

CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-30

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FRANKLIN, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC FRANKLIN CITY CODE SECTIONS 303.01, 303.11, 331.32, 331.38, 333.03, 333.07, 333.08, 335.23, 337.15, 337.26, 339.11, 339.12, 339.13, 339.16, 339.32, 341.061, 341.08, 341.09, 351.10, 351.11, 351.12, 352.03, 335.23, 353.05, 353.08, 373.14, ; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

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, Ohio, a majority of members present concurring, 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. The addition, amendment, or removal of Municipal Franklin City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Franklin, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Franklin, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4. Supplementation of Code.

- a. In preparing a supplement to City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.
- b. When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so 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 City's Municipal Code 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 City's Municipal Code 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 City's Municipal Code which embody the substantive sections or the ordinance incorporated into the Code); and
  5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall

the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodies in the City's Municipal Code.

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

Section 5. 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. The following sections and subsections of the Municipal Code are new or have been amended with new matter in the Municipal Code, and are hereby approved, adopted and enacted:

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Franklin, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Chapter 121 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: October 21, 2024

ADOPTED: November 4 2024

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 2024-30 passed by City Council on November 4, 2024.

Khristi Dunn  
Khristi Dunn, Clerk of Council

**APPROVED AS TO FORM:**

Ben Yoder  
Ben Yoder, Law Director

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 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 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~~ felony of the ~~first~~ fourth degree.

(4) ~~Except as provided in division (c)(5) of this section, a~~ A violation of division

(b) of this section is a felony of the third degree, 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 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:

(A) The operation of the motor vehicle by the offender was a

proximate cause of serious physical harm to persons or property.

(B) 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

### 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 any motor vehicle including an abandoned junk motor vehicle as defined in ORC 4513.63, that:

(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.

(c) Reclamation:

(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 three 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~~ and lienholder at the owner's ~~or~~ and any 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~~ and any 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~~ is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title, 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~~ and any 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)

O-24-30  
Exhibit A

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

331.32 Texting While Driving

(a) Use of Electronic Wireless Communications Device While Driving: No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic while using, holding, or physically supporting with any part of the person's body an electronic wireless communications device.

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

(1) A person using an electronic wireless communications device to make contact, for emergency purposes, 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 while using an electronic wireless communications device in the course of the person's duties;

(3) A person using an electronic wireless communications when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic communications device directly near the person's ear for the purpose of making, or receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications 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, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes;, provided that the person does not do either of the following during the use;

(A) Manually enter letters, numbers, or symbols into the device;

(B) Hold or support the device with any part of the person's body;

(8) A person using a feature or function of the electronic wireless communications device; with a single touch or single swipe, provided that the person does not do either of the following during the use;

- (A) Manually enter letters, numbers, or symbols into the device;
  - (B) Hold or support the device with any part of the person's body;
- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals
- (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle. or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body;
- (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:
- (A) Manually enter letters, numbers, or symbols into the device;
  - (B) Hold or support the device with any part of the person's body.
- (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.
- (c)
- (1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies the number of citations issued for violations of this section during the previous calendar year.
- (2) If a law enforcement officer issues an offender a ticket, citation, or summons for a violation of division (A) of this section, the officer shall do both of the following:
- (A) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency;
  - (B) Ensure that such report indicates the offender's race.
- (d) Penalties:
- ~~(4) Whoever violates division (a) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor, and shall be punished as provided in divisions (d)(1) to (5).~~
- (1) The offender shall be fined, and is subject to a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, as follows:



(A) Except as provided in ORC 4511.204(D)(1)(b), (c), (d), and (2), the court shall impose upon the offender a fine of not more than one hundred fifty dollars.

(B) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars.

(C) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days.

(D) Notwithstanding ORC 4511.204(D)(1)(a) to (c), if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under ORC 4511.204(D)(1)(a), (b), or (c), as applicable.

(2) ~~If the offender is in the category of offenders to whom division (d)(1)(A) of this section applies,~~ in lieu of payment of the fine of one hundred fifty dollars under ORC 4511.204 (D)(1)(a) and the assessment of points under ORC 4511.204(D)(4), the offender instead may elect to attend the distracted driving safety course, as described in ORC 4511.991. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court within 90 days of the violation of division (A) of this section. However, successful completion of the course does not result in a dismissal of the charges for the violation, and the violation is a prior offense under divisions (D)(1)(b) and (c) of this section if the offender commits a subsequent violation or violations of division (A) of this section within two years of the offense for which the course was completed. This division does not apply with respect to any offender in the category of offenders to whom division (D)(1)(b), (c), or (d) of this section applies.

(3) The court may impose any other penalty authorized under ORC 2929.21 to 2929.28. However, the court shall not impose a fine or a suspension not otherwise specified in ORC 4511.204(D)(1). The court also shall not impose a jail term or community residential sanction.

(4) Except as provided in division (D)(2) of this section, points shall be assessed for a violation of division (A) of this section in accordance with ORC 4510.036.

(5) 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.

(e) 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.

(f) A prosecution for an offense in violation of ORC 4511.204 does not preclude a prosecution for an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, the two offenses are allied offenses of similar import under ORC 2941.25.

(g)

(1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(A) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(B) Confiscate the device while awaiting the issuance of a warrant to access the device;

(C) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(h) Definitions: As used in this section:

(1) (A) A wireless telephone;

(B) A text-messaging device;

(C) A personal digital assistant;

(D) A computer, including a laptop computer and a computer tablet;

or

(E) Any device capable of displaying a video, movie, broadcast television image, or visual image;

(F)

(i) Any other substantially similar wireless device that is designed or used to communicate text initiate or receive communication, or exchange information or data. An “electronic wireless communications device” does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service. “Electronic Wireless Communications Device” includes any of the following:

(ii) “Voice-operated or hands-free feature or function” means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate the a feature or function with a single touch or single swipe.

(iii) “Utility” means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code.

(iv) “Utility service vehicle” means a vehicle owned or operated by a utility.

(ORC 4511.204)

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

### 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 4511.75(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~~ Department of Education and Workforce, 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.

(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.

(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.

(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~~ Department 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.

O-24-30  
Exhibit A

(ORC 4511.75)

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

HISTORY

Amended by Ord. 2022-13 on 5/2/2022

CHAPTER 333 Speed; OVI; Physical Control; Reckless Operation; Wrongful Entrustment

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 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 and Workforce, in compliance with OAC 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

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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.

(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 outside business districts, and alleys;

(2) Thirty-five miles per hour (35 mph) on all State routes or 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) 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) 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) on all rural expressways without traffic control signals;



(10) Seventy miles per hour (70 mph) on all rural freeways;

(11) Fifty-five miles per hour (55 mph) on all portions of freeways in congested areas, as determined the Director, and that are part of the interstate system and are located within the City or within an interstate freeway outerbelt;

(12) Sixty-five miles per hour (65 mph) on all portions of freeways or expressways 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 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.

"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.

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

"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, 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.

(o) Penalties:

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

(3) Except as otherwise provided in divisions (i)(1)B., (i)(1)C, (i)(2) and (i)(3) of this section, a minor misdemeanor;

(4) 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;

(5) 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. Division (o)(2) of this section does not apply if penalties may be imposed under division (o)(B) or (C) of this section.

(3) Notwithstanding division (i)(1) 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

333.07 Street Racing Prohibited

(a) As used in this section and ORC 4510.036

(1) Street Racing: As used in this section and ORC 4510.036, "street racing" means the operation of two (2) or more vehicles from a point side-by-side at accelerating speeds in a competitive attempt to outdistance each other or the operation of one (1) or more vehicles over a common-selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds. ~~Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants.~~ The operation of two (2) or more vehicles side-by-side either at speeds in excess of prima-facie lawful speeds established by Section 333.03(b)(1), (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (c)(6) of this Traffic Code, or a substantially similar State law or municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds, shall be prima-facie evidence of street racing.

(2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

(3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

(4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

(5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

(7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

(b) Prohibitions: No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway in this City, or on private property that is open to the general public.

(c) Penalties: Whoever violates this section is guilty of street racing, stunt driving, or street takeover, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty (30) days or more than three (3) years. No judge shall suspend the first thirty (30) days of any suspension of an offender's license, permit, or privilege imposed under this division.

(d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such

operation thereon.

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

Statutory reference:

Street racing, see ORC 4511.251

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:

(3) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(4) The person has a concentration of eight-hundredths of one percent (0.08%) or more, but less than seventeen-hundredths of one percent (0.17%), by weight per unit volume of alcohol in the person's whole blood.

(5) The person has a concentration of ninety-six-thousandths of one percent (0.096%) or more, but less than two hundred four- thousandths of one percent (0.204%), by weight per unit volume of alcohol in the person's blood serum or plasma.

(6) 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.

(7) The person has a concentration of eleven-hundredths of one gram or more, but less than two hundred thirty-eight-thousandths of one gram, by weight of alcohol per one hundred milliliters (100 ml) of the person's urine.

(8) The person has a concentration of seventeen-hundredths of one percent (0.17%) or more by weight per unit volume of alcohol in the person's whole blood.

(9) The person has a concentration of two hundred four-thousandths of one percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

(10) 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.

(11) The person has a concentration of two hundred thirty-eight- thousandths of one gram or more by weight of alcohol per one hundred milliliters (100 ml) of the person's urine.

(12) 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) 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 L.S.D in the person's urine of at least twenty-five nanograms (25 ng) of L.S.D per milliliter of the person's urine or a concentration of

L.S.D in the person's whole blood or blood serum or plasma of at least ten nanograms (10 ng) of 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:

(3) Operate any vehicle within this City while under the influence of alcohol, a drug of abuse, or a combination of them;

(4) 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).

(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%), but less than eight-hundredths of one percent (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%), but less than ninety-six-thousandths of one percent (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.

(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),

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(b)(2) or (b)(3) of this section, but the person may not be convicted of more than one (1) violation of these divisions.

(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.

(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.

(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)~~, or 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)~~, 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)~~, 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.

(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:

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

## HISTORY

O-24-30  
Exhibit A

Amended by Ord. 2022-13 on 5/2/2022

CHAPTER 335 Drivers' Licenses; Suspensions; Accidents

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 a public safety official, to perform the removal of the unoccupied motor vehicle, cargo or personal property, but the 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;
- (5) A natural resources officer or wildlife officer.

(ORC 4513.66)

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

### 337.15 Lights And Sign On Vehicles Transporting Preschool Children

- (a) Required Lights and Sign: No person shall operate any motor vehicle owned, leased, or hired by a nursery school, kindergarten, or ~~day-~~ child care center, while transporting preschool children to or from such an institution, unless the motor vehicle is equipped with and displaying two (2) amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "CAUTION-CHILDREN," which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Ohio Director of Public Safety.
- (b) Limitations: No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section.
- (c) Penalties: Whoever violates this section is guilty of a minor misdemeanor. (Ord. 2012-17. Passed 10-1-12.)

Statutory reference:

Lights and sign on vehicle transporting preschool children, see ORC 4513.182 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.

Codifier: Added material is underlined, deleted material is struck through.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that projects a beam of light of an intensity greater than 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.

(c)

(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.

(2) The prohibition in division (C)(1) of this section does not apply to any of the following:

(A) 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, and similar equipment operated by the Ohio Department of Transportation or City Public Works Department, provided such vehicles are 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;

(B) Vehicles or machinery permitted by Section 337.10 of this Traffic Code to have a flashing red light.

(C) Farm machinery and vehicles escorting farm machinery provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating, or rotating amber light. Farm machinery may also display the lights described in Section 337.10 of this Traffic Code.

(D) A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating purple or amber light;

(E) A vehicle being used for emergency preparedness, response, and recovery activities, as those terms are defined in ORC 5502.21, that is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber or red and white light, provided that the vehicle is being operated by a person from one of the following and the vehicle is clearly marked with the applicable agency's or authority's insignia:

(i) The Ohio emergency management agency;

(ii) A countywide emergency management agency established under ORC 5502.26;

(iii) A regional authority for emergency management established under ORC 5502.27;

(iv) A program for emergency management established under ORC 5502.271.

(d)

(1) Except a person operating a public safety vehicle, an emergency management agency vehicle, as described in (c)(2)(E) of this section, 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;

(2) 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 an oscillating or rotating blue light, or a combination blue and white or blue oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Penalties: Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.17)

(ORC 4513.17)

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

### 337.26 Child-Restraint Systems; Exceptions

(a) Passenger Vehicles: When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child-restraint system that meets Federal motor vehicle safety standards:

- (1) A child who is less than four (4) years of age;
- (2) A child who weighs less than forty pounds (40 lbs).

(b) Pre-school Transportation: When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased, or otherwise under the control of a nursery school or ~~day-~~ child care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child-restraint system that meets Federal motor vehicle safety standards:

- (1) A child who is less than four (4) years of age;
- (2) A child who weighs less than forty pounds (40 lbs).



(c) Children under Eight-Years of Age: When any child who is less than eight (8) years of age and less than four feet nine inches (4'9") in height, who is not required by division (a) or (b) of this section to be secured in a child-restraint system, is being transported in a motor vehicle within this City, other than a taxicab or public safety vehicle as defined in ORC 4511.01 or a vehicle that is regulated under ORC 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets Federal motor vehicle safety standards.

(d) Children at least Eight but Under Fifteen-Years of Age: When any child who is at least eight (8) years of age but not older than fifteen (15) years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child-restraint system or booster seat, is being transported in a motor vehicle within this City, other than a taxicab or public safety vehicle as defined in ORC 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child-restraint system that meets Federal motor vehicle safety standards or in an occupant-restraining device as defined in Section 337.27 of this Traffic Code or ORC 4513.263.

(e) Secondary Offense: Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway in this City to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

(f) Admissibility of Evidence: The failure of an operator of a motor vehicle to secure a child in a child-restraint system, a booster seat, or in an occupant-restraining device as required in this section is not negligence imputable to the child; is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child; is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section; and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(g) Exceptions: This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under ORC Chapter 4731, or a chiropractor licensed to practice in this State under ORC Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child-restraint system, booster seat, or an occupant-restraining device impossible or impractical; provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

(h) Proof of Child's Age: Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth

certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation, or summons issued for violating this section.

(i) Penalties: Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows; provided that the failure of an operator of a motor vehicle to secure more than one (1) child in a child-restraint system, booster seat, or occupant-restraining device as required by this section that occurred at the same time, on the same day, and at the same location is deemed to be a single violation of this section:

(1) Except as otherwise provided in division (i)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b), (c) or (d) of this section or of a State law or municipal ordinance that is substantially equivalent to any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

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

Statutory reference:

Child restraint system - child highway safety fund, see ORC 4511.81

## CHAPTER 339 Commercial Vehicles; Commercial Drivers' Licenses; Buses; Heavy Vehicles

### 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.

(4) Knowingly give false information in any application or certification required by ORC 4506.07;

(5) Knowingly give false statements or engage in any fraudulent act related to testing for a commercial driver's license as required in ORC 4506.09.

(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.

(3) Whoever violates (a)(5) of this section is guilty of falsification, a misdemeanor of the third degree. In addition, the provisions of ORC 4507.19 apply.

(ORC 4506.04)

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

### 339.12 CDL Criminal Offenses

(a) Prohibitions: No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following:

(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine;

(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one percent (0.04) or more by whole blood or breath;

(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one percent (0.048) or more by blood serum or blood plasma;

(4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one percent (0.056) or more by urine;

(5) Drive a motor vehicle while under the influence of a controlled substance;

(6) Drive a motor vehicle in violation of Section 333.08 of this Traffic Code or ORC 4511.19;

(7) Use a motor vehicle in the commission of a felony;

(8) Refuse to submit to a test under Sections 339.13 or 333.09 of this Traffic Code, or ORC 4506.17 or 4511.191;

(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other driving privileges are revoked, suspended, canceled, or disqualified;

(10) Cause a fatality through the negligent operation of a commercial motor vehicle including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;

(11) Fail to stop after an accident in violation of Sections 335.19 to 335.22 of this Traffic Code;

(12) Drive a commercial motor vehicle in violation of any provision of Sections 331.39 or 331.40 of this Traffic Code or any Federal or State law pertaining to railroad highway-grade crossings; or

(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance, as defined in ORC 3719.01, or the possession with intent to manufacture, distribute, or dispense a controlled substance.

(14) Use of commercial motor vehicle in the commission of a violation of ORC 2905.32 any other substantially equivalent offense established under federal law or the laws of another state.

(b) Powers of Peace Officers:

(1) Within the jurisdictional limits of the City, any peace officer shall stop and detain any person found violating division (a) of this section, without obtaining a warrant. When there is reasonable grounds to believe that a violation of division (a) of this section has been committed and a test or tests of the person's whole blood, blood plasma or blood serum, breath, or urine is necessary, the peace officer shall take the person to an appropriate place for testing. If a person refuses to submit to a test after being warned as provided in division (c)(1) of Section 339.13 of this Traffic Code, or submits to a test that discloses the presence of a controlled substance or an alcohol concentration of four-hundredths of one percent (0.04) or more by whole blood or breath, an alcohol concentration of forty-eight-thousandths of one percent (0.048) or more by blood serum or blood plasma, or an alcohol concentration of fifty-six-thousandths of one percent (0.056) or more by urine, the peace officer shall require that the person immediately surrender the person's CDL to the peace officer.

(2) As used in this division, "jurisdictional limits" means the limits within which a peace officer may arrest and detain a person without a warrant under ORC 2935.03.

(c) Penalties:

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

(2) In addition, whoever violates this section may be subject to an out-of-service order or disqualification under ORC 4506.16.

(3) The offenses established under division (a) 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.

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

Statutory reference:

Prohibited acts, see ORC 4506.15

Violations - disqualification of driver or placement out-of-service, see ORC 4506.16 Duties of peace officer as to alcohol or controlled substance violations, see ORC 4506.23

339.13 Alcohol And Controlled Substance Testing; Disqualification

(a) Implied Consent: 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.

O-24-30  
Exhibit A

(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 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)(~~56~~) 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)(~~56~~) 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" 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

### 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 and Workforce 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 and Workforce 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 ORC

4511.63, 4511.761, 4511.762, 4511.764, 4511.76, 4511.77, or 4511.79, or

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 and Workforce 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

See Section 399.31 of this Traffic Code for penalty provisions

### 339.32 Special Permits For Vehicles Of Excessive Weight, Size, Or Load

(a) (1) The director of transportation with respect to all highways that are a part of the State's highway system and local authorities with respect to highways under their jurisdiction, 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) Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the director or local authority in accordance with this section.

(2) In circumstances where a person is not eligible to receive a permit under division (a)(1) of this section, the director of transportation with respect to all highways that are a part of the state highway system and local authorities with respect to highways under their jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the 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, highway under the jurisdiction of the authority granting the permit.

(3) For purposes of this section, the director may designate certain state highways or portions of state highways as special economic development highways. If an application for submitted to the director under this section involves travel of a nonconforming vehicle or combination of vehicles upon a special economic development highway, the director, in determining whether good cause has been shown that issuance of a permit is justified, shall consider the effect the travel of the vehicle or combination of vehicles will have on the economic development in the area in which the designated highway or portion of highway is located.

(b)

(1) Notwithstanding ORC 715.22 and 723.01, the holder of a permit issued under by the director under this section 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 a municipal corporation. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway that is a part of the state highway system. The director shall not require the holder of a permit issued by a local authority to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the local authority. ~~Permits~~

(2) Except as provided in division (b)(3) of this section, permits may be issued for any period of time not to exceed one year, as the director in the director's discretion or a local authority in its discretion determines advisable, or for the duration of any public construction project.

(3) The director and every county shall issue an annual permit under division (a)(2) of this section for:

(A) A vehicle or combination of vehicles that haul farm machinery, provided that the farm machinery otherwise qualifies for the farm equipment permit or a similar permit offered by the county for farm machinery or equipment;

(B) A vehicle or combination of vehicles that haul agricultural produce or agricultural production materials that otherwise could be hauled by farm machinery or equipment under the farm equipment permit or a similar permit offered by the county for farm machinery or equipment.

(4) In addition to the annual permit issued under (b)(3) of this section, the director and every county may continue to issue a permit under division (a)(2) of this section for the vehicles specified in division (b)(3) of this section, for any period of time up to one year.

(c)

(1) The application for a permit issued under this section shall be in the form that the director or local authority prescribes. The director or local authority may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the director or local authority for the administrative costs incurred in issuing the permit, and also to cover the cost of the normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles. The director, in accordance with Chapter 119. of the Revised Code, shall establish a schedule of fees for permits issued by the director under this section; however, the fee to operate a triple trailer unit, at locations authorized under

federal law, shall be one hundred dollars.

(2) For the purposes of this section and of rules adopted by the director under this section, milk transported in bulk by vehicle is deemed a nondivisible load

(3) For purposes of this section and of rules adopted by the director under this section, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under Chapter 5501:2-1 of the Administrative Code

(d) The director or a local authority shall issue a special regional heavy hauling permit under division (a)(1) of this section upon application and payment of the applicable fee. Except when required to issue a special permit under division (b)

(3) of this section, the director or local authority may issue or withhold a special permit specified in division (a)(2) of this section. If a permit is to be issued, the director or local authority may limit or prescribe conditions of operation for the vehicle and 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 roadway or a street or highway structure. In addition, a local authority, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the local authority to compensate for or to repair excess damage caused to the roadway by travel under the permit. For a permit that will allow travel of a nonconforming vehicle or combination of vehicles on a special economic development highway, the director, as a condition of issuance, may require the applicant to agree to make periodic payments to the department to compensate for damage caused to the roadway by travel under the permit.

(e) Every permit issued 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. No person shall violate any of the terms of a permit.

(f) (1) Abused the process by repeatedly submitting false information or false travel plans or by using another company or individual's name, insurance, or escrow account without proper authorization;

(2) Failed to comply with or substantially perform under a previously issued permit according to its terms, conditions, and specifications within specified time limits;

(3) Failed to cooperate in the application process for the permit or in any other procedures that are related to the issuance of the permit by refusing to provide information or documents required in a permit or by failing to respond to and correct matters related to the permit;

(4) Accumulated repeated justified complaints regarding performance under a permit that was previously issued to the applicant or previously failed to obtain a permit when such a permit was required;

(5) Attempted to influence a public employee to breach ethical conduct standards;

(6) Been convicted of a disqualifying offense as determined under section

9.79 of the Revised Code;

(7) Accumulated repeated convictions under a state or federal safety law governing commercial motor vehicles or a rule or regulation adopted under such a law;

- (8) Accumulated repeated convictions under a law, rule, or regulation governing the movement of traffic over the public streets and highways;
- (9) Failed to pay any fees associated with any permitted operation or move;
- (10) Deliberately or willfully submitted false or misleading information in connection with the application for, or performance under, a permit issued under this section.

If the applicant is a partnership, association, or corporation, the The director may debar an applicant from applying for a permit under this section upon a finding based on a reasonable belief that the applicant has done any of the following: 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. The director may adopt rules in accordance with ORC Chapter 119. governing the debarment of an applicant.

(g) When the director reasonably believes that grounds for debarment exist, the 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 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 director, and the director may modify or rescind the debarment at any time. During the period of debarment, the 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.

(h) (1) No person shall violate the terms of a permit issued under this section that relate to gross load limits.

(i) Whoever violates division (h) of this section shall be punished as provided in ORC 4513.99.

(j) A permit issued by the department of transportation or a local authority 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.

(ORC 4513.34)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

341.061 Misuse Of Walking-Impaired Person License Plate Or Placard

(a) As used in this section and in section 4511.69 of the Revised Code:

(1) “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:

- (A) Cannot walk two hundred feet without stopping to rest;
  - (B) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;
  - (C) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;
  - (D) Uses portable oxygen;
  - (E) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;
  - (F) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;
  - (G) Is blind, legally blind, or severely visually impaired.
- (2) "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 accessible equipment for use by persons with disabilities. This definition does not apply to division (I) of this section.
- (3) "Health care provider" means a physician, physician assistant, advanced practice registered nurse, optometrist, or chiropractor as defined in this section except that an optometrist shall only make determinations as to division (A)(1)(g) of this section.
- (4) "Physician" means a person licensed to practice medicine or surgery or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.
- (5) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.
- (6) "Advanced practice registered nurse" means a certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, or certified nurse-midwife who holds a certificate of authority issued by the board of nursing under Chapter 4723. of the Revised Code.
- (7) "Physician assistant" means a person who is licensed as a physician assistant under Chapter 4730. of the Revised Code.
- (8) "Optometrist" means a person licensed to engage in the practice of optometry under Chapter 4725. of the Revised Code.
- (9) "Removable windshield placard" includes a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified.
- (b)

(1) An organization, or a person with a disability that limits or impairs the ability to walk, may apply for the registration of any motor vehicle the organization or person owns or leases. When ~~a motor~~ an adaptive mobility vehicle has been altered for the purpose of providing it with special accessible equipment ~~for is owned or leased by someone other than a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person,~~ the owner or lessee may apply to the registrar of motor vehicles or a deputy registrar for registration under this section. The application for registration of a motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk shall be accompanied by a signed statement from the applicant's health care provider certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for more than six consecutive months. The application for registration of ~~a motor~~ an adaptive mobility vehicle that has been altered for the purpose of providing it with special accessible equipment for is owned by someone other than a person with a disability that limits or impairs the ability to walk ~~but is owned by someone other than such a person~~ shall be accompanied by such documentary evidence of vehicle specifications or alterations as the registrar may require by rule.

(2) When an organization, a person with a disability that limits or impairs the ability to walk, or a person who does not have a disability that limits or impairs the ability to walk but owns a motor vehicle that has been altered for the purpose of providing it with special accessible equipment for a person with a disability that limits or impairs the ability to walk first submits an application for registration of a motor vehicle under this section and every fifth year thereafter, the organization or person shall submit a signed statement from the applicant's health care provider, a completed application, and any required documentary evidence of vehicle specifications or alterations as provided in division (B)(1) of this section, and also a power of attorney from the owner of the motor vehicle if the applicant leases the vehicle. Upon submission of these items, the registrar or deputy registrar shall issue to the applicant appropriate vehicle registration and a set of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, the license plates shall be imprinted with the international symbol of access. The license plates and validation stickers shall be issued upon payment of the regular license fee as prescribed under section 4503.04 of the Revised Code and any motor vehicle tax levied under Chapter 4504. of the Revised Code, and the payment of a service fee equal to the amount ~~specified in division (D) or (G) of section 4503.10~~ established under 4503.038 of the Revised Code.

(c) (1) A person with a disability that limits or impairs the ability to walk may apply to the registrar for a removable windshield placard by completing and signing an application provided by the registrar.

~~(3) A person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard by completing and signing an application provided by the registrar.~~ The person shall include with the application a prescription from the person's health care provider prescribing such a placard for the person based upon a determination that the person meets at least one of the criteria contained in division (A)(1) of this section. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the person's ability to walk. If the length of time the applicant is expected to have the disability is six consecutive months or less, the applicant shall submit an application for a temporary removable windshield placard. If the length of time the applicant is expected to have the disability is permanent, the applicant shall submit an application for a permanent removable windshield placard. All other applicants shall submit an application for a standard removable windshield placard.

(4) In addition to one placard or one or more sets of license plates, a person with a disability that limits or impairs the ability to walk is entitled to one additional placard, but only if the person applies

separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion determines that good and justifiable cause exists to approve the request for the additional placard.

(2) 4 An organization may apply to the registrar of motor vehicles for a standard removable windshield placard by completing and signing an application provided by the registrar. The organization shall comply with any procedures the registrar establishes by rule. The organization shall include with the application documentary evidence that the registrar requires by rule showing that the organization regularly transports persons with disabilities that limit or impair the ability to walk.

(5) The registrar or deputy registrar shall issue to an applicant a standard removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, as applicable, upon receipt of all of the following:

(A) A completed and signed application for a removable windshield placard;

(B) The accompanying documents required under division (c)(2) or (4) of this section;

(C) Payment of a service fee equal to the amount established under ORC 4503.038 for a standard removable windshield placard or a temporary removable windshield placard, or payment of fifteen dollars for a permanent removable windshield placard.

(6) The removable windshield placard shall display the date of expiration on both sides of the placard, or the word "permanent" if the placard is a permanent removable windshield placard, and shall be valid until expired, revoked, or surrendered. Except for a permanent removable windshield placard, which has no expiration, a removable windshield placard expires on the earliest of the following two dates:

(A) The date that the person issued the placard is expected to no longer have the disability that limits or impairs the ability to walk, as indicated on the prescription submitted with the application for the placard;

(B) Ten years after the date of issuance on the placard.

In no case shall a removable windshield placard be valid for a period of less than sixty days.

(7) Standard removable windshield placards shall be renewable upon application and upon payment of a service fee equal to the amount established under ORC 4503.038. The registrar shall provide the application form and shall determine the information to be included thereon.

~~(38) Upon receipt of a completed~~ The registrar shall determine the form and signed application for a size of each type of removable windshield placard, the accompanying documents required under division (C)(1) or (2) material of this section, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which shall bear the date of expiration on both sides of the placard and shall be valid until expired—it is to be made, revoked, or surrendered. Every removable windshield any differences in color between each type of placard expires as described in division (C)(4) of this section, but in no case shall a removable windshield placard be valid for a period of less than sixty days. Removable windshield placards shall be renewable upon application as provided in division (C)(1) or (2) of this section and upon payment of a service fee equal to the amount specified in division (D) or

(G) of section 4503.10 of the Revised Code for the renewal of a removable windshield placard. The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard—make them readily identifiable, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. A temporary removable windshield placard shall display the word "temporary" in letters of such size as the registrar shall prescribe. Any placard issued after October 14, 1999, shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or

creation by any other means of holes in the placard.

(4 9) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. ~~Not~~ For a standard removable windshield placard, not less than thirty days prior to that date and ~~all removable windshield placard~~ any renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date ~~not to exceed five years from the date of issuance~~, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, ~~as described in division (C)(1) or (2) of this section~~, and by complying with the renewal provisions ~~prescribed in division (C)(3) of this section~~. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(5 10) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards ~~and temporary removable windshield placards~~. If the records of the office of vital statistics indicate that a person to whom a removable windshield placard ~~or temporary removable windshield placard~~ has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (C)

(~~§ 10~~) of this section.

(~~6 11~~) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special accessible license plates if the special accessible license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(d)

(1) —

(A) — ~~A person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a prescription from the applicant's health care provider prescribing such a placard for the applicant, provided that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The health care provider shall state on the prescription the length of time the health care provider expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription from the applicant's health care provider, and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard.~~

(~~B~~) Any active-duty member of the armed forces of the United States, including the reserve components of the armed forces and the national guard, who has an illness or injury that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. With the application, the person shall present evidence of the person's active-duty status and the illness or injury. Evidence of the illness or injury may include a current department of defense convalescent leave statement, any department of defense document indicating that the person currently has an ill or injured casualty status or has limited duties, or a prescription from any health care provider prescribing the placard for the applicant. Upon receipt of the application and the necessary evidence, the registrar or deputy registrar shall issue the applicant the temporary removable windshield placard without the payment of any service fee.

(2) — ~~The temporary removable windshield placard shall be of the same size and form as the removable windshield placard, shall be printed in white on a red colored background, and shall bear the word "temporary" in letters of such size as the registrar shall prescribe. A temporary removable windshield placard also shall bear the date of expiration on the front and back of the placard, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it, provided that the registrar shall not require a health care provider's prescription or certification for a person applying under division (D)(1)(b) of this section. The registrar also shall determine the material of which the temporary removable windshield placard is to be made and any other information to be included on the placard and shall adopt rules relating to the issuance, expiration, surrender, revocation, and proper display of those placards. Any temporary removable windshield placard issued after October 14, 1999, shall be manufactured in a manner that allows for the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.~~



(e) If an applicant for a removable windshield placard is a veteran of the armed forces of the United States whose disability, as defined in division (A)(1) of this section, is service-connected, the registrar or deputy registrar, upon receipt of the application, presentation of a signed statement from the applicant's health care provider certifying the applicant's disability, and presentation of such documentary evidence from the department of veterans affairs that the disability of the applicant meets at least one of the criteria identified in division (A)(1) of this section and is service-connected as the registrar may require by rule, but without the payment of any service fee, shall issue the applicant a removable windshield placard that is valid until expired, surrendered, or revoked.

(f)(1) Upon a conviction of a violation of division (H) or (I) of this section, the court shall report the conviction, and send the placard, if available, to the registrar, who thereupon shall revoke the privilege of using the placard and send notice in writing to the placardholder at that holder's last known address as shown in the records of the bureau, and the placardholder shall return the placard if not previously surrendered to the court, to the registrar within ten days following mailing of the notice.

(2) Whenever a person to whom a removable windshield placard has been issued moves to another state, the person shall surrender the placard to the registrar; and whenever an organization to which a placard has been issued changes its place of operation to another state, the organization shall surrender the placard to the registrar.

(3) If a person no longer requires a permanent removable windshield placard, the person shall notify and surrender the placard to the registrar or deputy registrar within ten days of no longer requiring the placard. The person may still apply for a standard removable windshield placard or temporary removable windshield placard, if applicable.

(g) Subject to division (F) of section 4511.69 of the Revised Code, the operator of a motor vehicle displaying a removable windshield placard, ~~temporary removable windshield placard~~, or the special accessible license plates authorized by this section is entitled to park the motor vehicle in any special accessible parking location reserved for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces.

(h) 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. No person or organization shall display license plates issued under ORC 4503.44 unless the license plates have been issued for the vehicle on which they are displayed and are valid.

(i) 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;

(2) Refuse to return or surrender the placard, when required;

(j) (1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;

(2) Paying a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.

Any placardholder or cardholder who loses a placard or card and, after obtaining a duplicate, finds the original, immediately shall surrender the original placard or card to the registrar.

If a removable windshield placard, ~~temporary removable windshield placard~~, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:

- (1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;
- (2) Paying a service fee equal to the amount paid when the placardholder obtained the original placard

(k)

(1) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or ~~temporary removable windshield placards~~ or duplicate removable windshield placards ~~or cards~~ into the state treasury to the credit of the public safety—highway purposes fund created in section 4501.06 of the Revised Code.

(2) In addition to the fees collected under this section, the registrar or deputy registrar shall ask each person applying for a removable windshield placard or ~~temporary removable windshield placard~~ or duplicate removable windshield placard or license plate issued under this section, whether the person wishes to make a two-dollar voluntary contribution to support rehabilitation employment services. The registrar shall transmit the contributions received under this division to the treasurer of state for deposit into the rehabilitation employment fund, which is hereby created in the state treasury. A deputy registrar shall transmit the contributions received under this division to the registrar in the time and manner prescribed by the registrar. The contributions in the fund shall be used by the opportunities for Ohioans with disabilities agency to purchase services related to vocational evaluation, work adjustment, personal adjustment, job placement, job coaching, and community-based assessment from accredited community rehabilitation program facilities.

(l)

(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 removeable windshield 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 in administering this section.

(2) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau 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).

(m) All applications for registration of motor vehicles, ~~removable windshield placards~~, and ~~temporary removable windshield placards~~ issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to special accessible license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards ~~and temporary removable windshield placards~~ issued under this

O-24-30  
Exhibit A

section.

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

(ORC 4503.44)

(Ord. 2013-20. Passed 12-2-13; Ord. 2014-13. Passed 12-1-14.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

### 341.08 Display Of Placards Issued To Manufacturers Or Dealers

#### (a) Display of Placards on Noncommercial Vehicles:

(1) Any ~~placards~~ license plates 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~~ . Such license plates 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)

(A) A license plate issued to a dealer under ORC 4503.27 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.

(B) A vehicle bearing a license plate 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.

(3) A license plate issued to a manufacturer, dealer, or distributor pursuant to ORC 4503.27 ~~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~~ . Such a license plate 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~~ license plates, 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~~ license plates are used, the ~~placards~~ license plates 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~~ license plates 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~~ license plates.

When such ~~placards~~ license plates 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~~ license plates 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022

### 341.09 Display Of ~~Placards~~ License Plates By Persons Other Than Manufacturers, Dealers, Or Distributors

(a) Display of ~~Placards~~ License Plates:

~~(1) Placards issued pursuant to this ORC 4503.31 may be used only on motor vehicles or motorized bicycles owned and being used in testing or being demonstrated for purposes of sale or lease; or on motor vehicles subject to the rights and remedies of a secured party being exercised under ORC Chapter 1309; or on motor vehicles being held or transported by any insurance company for purposes of salvage disposition; or on motor vehicles being transported by any persons regularly engaged in salvage operations or scrap metal processing from the point of acquisition to their established place of business; or on motor vehicles owned by or in the lawful possession of an Ohio nonprofit corporation while being used in the testing of those motor vehicles.~~

Except as provided by divisions (2) and (3) of this section, license plates issued pursuant to this section may be used only on the following:

(A) Motor vehicles or motorized bicycles owned and being used in testing or being demonstrated for purposes of sale or lease;

(B) Motor vehicles subject to the rights and remedies of a secured party being exercised under Chapter 1309. of the Revised Code;

(C) Motor vehicles being held or transported by any insurance company for purposes of salvage disposition;

(D) Motor vehicles being transported by any persons regularly engaged in salvage operations or scrap metal processing from the point of acquisition to their established place of business;

(E) Motor vehicles owned by or in the lawful possession of an Ohio nonprofit corporation while being used in the testing of those motor vehicles.

(2) License plates issued pursuant to this section also may be used by all of the following:

~~(2 A) Placards issued pursuant to ORC 4503.31 also may be used by persons~~ Persons regularly engaged in the business of rustproofing, reconditioning, or installing equipment or trim on motor vehicles for motor

vehicle dealers and shall be used exclusively when such motor vehicles are being transported to or from the motor vehicle dealer's place of business; and by persons engaged in manufacturing articles for attachment to motor vehicles when such motor vehicles are being transported to or from places where mechanical equipment is attached to the chassis of such new motor vehicles; or on motor vehicles being towed by any persons regularly and primarily engaged in the business of towing motor vehicles while such vehicle is being towed to a point of storage.

(B) Persons engaged in manufacturing articles for attachment to motor vehicles when such motor vehicles are being transported to or from places where mechanical equipment is attached to the chassis of such new motor vehicles;

(C) Persons regularly and primarily engaged in the business of towing motor vehicles while such motor vehicles are being towed to a point of storage.

(3) ~~Placards~~ License plates issued pursuant to this ORC 4503.31 also may be used on trailers being transported by persons engaged in the business of selling tangible personal property other than motor vehicles.

(b) Prohibitions: No person shall use the license ~~placards~~ plates provided for in division (a) of this section contrary to said section.

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

(d) Definitions: As used in this section, "Person" includes, but is not limited to, any person engaged in the business of manufacturing or distributing, or selling at retail, displaying, offering for sale, or dealing in, motorized bicycles who is not subject to ORC 4503.09, or an Ohio nonprofit corporation engaged in the business of testing of motor vehicles.

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

Statutory reference:

Annual registration by persons other than manufacturers, dealers, or distributors - use of placards, see ORC 4503.31

Unauthorized use of placard, see ORC 4503.32

### 351.10 Selling, Washing, Or Repairing Vehicle Upon Roadway

(a) Prohibitions: No person shall stop, stand, or park a vehicle upon any roadway within this City, including the right-of-way, for the purpose of:

(1) Displaying such vehicle for sale;

(2) Washing or cleaning the exterior or interior of the vehicle, including any trunk or storage space; or

(3) Greasing or making any repairs to such vehicle, except when the repairs are necessitated by an emergency.

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

### 351.11 Loading Zones, Bus Stops, And Taxi Stands

(a) Business Loading Zones: No person shall stop, stand, or park a vehicle upon a street or right-of-way in a business or commercial district for any purpose or length of time other than for the expeditious loading or unloading, delivery, or pickup of materials or merchandise within a marked loading zone, during the permitted hours, as indicated upon the sign marking the loading zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(b) Bus Stops:

(1) No person shall stop, stand, or park a vehicle other than a bus in a bus stop when any such stop or stand has been officially designated and appropriately posted; except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, loading or unloading passengers and luggage, but only when such stopping does not interfere with any bus waiting to enter or about to enter such zone, and then only for a period not to exceed three (3) minutes, if such stopping is not otherwise prohibited therein by posted signs.

(2) The operator of a bus shall not stop, stand, or park such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop so designated and posted as such, except in case of an emergency.

(3) The operator of a bus shall enter a bus stop on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches (18") from the curb and the bus approximately parallel to the curb, so as not to unduly impede the movement of other vehicular traffic.

(c) Taxi Stands:

(1) No person shall stop, stand, or park a vehicle other than a registered taxicab in a taxicab stand, when any such taxi stand has been officially designated and appropriately posted; except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in loading or unloading passengers and luggage, but only when such stopping does not interfere with any taxi waiting to enter or about to enter the taxi stand, and then only for a period not to exceed three (3) minutes, if such stopping is not otherwise prohibited by posted signs.

(2) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated and posted as such. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking provisions at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers and luggage.

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

### 351.12 Parking For Persons Persons With Disabilities

(a) Accessible Parking Spaces: Accessible parking locations and privileges for persons with

disabilities that limit or impair the ability to walk 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 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 an accessible 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 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 accessible parking locations provided under division (a) of this section or at accessible 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 accessible license plates; or

(ii) The motor vehicle is being operated by or for the transport of a person with a disability and is displaying a parking card or accessible license plates.

(B) Any motor vehicle that is parked in an accessible 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 an accessible parking location provided under division (a) of this section or at an accessible 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) Accessible 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 person and is displaying a parking card



or accessible 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 accessible parking locations are required to be designated in accordance with division (a) of this section shall fail to properly mark the accessible parking locations in accordance with that division or fail to maintain the markings of the accessible 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 accessible license plates if the parking card or 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 accessible 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 accessible 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 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:

“Person with a disability” 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 disabling condition.

“Person with a Disability that Limits or Impairs the Ability to Walk” has the same meaning as in ORC 4503.44.

“Accessible License Plates” and “Removable Windshield Placard” mean any license plates, ~~or standard~~ removable windshield placard, permanent 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

353.03 Impounding Motor Vehicle Left On Public Property; Reclamation; Disposal

(a) Impoundment: The City's Chief of a law enforcement agency, 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 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 ~~or state highway patrol trooper, trooper, or officer~~ 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, trooper, or officer~~. If the Chief or ~~state highway patrol trooper or officer~~ determines that the vehicle cannot be removed within the specified period of time, the Chief ~~or state highway patrol trooper, trooper, or officer~~ 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 ~~or state highway patrol trooper, or officer~~ 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 not more than two (2) hours after the time it is removed.

(c) Notice to Vehicle Owner:

(1) The Chief 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 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 sending of the notice.

(2) The owner or lienholder of the motor vehicle ~~may reclaim the motor vehicle it upon~~ is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, 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

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Exhibit A

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 ~~or a state highway patrol trooper,~~ or officer, 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~~ and any 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, the Chief 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 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.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-26 on 11/20/2023

### 353.05 Disposition Of Unclaimed Motor Vehicles In Storage

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) The City's Chief may dispose of it with to a motor vehicle salvage dealer or scrap metal processing facility, as defined in ORC 4737.05, or with any other facility owned by or under contract with the City for the disposal of such motor vehicles.

(b) The Chief or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by posting notice of the sale in the City of Franklin Municipal Building and on the City of Franklin's official website.

(c) A towing service or storage facility may obtain title to the motor vehicle in accordance with ORC 4505.104.

(d) (1) Except as provided in division (d)(2) of this section, money ~~Any moneys~~ accruing 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.

(2) Any money accrued by the department of natural resources pursuant to division (a) or (b) of this section that is in excess of the expenses resulting from the removal and storage of the vehicle shall be credited as follows:

(A) To the wildlife fund created under ORC 1531.17 if the unclaimed motor vehicle was removed from property under the control or jurisdiction of the division of wildlife;

(B) To the state park fund created under ORC 1546.21 if the unclaimed motor vehicle was removed from property under the control or jurisdiction of the department of natural resources other than property under the control or jurisdiction of the division of wildlife.

(ORC 4513.62)

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

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022 Amended by Ord. 2023-04 on 3/6/2023 Amended by Ord. 2023-26 on 11/20/2023

### 353.08 Disposition Of Abandoned Junk Motor Vehicle

(a) Definition: "Abandoned junk motor vehicle" means any motor vehicle meeting all of the following requirements:

(1) Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;

(2) Three (3) years old, or older;

(3) Extensively damaged, such damage including, but not limited to, missing wheels, tires, motor, or transmission;

(4) Apparently inoperable; and

(5) Having a fair market value of one thousand five hundred dollars (\$1,500) or less.

(b) Disposal:

(1) The City's Chief of a law enforcement agency, or state highway patrol trooper upon notification to the Chief of such action, shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damage or missing equipment to substantiate the value of one thousand five hundred dollars (\$1,500) or less.

(2) The Chief a law enforcement agency shall thereupon immediately dispose of the abandoned junk motor vehicle to a motor vehicle salvage dealer, as defined in ORC 4738.01, or a scrap metal processing facility, as defined in ORC 4737.05, which is under contract to the City or to any other facility owned by or under contract with the City for the destruction of such motor vehicles. The records and photograph relating to the abandoned junk motor vehicle shall be retained by the Division of Police for a period of at

least two (2) years.

(3) The Division of Police shall execute in quadruplicate 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 and, within thirty

(30) days of disposing of the vehicle, shall sign and file the affidavit with the clerk of courts of the county in which the motor vehicle was abandoned.

(4) The clerk of courts shall retain the original of the affidavit for the Clerk's files and shall furnish one (1) copy thereof to the Registrar, one (1) copy to the motor vehicle salvage dealer or other facility handling the disposal of the vehicle, and one (1) copy to the Division of Police, who shall file such copy with the records and photograph relating to the disposal.

(5) Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the City's general fund.

(c)(1) Except as provided in division (c)(2) of this section, any money arising from the disposal of an abandoned junk motor vehicle shall be deposited in the general fund of the county, township, port authority, conservancy district, university campus, park district, or the municipal corporation, as the case may be.

(2) Any money arising from the disposal of an abandoned junk motor vehicle by the department of natural resources shall be deposited as follows:

(A) To the wildlife fund created under ORC 1531.17 if the abandoned junk motor vehicle was removed from property under the control or jurisdiction of the division of wildlife;

(B) To the state park fund created under ORC 1546.21 if the abandoned junk motor vehicle was removed from property under the control or jurisdiction of the department of natural resources other than property under the control or jurisdiction of the division of wildlife.

~~(e d)~~ Abandoned Junk Vehicle on Public Property: Notwithstanding Section 353.03 of this Traffic Code, any motor vehicle meeting the requirements of divisions (a)(3), (a)(4) and (a)(5) of this section which has remained unclaimed by the owner or lienholder for a period of ten (10) days or longer following notification as provided in Section 353.03 of this Traffic Code may be disposed of as provided in this section.

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

Statutory reference:

Photograph and record of information as to abandoned junk vehicles, see ORC 4513.63

## HISTORY

Amended by Ord. 2023-26 on 11/20/2023

### 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.

Codifier: Added material is underlined, deleted material is struck through.

"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 motor vehicle, 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, 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 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 "Motorized Bicycle" or "Moped" does not include an electric bicycle.

"Natural resources officer" means an officer appointed pursuant to ORC 1501.24.

"Wildlife officer" means an officer designated pursuant to ORC 1531.13.

(ORC 4511.01)

(Ord. 2013-13. Passed 6-17-13; Ord. 2016-09. Passed 8-15-16.)

## HISTORY

Amended by Ord. 2022-13 on 5/2/2022