public streets, highways, sidewalks, and paths, or portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction.

(b) Prohibitions: No operator of an electric personal assistive mobility device shall do any of the following:

- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times.
- (2) Fail to give an audible signal before overtaking and passing a pedestrian.
- (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - (A) A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet (500'); and
 - (B) A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet (100' - 600') when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour (55 mph) or more.

- (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path.
 - (6) If under eighteen (18) years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened.
 - (7) If under sixteen (16) years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen (18) years of age or older and is responsible for the immediate care of the person under sixteen (16) years of age.
 - (8) No person who is under fourteen (14) years of age shall operate an electric personal assistive mobility device.
- (c) Restriction on Sellers: No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS."
- (d) Park Regulations: Nothing in this section affects or shall be construed to affect any rule of the State Director of Natural Resources or the City's Parks and Recreation Commission governing the operation of vehicles on lands under the control of the Director or City, as applicable.
- (e) Penalties:
- (1) Whoever violates division (b) of this section is guilty of a minor misdemeanor and shall be punished as follows:
 - (A) The offender shall be fined ten dollars (\$10.00);
 - (B) If the offender previously has been convicted of or pled guilty to a violation of division (b) of this section, or any substantially ~~equivalent State law or~~ similar municipal ordinance, the court, in addition to imposing the fine required under division (e)(1)A. of this section, shall do one (1) of the following:
 - (i) Order the impoundment for not less than one (1) day but no more than thirty (30) days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day; provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).
 - (ii) If the court does not issue an impoundment order pursuant to division (e)(1)B.1. of this section, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one (1) day but not more than thirty (30) days.
 - (2) Whoever violates division (c) of this section is guilty of a minor misdemeanor.
- (f) Definitions: As used in this section, "Electric Personal Assistive Mobility Device" has the same meaning as in ORC 4501.01.

(ORC 4511.512)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Operation of electric personal assistive mobility devices, see ORC 4511.512~~

373.14. Definitions

For the purposes of this Chapter:

"Autocycle" means a three-wheeled motorcycle that is manufactured to comply with federal safety requirements for motorcycles and that is equipped with safety belts, a steering wheel, and seating that does not require the operator to straddle or sit astride to ride the motorcycle.

"Bicycle" means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two (2) or more wheels, any of which is more than fourteen inches (14") in diameter.

"Cab-Enclosed Motorcycle" means a motor vehicle with motive power having a seat or saddle for the use of the operator, designed to travel on not more than three (3) wheels in contact with the ground, and having an occupant compartment top or an occupant compartment top that is installed.

"Motorcycle" means ~~every a~~ motor vehicle, ~~other than a tractor,~~ with motive power having a seat or saddle for the use of the operator, ~~and~~ designed to travel on not more than three (3) wheels in contact with the ground ~~including, but not limited to, motor vehicles known as "motor driven cycles," "motor scooters," "autocycle," "cab enclosed motorcycle," or "motorcycles" without regard to weight or brake horsepower.~~ and having no occupant compartment top or occupant compartment top that can be installed or removed by the user.

"Motorized Bicycle" or "Moped" means any vehicle ~~having that~~ either has two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, ~~that may be pedaled,~~ and that is equipped with a helper motor of not more than fifty cubic centimeters (50 c. cent.) piston displacement that produces no more than one (1) brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour (20 mph) on a level surface ~~including, but not limited to, motor vehicles known as "mopeds."~~ "Motorized Bicycle" or "Moped" does not include an electric bicycle.

(ORC 4511.01)

(Ord. 2013-13. Passed 6-17-13; Ord. 2016-09. Passed 8-15-16.)

Statutory reference:

~~Certificate of motor vehicle title law definitions, see ORC 4505.01~~

~~Traffic laws — operation of motor vehicles definitions, see ORC 4511.01~~

CHAPTER 375. SNOWMOBILES; OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES

375.01. Registration Required

(a) Registration Required:

- (1) Except as provided in division (b) of this section, no person shall operate any snowmobile, off-highway motorcycle, or all-purpose vehicle within this City unless the snowmobile, off-highway motorcycle, or all-purpose vehicle is registered and numbered in accordance with ORC 4519.03 and 4519.04.
- (2) Except as provided in ORC 4511.215, no registration is required for a mini-truck that is operated within this City. A ~~mini-truck~~ mini-truck may be operated only in accordance

with ORC 4511.215 and with any regulations adopted by the City thereunder, ORC 4519.401, under ORC 4511.215 and Section 375.051 of this Traffic Code.

(b) Exceptions:

- (1) No registration is required for a snowmobile or off-highway motorcycle that is operated exclusively upon lands owned by the owner of the snowmobile or off-highway motorcycle, or on lands to which the owner of the snowmobile or off-highway motorcycle has a contractual right.
 - (2) No registration is required for an all-purpose vehicle that is used primarily for agricultural purposes when the owner qualifies for current agricultural use valuation tax credit, unless it is to be used on any public land, trail, or right-of-way.
 - (3) Any all-purpose vehicle exempted from registration under division (b)(2) of this section and operated for agricultural purposes may use public roads and rights-of-way when traveling from one farm field to another, when such use does not violate Section 375.07 of this Traffic Code or ORC 4519.41.
 - (4) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this City by a resident of another state whenever that state has in effect a registration law similar to ORC Chapter 4519 and the snowmobile, off-highway motorcycle, or all-purpose vehicle is properly registered under that state's law. Any snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this City by a resident of a state not having a registration law similar to ORC Chapter 4519 shall comply with Section 375.03 of this Traffic Code and ORC 4519.09.
 - (5) No registration is required for a snowmobile, off-highway motorcycle, or all-purpose vehicle owned and used in this City by the United States, another state, or a political subdivision thereof, but the snowmobile, off-highway motorcycle, or all-purpose vehicle shall display the name of the owner thereon.
- (c) All-Purpose Vehicle used upon Waters: The owner or operator of any all-purpose vehicle operated or used upon the waters in this City shall comply with ORC Chapters 1547 and 1548 relative to the operation of watercraft.
- (d) Penalties: Except as provided in this division, whoever violates division (a) of this section shall be fined not less than fifty dollars (\$50.00) but no more than one hundred dollars (\$100.00).

(ORC 4519.02)

(Ord. 2012-17. Passed 10-1-12; Ord. 2016-15. Passed 11-21-16.)

Statutory reference:

~~Registration required—exceptions—operation of watercraft, see ORC 4519.02~~

375.03. Temporary Operating Permit For Nonresident

Every owner or operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle who is a resident of a state not having a registration law similar to ORC Chapter 4519, and who expects to use the snowmobile, off-highway motorcycle, or all-purpose vehicle in this City, shall apply to the Registrar of Motor Vehicles or a deputy registrar for a temporary operating permit under ORC 4519.09. The temporary operating permit shall be issued for a period not to exceed one (1) year from the date of issuance, shall be in such form as the Registrar determines, shall include the name and address of the owner and operator of the snowmobile, off-highway motorcycle, or all-purpose vehicle, and any other information as the Registrar considers necessary, and shall be issued upon payment of a fee of eleven dollars and twenty-five cents (\$11.25). Every owner or operator receiving a temporary operating permit shall display it upon the reasonable request of any law enforcement officer or other person as authorized by ORC 4519.42 and 4519.43 .

(ORC 4519.09)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Temporary operating permit for nonresidents, see ORC 4519.09~~

375.05. Prohibitions On Use And Operation

- (a) Prohibitions: The applicable provisions of this Traffic Code ~~and ORC 45111 and 4549 shall be applied~~ apply to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no snowmobile, off-highway motorcycle, 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 Public Safety ~~designate~~ designates or except as authorized by ORC 4519.41(F);
 - (2) On any City street, highway, or right-of-way thereof, except for emergency travel only during such time and in such manner as the City's Safety Director shall designate;
 - (3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
 - (4) On any land or waters controlled by the City or State, except at those locations where a sign has been posted permitting such operation;
 - (5) On the tracks or right-of-way of any operating railroad;
 - (6) While transporting any firearm, bow, or other implement for hunting that is not unloaded and securely encased;
 - (7) For the purpose of chasing, pursuing, capturing, or killing any animal or ~~wild fowl~~ wildfowl; or
 - (8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.04 of this Traffic Code ~~or a substantially equivalent State law~~ and ORC 4519.20.
- (b) Penalties: Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisoned not less than three (3) days nor more than thirty (30) days, or both.

(ORC 4519.40)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Prohibited acts, see ORC 4519.40~~

375.051. Prohibitions On Operation Of Mini-Trucks Mini-Trucks; Exceptions

- (a) Prohibitions: Except as provided in this section, ORC 4519.401 and 4511.215, and any rules or regulations adopted by the City pursuant to ORC 4511.215, no person shall operate a mini-truck on any public street or highway within this City.
- (b) Exceptions:
- (1) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-

truck may be operated by or on behalf of such a farm owner on public roads and ~~right-of-way~~ rights-of-way within this City only when traveling from one farm field to another.

- (2) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(ORC 4519.401)

- (c) Penalties: Whoever violates this section is guilty of a minor misdemeanor. If within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.214)

(Ord. 2016-15. Passed 11-21-16.)

Statutory reference:

~~Operation of low speed, under speed, or utility vehicle, or a mini-truck, see ORC 4511.214~~
Operation of a mini-truck, see ORC 4519.401

375.07. Permitted Use And Operation

- (a) Permitted Use and Operation on Public Roads: Snowmobiles, off-highway motorcycles, and all-purpose vehicles may be operated as follows:

- (1) To make a crossing of a street or highway, other than a ~~freeway or limited-access~~ limited-access highway or freeway or the right-of-way thereof, 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~~ right-of-way to any approaching traffic that presents an immediate hazard.
- (2) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all-purpose vehicle is intended and authorized to be operated.
- (3) On the berm or shoulder of a street or highway, other than a ~~freeway or limited-access~~ highway or freeway or the right-of-way thereof, when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane.

(ORC 4519.41)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Operation of vehicle on or near highway, street or road, see ORC 4519.41~~

375.08. Accident Report Required

- (a) Reporting Accident Required: The operator of a snowmobile, off-highway motorcycle, or all-purpose vehicle involved in any accident resulting in bodily injury to or death of any person, or damage to the property of any person in excess of one hundred dollars (\$100.00), shall report the accident within ~~forty-eight~~ forty-eight (48) hours to the City's Chief of Police and, within thirty (30) days, shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event there is no other participant, and the operator

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

- (b) Law Enforcement Report: Any law enforcement officer, or other person authorized by ORC 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all-purpose vehicle, shall forward to the Registrar a written report of the accident within forty-eight (48) hours.

(ORC 4519.46)

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

~~Reporting of accident, see ORC 4519.46~~

375.12. Rules For Snowmobiles (Safety Glasses)

- (a) Protective Eye Wear Required:

- (1) No person shall operate or be a passenger on a snowmobile without using safety glasses or other protective eye device. The safety glasses or other protective eye device shall conform to the rules adopted by the Ohio Director of Public Safety.
- (2) The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

- (b) Penalties: Except as otherwise provided in this division, whoever violates division (a)(1) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pled guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of ~~or pled guilty to~~ two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Operation of bicycles, motorcycles and snowmobiles, see ORC 4511.53

375.15. Definitions

As used in this chapter:

"All-Purpose Vehicle" means any self-propelled vehicle designed primarily for ~~cross-country~~ cross-country travel on land and water, or on more than one (1) 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~~ all-season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in ORC 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under ORC Chapter 4503 or ORC Chapter 4561, and any vehicle excepted from definition as a motor vehicle by ORC 4501.01(B).

"Dealer" means any person or firm engaged in the business of manufacturing or selling snowmobiles, off-highway motorcycles, or all-purpose vehicles at wholesale or retail, or who rents, leases, or otherwise furnishes snowmobiles, off-highway motorcycles, or ~~all-purpose~~ all-purpose vehicles for hire.

"Electronic and Electronic Record" have the same meanings as in ORC 4501.01.

"Electronic Dealer" means a dealer whom the Registrar of Motor Vehicles designates under ORC 4519.511.

"Interstate Highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C. 103, as amended.

"Limited-Access Highway and Freeway" have the same meanings as in ORC 5511.02.

"Mini-Truck" means a vehicle that has four (4) wheels, is propelled by an electric motor with a rated power of seven thousand five hundred watts (7,500W) or less or an internal combustion engine with a piston displacement capacity of six hundred sixty cubic centimeters (660 cm³) or less, has a total dry weight of nine hundred to two thousand two hundred pounds (900 - 2,200 lbs.), contains an enclosed cabin and a seat for the vehicle operator, resembles a pickup truck or van with a cargo area or bed located at the rear of the vehicle, and was not originally manufactured to meet federal motor vehicle safety standards.

"Off-Highway Motorcycle" means every motorcycle, as defined in ORC 4511.01, which is designed to be operated primarily on lands other than a street or highway.

"Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle, or all-purpose vehicle.

"Owner" means any person or firm, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all-purpose vehicle, or other right to the possession thereof.

"Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

"Street" or "Highway" has the same meaning as in ORC 4511.01.

(ORC 4519.01)

(Ord. 2013-20. Passed 12-2-13; Ord. 2016-15. Passed 11-21-16.)

Statutory reference:

Special vehicle definitions, see ORC 4519.01