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CODIFIED ORDINANCES OF KETTERING
PART FOUR – TRAFFIC CODE

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TRAFFIC CODE INDEX

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CODIFIED ORDINANCES OF KETTERING

PART FOUR - TRAFFIC CODE

TITLE TWO - Administration, Enforcement and Penalties

Chap. 402. Definitions.

Chap. 404. Enforcement; Impounding.

Chap. 406. Traffic Control Map and Files

Chap. 408. Penalties.

CHAPTER 402 Definitions

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Studded tire and traction engine defined - see TRAF. 440.07
Commercial car defined - see TRAF. 442.01
Bus defined - see TRAF. 446.01
Snowmobile and all purpose vehicle defined - see TRAF. 476.01

402.01 MEANING OF WORDS AND PHRASES.

The following words and phrases when used in this Traffic Code, except as otherwise provided, shall have the meanings respectively ascribed to them in this chapter.
(Ord. 42. Passed 10-1-53).

402.02 AGRICULTURAL TRACTOR.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.
(ORC 4511.01(I); Ord. 42. Passed 10-1-53.)

402.03 ALLEY.

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

402.04 ARTERIAL STREET.

"Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by Council or other duly designated local authority within the Municipality as part of a major arterial system of streets or highways.
(ORC 4511.01(BBB))

402.05 BICYCLE.

"Bicycle" means every device other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power upon which any person may ride having either two tandem wheels, or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter.
(ORC 4511.01(G)) (Ord. No. 3113-84. Passed 5-1-84)

402.06 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, and every motor vehicle, automobile for hire or funeral car, other than a taxicab, designed and used for the transportation of persons for compensation.

(ORC 4511.01(K); Ord. 42. Passed 10-1-53.)

402.07 BUSINESS DISTRICT.

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

(ORC 4511.01(MM); Ord. 42. Passed 10-1-53.)

402.08 COMMERCIAL TRACTOR.

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

(ORC 4511.01(H); Ord. 42. Passed 10-1-53.)

402.09 CONTROLLED-ACCESS HIGHWAY.

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

(ORC 4511.01(BB); Ord. 2437-72. Passed 12-12-72.)

402.10 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
- (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.

(ORC 4511.01(KK); Ord. 2437-72. Passed 12-12-72.)

402.11 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(X); Ord. 42. Passed 10-1-53.)

402.12 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the director of highway safety, or local authorities, and motor vehicles when commandeered by a police officer.

(ORC 4511.01(D); Ord. No. 3113-84. Passed 5-1-84.)

402.13 EXPLOSIVES.

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

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(S); Ord. 42. Passed 10-1-53.)

402.14 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade.

(ORC 4511.01(YY); Ord. 2437-72. Passed 12-12-72.)

402.15 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid which has a flash point of seventy degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed cup test device.

ORC 4511.01(T); Ord. 42. Passed 10-1-53.)

402.16 FREEWAY.

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

(ORC. 4511.01(XX); Ord. 2437-72. Passed 12-12-72.)

402.17 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(U); Ord. 42. Passed 10-1-53.)

402.18 INTERSECTION.

"Intersection" means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within

which vehicles traveling upon different highways joining at any other angle may come in conflict.

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

The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

(ORC 4511.01(JJ))

402.19 LANED STREET OR HIGHWAY.

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

(ORC 4511.01(FF); Ord. 42. Passed 10-1-53.)

402.20 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," or "motorecycle" without regard to weight or brake horsepower. ORC 4511.01(C); Ord. No. 3113-84. Passed 5-1-84.)

402.21 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products.

ORC 4511.01(B); Ord. No. 3113-84. Passed 5-1-84.)

402.22 PARKING.

"Parking," when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers. (Ord. 2437-72. Passed 12-12-72.)

402.23 PEDESTRIAN.

"Pedestrian" means any natural person afoot.

(ORC 4511.01(W); Ord. 42. Passed 10-1-53.)

402.24 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation.
(ORC 4511.01(V); Ord. 42. Passed 10-1-53.)

402.25 POLE TRAILER.

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.
(ORC 4511.01(N); Ord. 42. Passed 10-1-53.)

402.26 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Y); Ord. 2437-72. Passed 12-12-72.)

402.27 PRIVATE ROAD OR DRIVEWAY.

"Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.
(ORC 4511.01(C); Ord. 42. Passed 10-1-53.)

402.28 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county;

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

(3) Any motor vehicle when properly identified as required by the director of highway safety, when used in response to fire emergency calls or to provide emergency, medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The state fire marshal shall be designated by the director of highway safety as the certifying agency for all public safety vehicles described in division (3) of this section.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the director of highway safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.

(ORC 4511.01(E); Ord. No. 3113-84. Passed 5-1-84.)

402.29 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way.

(ORC 4511.01(O); Ord. 42. Passed 10-1-53.)

402.30 RAILROAD SIGN OR SIGNAL.

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

(ORC 4511.01(RR); Ord. 42. Passed 10-1-53.)

402.31 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad.
(ORC 4511.01(P); Ord. 42. Passed 10-1-53.)

402.32 RESIDENCE DISTRICT.

"Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(NN); Ord. 42. Passed 10-1-53.)

402.33 RIGHT OF WAY.

"Right of way" means the right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle or pedestrian approaching from a different direction into its or his path.
(ORC 4511.01(TT); Ord. 42. Passed 10-1-53.)

402.34 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.
(ORC 4511.01(DD); Ord. 42. Passed 10-1-53.)

402.35 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.
(ORC 4511.01(LL); Ord. 42. Passed 10-1-53.)

402.36 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the municipality or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function.
(ORC 4511.01(F); Ord. 42. Passed 10-1-53.)

402.37 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.
(ORC 4511.01(M); Ord. 42. Passed 10-1-53.)

402.38 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.
(ORC 4511.01(E); Ord. 42. Passed 10-1-53.)

402.39 STATE ROUTE.

"State route" means every highway which is designated with an official State route number and so marked. (ORC 4511.01(I); Ord. 42. Passed 10-1-53.)

402.40 STOP.

"Stop" when required, means a complete cessation of movement.
(Ord. 42. Passed 10-1-53.)

402.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(AAA); Ord. 1602-66. Passed 12-13-66.)

402.42 STOPPING AND STANDING.

"Stopping" and "standing" when prohibited, mean any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.
(Ord. 2437-72. Passed 12-12-72.)

402.43 STREET OR HIGHWAY.

"Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.
(ORC 4511.01(AA); Ord. 42. Passed 10-1-53.)

402.44 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 414.02. (ORC 4511.01(GG); Ord. 1602-66. Passed 12-13-66.)

402.45 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.
(ORC 4511.01(ZZ); Ord. 2437-72. Passed 12-12-72.)

402.46 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any street or highway for purposes of travel.
(ORC 4511.01(SS); Ord. 42. Passed 10-1-53.)

402.47 TRAFFIC CONTROL DEVICES.

"Traffic control devices" means all signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways. (ORC 4511.01(PP); Ord. 42. Passed 10-1-53.)

402.48 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction. (ORC 4511.01(QQ); Ord. 42. Passed 10-1-53.)

402.49 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed greater than twenty-five miles per hour. (ORC 4511.01(L); Ord. 2437-72. Passed 12-12-72.)

402.50 TREE LAWN.

"Tree lawn" means that portion of the street right of way measured from the curb or edge of the pavement to the limits of the right of way, except sidewalks. (Ord. 2094-70. Passed 3-10-70.)

402.51 TROLLEY.

"Trolley" means every vehicle which collects its power from overhead electric trolley wires and which is not operated upon rails or tracks. (Ord. 42. Passed 10-1-53.)

402.52 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(J); Ord. 42. Passed 10-1-53.)

402.53 URBAN DISTRICT.

"Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(OO); Ord. 42. Passed 10-1-53.)

402.54 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracks, and except devices other than bicycles moved by human power. (ORC 4511.01(A); Ord. No. 3113-84. Passed 5-1-84.)

402.55 MOTORIZED BICYCLE

"Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (Ord. No. 3113-84. Passed 5-1-84.)

CHAPTER 404

Enforcement; Impounding

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| 404.01 Obedience to police officers; fleeing; emergencies; school guards. | 404.11 Disposal of junk motor vehicle. |
| 404.02 Resisting an enforcing official. | 404.12 Abandoning junk motor vehicles prohibited. |
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| 404.05 Freeway use prohibited by pedestrians, bicycles and animals. | 404.15 Use of public parks for vehicular travel. |
| 404.06 Impounding from private property. | 404.16 Removal of vehicles from streets under construction. |
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CROSS REFERENCES

- See section histories for similar State law
- Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.61 et seq.
- Burden of proof - see Ohio R.C. 2901.05
- Arrest without warrant for misdemeanor - see Ohio R.C. 2935.03
- Right of trial by jury - see Ohio R.C. 2945.17
- Time within which hearing or trial must be held - see Ohio R.C. 2945.71
- Extension of time for hearing or trial - see Ohio R.C. 2945.72
- Discharge for delay in trial - see Ohio R.C. 2945.73
- Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
- State point system suspension - see Ohio R.C. 4507.40
- Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06
- Use of private property for vehicular travel - see Ohio R.C. 4511.08
- Authority of arresting officer when radar, electrical or mechanical timing device used - see Ohio R.C. 4511.091
- Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13
- Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15
- Traffic Control Map and Files - see TRAF. Ch. 406
- Parking violations waiver - see TRAF. 408.03
- Exceptions for emergency or public safety vehicles - see TRAF. 432.18, 434.06
- Removal of vehicles from streets during emergencies - see TRAF. 452.12
- Impounding of bicycles - see TRAF. 474.08

Limitation on criminal prosecutions - see GEN. OFF. 606.06
Failure to aid a law enforcement officer - see GEN. OFF. 606.13
Obstructing official business - see GEN. OFF. 606.14
Obstructing justice - see GEN. OFF. 606.15
Resisting arrest - see GEN. OFF. 606.16
Soliciting or receiving improper compensation - see GEN. OFF. 606.18
Dereliction of duty - see GEN. OFF. 606.19
Disposition of property held by Police Department - see GEN. OFF. 606.25
Motor vehicle as a public nuisance - see BLDG. 1373.01, 1373.10

404.01 OBEDIENCE TO POLICE OFFICERS; FLEEING; EMERGENCIES; SCHOOL GUARDS.

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

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 his motor vehicle to a stop.

(ORC 4511.02; Ord. 42. Passed 10-1-53; Ord. 1726-67. Passed 12-26-67.)

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

(c) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned. (Ord. 2437-72. Passed 12-12-72.)

(d) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01. (Ord. 2699-76. Passed 7-13-76.)

(e) Whoever violates subsection (b) or (c) hereof shall be punished as provided in Sections 408.01 and 408.02. (Ord. 2542-74. Passed 1-22-74.)

404.02 RESISTING AN ENFORCING OFFICIAL.

No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets. (ORC 4513.36; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

404.03 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

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

The drivers of snow plows, traffic line stripers, road sweepers, mowing machines, tar distributing vehicles and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a street or highway, provided such vehicles are equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the vehicles are so engaged, shall be exempt from criminal prosecution for violations of Sections 432.01 to 432.04, inclusive, 432.06 to 432.08, inclusive, 432.29, 434.04 and 452.01. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This section shall not exempt a driver of such equipment from civil liability arising from the violations of the sections referred to herein. (ORC 4511.04; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

404.04 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

(a) Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05; Ord. 617-58. Passed 10-28-58.)

(b) No person driving a horse-drawn vehicle or riding a horse upon any public street or highway within the City shall drive or ride such horse at a gait other than a trot or walk. (Ord. 169. Passed 8-10-54.)

Penalty - see Sections 408.01 and 408.02

404.05 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

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

- (a) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;
- (b) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle; a bicycle with motor attached; a motor-driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties. (ORC 4511.051; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

404.06 IMPOUNDING FROM PRIVATE PROPERTY.

The Building Inspection Superintendent, upon notification by any department or division of the City, or any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 404.10, which has been left on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property.

The owner of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.
(Ord. 2383-72. Passed 3-28-72.)

404.07 IMPOUNDING FROM PUBLIC PROPERTY.

The Chief of Police may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Section 404.10, under the following circumstances:

- (a) When any vehicle has been left on a public street or other property open to the public for purpose of vehicular travel, or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the Chief of Police of the reasons for leaving the motor vehicle in such place;
- (b) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations;
- (c) When any vehicle has been stolen or operated without the consent of the owner;
- (d) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates;
- (e) When any vehicle has been used in or connected with the commission of a felony;
- (f) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property;
- (g) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator;
- (h) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision;
- (i) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked;
- (j) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

(Ord. 2383-72. Passed 3-28-72.)

404.08 NOTICE

If the owner makes no claim to the motor vehicle within 10 days from the date of impounding, the Chief of Police shall cause a search to be made of the records of the Bureau of Motor Vehicles to ascertain the owner and any lienholder of the motor vehicle.

Notice shall be sent to the owner and lienholder at the last known address by Certified Mail, return receipt requested, that the motor vehicle will be disposed of if not claimed within 10 days of the date of mailing of the notice. The owner or lienholder of the motor vehicle may reclaim it upon payment of any expenses or charges incurred in its removal and storage and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.

If the owner or lienholder makes no claim to the motor vehicle within 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 404.09, the Chief of Police shall file with the Clerk of Courts of Montgomery County an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk of Courts shall, without charge, issue a 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 junk yard or other facility as provided in Section 404.09, as prescribed by the Ohio Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Chief of Police shall retain the original of the affidavit for his records, and shall furnish two copies to the owner of the junk yard or other facility. Upon presentation of a copy of the affidavit by the owner of the junk yard or other facility, the Clerk of Courts shall issue to such owner a certificate of title free and clear of all liens and encumbrances.

Whenever the owner of a junk yard or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, such owner shall not be required to obtain an Ohio certificate of title to the motor vehicle in his own name if, within 10 days of the receipt of the affidavit, the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(ORC 4513.61 - Ord. 2962-81. Passed 7/28/81.)

404.09 SALE OF UNCLAIMED MOTOR VEHICLE.

Unclaimed motor vehicles ordered into storage pursuant to Sections 404.06 and 404.07, shall be disposed of at the order of the Chief of Police to a junk yard, scrap metal processing facility or to any other facility owned or under contract with a municipal corporation for the disposal of such motor vehicles, or shall be sold by the Chief of Police or a licensed auctioneer at public auction, after giving notice thereof by advertisement published once a week for two successive weeks in a newspaper of general circulation in the County. Any moneys accruing from the disposition of an unclaimed motor vehicle shall be credited to the General Fund of the City.

(ORC 4513.62; Ord. 2962-81. Passed 7-28-81.)

404.10 ABANDONED JUNK MOTOR VEHICLE DEFINED.

(a) "Abandoned junk motor vehicle," as used in Sections 404.06, 404.07, 404.11, 404.12 and 404.13, means any motor vehicle meeting all of the following requirements:

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

- (2) Is three years old, or older;
- (3) Is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield, or missing wheels, tires, motor or transmission;
- (4) Is apparently inoperable;
- (5) Has a fair market value of one hundred dollars (\$100.00) or less.
(Ord. 2383-72. Passed 3-28-72.)

(b) Notwithstanding Section 404.08, any motor vehicle meeting the requirements of subparagraphs (a)(3), (4) and (5) hereof which has remained unclaimed by the owner or lienholder for a period of ten days or longer following notification as provided in Section 404.08 may be disposed of as provided in Ohio R.C. 4513.63.
(ORC 4513.63)

404.11 DISPOSAL OF JUNK MOTOR VEHICLE.

The Building Inspection Superintendent or Police Chief shall order any abandoned junk motor vehicle to be photographed in the place where it is abandoned, shall record the make of the motor vehicle and the serial number, when available, and shall also detail the damage or missing equipment to substantiate the value of one hundred dollars (\$100.00) or less. The Superintendent shall immediately dispose of the abandoned junk motor vehicle to a junk yard or scrap metal processing facility or to any other facility owned by or under contract with the Municipality for the disposal of such motor vehicles. The records and photograph relating to the abandoned junk motor vehicle shall be retained by the Superintendent regarding the disposition of such vehicle for a period of at least two years. The Superintendent shall execute in quadruplicate an affidavit, as prescribed by the Ohio 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 the Superintendent shall sign and file the same with the Clerk of Courts of the county in which the motor vehicle was abandoned. The Clerk of Courts shall retain the original of the affidavit for his files, shall furnish one copy thereof to the Registrar, one copy to the junk yard or other facility handling the disposal of the vehicle and one copy to the Superintendent ordering the disposal, who shall file such copy with the records and photograph relating to the disposal. Any moneys arising from the disposal of an abandoned junk motor vehicle shall be deposited in the General Fund.
(Ord. 2383-72. Passed 3-28-72.)

404.12 ABANDONING JUNK MOTOR VEHICLES PROHIBITED.

(a) No person shall willfully leave an abandoned junk motor vehicle, as defined in Section 404.10, on private property for more than seventy-two hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purpose of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the Chief of Police of the Municipality of the reasons for leaving the motor vehicle in such place.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima-facie evidence of abandonment.
(ORC 4513.64; Ord. 2383-72. Passed 3-28-72.)

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense; for a second or subsequent offense, such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.

In addition to the penalty herein provided, whoever violates this section is liable in a civil action for treble the costs incurred by the City in disposing of such abandoned junk motor vehicle less any moneys accruing to the City from such disposal.
(Ord. 2542-74. Passed 1-22-74.)

404.13 STORAGE OF JUNK VEHICLES.

(a) As used in this section "junk motor vehicle" means any motor vehicle meeting the requirements of Section 404.10 and that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under the authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bona fide commercial operation.

(b) The Building Inspection Superintendent may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

(c) No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65)

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (ORC 4513.99(E))

404.14 USE OF PRIVATE PROPERTY FOR VEHICULAR TRAVEL.

(a) Nothing in this Traffic Code shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as a matter of right from prohibiting such use or from requiring additional conditions to those specified in this Traffic Code, or otherwise regulating such use as may seem best to such owner. (ORC 4511.08; Ord. 42. Passed 10-1-53.)

(b) Whenever the owner of such real property erects or causes to be erected signs at each entrance to his property forbidding the use of such property by certain types of vehicles or otherwise regulating the use thereof by motor vehicles, such prohibitions or regulations shall be treated as part of this Traffic Code and violations shall be punishable in accordance with the provisions hereof. (Ord. 743-60. Passed 5-24-60.)

404.15 USE OF PUBLIC PARKS FOR VEHICULAR TRAVEL.

No person shall operate a motor vehicle upon lands, paved walks or paths of any property owned by the City and used for purposes of a public park, except within those areas specifically designated for vehicular traffic. This section shall not apply to vehicles used in the maintenance of such property nor to vehicles operated on such property pursuant to a public event sponsored by the City nor to emergency public safety vehicles. (Ord. 1626-66. Passed 12-27-66.)

Penalty - see Sections 408.01 and 404.02

404.16 REMOVAL OF VEHICLES FROM STREETS UNDER CONSTRUCTION.

The City Manager is hereby authorized to require the removal of vehicles from areas where construction or improvements are or will be in process within the succeeding twenty-four hour period. The City Manager shall inform the public of the aforementioned conditions through reasonable and usual methods of communication. If the owner or operator of the vehicle does not remove it within a reasonable time, the vehicle may be removed by the Police Department. (Ord. 2383-72. Passed 3-28-72.)

404.17 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code shall apply to the driver of any vehicle owned by or used in the service of the United States government, the State, County or City and no driver shall violate any of the provisions of this Code, except as otherwise permitted in this Code.

(Ord. 617-58. Passed 10-28-58.)

Penalty - see Sections 408.01 and 408.02

404.18 REMOVAL OF IMPOUNDED MOTOR VEHICLES

No person shall remove, cause to be moved, or operate a motor vehicle which has been impounded under this Chapter without payment of all expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle.

Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 408.01. (Ord. 2919-80. Passed 11-11-80.)

Rev. 104

CHAPTER 406 Traffic Control Map and Files

406.01 Traffic Control Map.
406.02 Traffic Control File.

406.03 Amendments.
406.04 Violations

CROSS REFERENCES

Authority to designate traffic control areas - see Ohio R.C. 4511.07

Traffic control devices - see TRAF. Ch. 414

Authority of Council to place and maintain traffic control devices - see TRAF. 414.09

406.01 TRAFFIC CONTROL MAP.

There is hereby established a Traffic Control Map to show at all times the City's current:

- (a) Through streets and highways.
- (b) Stop intersections.
- (c) Yield rights of way.
- (d) One-way streets, highways and alleys.
- (e) Loading zones.
- (f) Prohibited and limited parking areas.
- (g) Angle parking areas.
- (h) Truck routes.
- (i) Turning prohibited or required areas.
- (j) Traffic control signals.

The Traffic Control Map shall be prepared, maintained on a current basis and kept under the supervision of the person responsible for operation of the transportation engineering activities of this city.

406.02 TRAFFIC CONTROL FILE.

There is hereby established a traffic control file which shall be prepared, maintained on a current basis, and kept under the supervision of the person responsible for operation of the transportation engineering activities of this city. The file shall constitute the permanent and official record of through streets and highways, stop intersections, yield rights of way, one-way streets, highways and alleys, loading zones, prohibited and limited parking areas, angle parking areas, truck routes, turning prohibited or required areas and traffic control signals.

The Traffic Control File shall include the following information:

- (a) Type of traffic control designation.
- (b) Complete description of the street or area affected.
- (c) Number of ordinance authorizing designation.
- (d) Effective date of ordinance.

- (e) Date proper signs and markings were erected.
- (f) Date recorded upon Traffic Control Map.

406.03 AMENDMENTS.

Amendments to the Traffic Control Map and Traffic Control File shall be made by legislation passed by Council. Upon the effective date of such legislation and upon the erection of proper signs and markings giving notice thereof, amendments shall be in full force and effect. All such amendments shall be recorded on the official Traffic Control Map and the official Traffic Control File.

The person responsible for operation of the transportation engineering activities of this city and the Chief of Police are hereby authorized to issue traffic regulations directing the installation for temporary periods, not to exceed 60 days duration, of such traffic control signs and/or devices as are necessary or appropriate during periods of construction, excavation, demolition, or other emergency situations. They are also authorized to issue regulations directing up to 60 day temporary installation of such signs and/or devices for trial purposes (so as to be able to observe results before such signs and/or devices are made permanent) and for special events which will create unusual traffic situations in this city. Such traffic control signs or devices may be extended for an additional period of time by express permission of a majority of Council. The signatures of both the person responsible for operation of transportation engineering activities of this city and the Chief of Police are required to issue such temporary traffic regulations.

406.04 VIOLATIONS.

After the effective date of any ordinance regulating the control of traffic by amending the Traffic Control Map, and the erection of signs giving notice thereof, whoever violates any provision of any such ordinance shall be punished as provided in Sections 408.01 and 408.02.

Legislative history: Ord. 617-58; passed 1/28/58; Ord. 870-61; passed 6/27/61; Ord. 3573-92; passed 10/13/92; Ord. 3601-93; passed 4/27/93

CHAPTER 408 PENALTIES

408.01	Penalties for Misdemeanor.
408.02	General Code Penalty.
408.03	Penalty and Waiver for Parking Violations (Chapter 452)

CROSS REFERENCES

See section histories for similar state law

Definition of "imprisoned" – see Ohio Revised Code §1.05

Commitment in lieu of fine; credit for time served – see Ohio Revised Code §2947.20

Criteria for probation; conditions for probation – see Ohio Revised Code §2951.02

Definition of "repeat offender" – see GENERAL OFFENSES §698.01(a)

Definition of "dangerous offender" – see GENERAL OFFENSES §698.01(B)

Imposing sentence for misdemeanor – see GENERAL OFFENSES §698.03

Organizational penalties – see GENERAL OFFENSES §698.04

Multiple sentences – see GENERAL OFFENSES §698.05

Modification of sentence – see GENERAL OFFENSES §698.06

SECTION 408.01 PENALTIES FOR MISDEMEANOR.

Unless otherwise specifically provided:

(a) Whoever is convicted of or pleads guilty to a misdemeanor, other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

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

(1) For a misdemeanor of the first degree, not more than six months.

(2) For a misdemeanor of the second degree, not more than ninety days;

(3) For a misdemeanor of the third degree, not more than sixty days;

- (4) For a misdemeanor of the fourth degree, not more than thirty days.
- (c) Fines for a misdemeanor shall be imposed as follows:
 - (1) For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);
 - (2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
 - (3) For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
 - (4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00).
- (d) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than One Hundred Fifty Dollars (\$150.00)

SECTION 408.02 GENERAL CODE PENALTY.

Whoever violates any provision of this Traffic Code for which no penalty is otherwise provided is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 434.03 upon a finding that he operated a motor vehicle faster than thirty-five miles an hour in a business district, or faster than fifty miles an hour in other portions of the Municipality, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 408.01. (ORC §4511.99(D); §4513.99(C).)

SECTION 408.03 PENALTY AND WAIVER FOR PARKING VIOLATIONS (CHAPTER 452).

- (a) Whoever violates any provision of Chapter 452 is guilty of a minor misdemeanor. Punishment shall be as provided in Section 408.01.
- (b) Any person charged with a violation of any provision of Chapter 452 for which payment of a prescribed fine may be made, may pay such sum in the manner prescribed on the issued traffic ticket. Such payment shall be deemed a plea of guilty, waiver of court appearance and acknowledgement of conviction of the alleged offense and may be

accepted in full satisfaction of the prescribed penalty for such alleged violation. Payment of the prescribed fine need not be accepted when laws prescribe that a certain number of such offenses shall require court appearance.

Legislative History: Ord. 2437-72; passed 12-12-72. Ord. 2542-74; passed 1-22-74. Ord. 3958-03; passed 12-16-03.

TITLE FOUR - Public Ways and Traffic Control Devices

Chap. 412. Obstruction and Special Uses of Public Ways.

Chap. 414. Traffic Control Devices.

Chap. 416. Pedestrians.

CHAPTER 412

Obstruction and Special Uses of Public Ways

412.01 Placing injurious material or
obstruction in street.

412.02 Zones of quiet.

412.03 Block parties

412.04 Toy vehicles on roadway

412.05 Parades

412.06 Riding of skateboards in
Community Center District

CROSS REFERENCES

See section histories for similar State law

Power to regulate processions or assemblages - see Ohio R.C. 4511.07(C)

Loads dropping, leaking or shifting; tracking mud; removal required - see TRAF. 440.06

Selling or repairing vehicle on roadway - see TRAF. 452.08

Sidewalk obstructions; damage or injury - see GEN. OFF. 660.13

412.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN STREET.

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

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

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

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

(e) No person shall deposit snow from private property upon the pavement or sidewalk of any public street. No person shall deposit such snow upon any tree lawn in a public street, except that immediately in front of the premises from which the snow was removed. No person shall permit snow from his property to be deposited on the locations prohibited by this paragraph.

Penalty - see Sections 408.01 and 408.02

412.02 ZONES OF QUIET.

Whenever authorized signs are erected indicating a zone of quiet, no person operating a vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

Penalty - see Sections 408.01 and 408.02

412.03 BLOCK PARTIES.

Whenever authorized signs are erected indicating that any street or part thereof is blocked off or closed for the purpose of holding a block party therein or thereon, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area and then such drivers shall exercise the greatest care in driving upon any such street or portion thereof.

Penalty - see Sections 408.01 and 408.02

412.04 TOY VEHICLES ON ROADWAY.

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

Penalty - see Sections 408.01 and 408.02

412.05 PARADES AND ASSEMBLAGES.

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

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

The permit may be refused or canceled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of sufficient police officers or firemen so as to deprive the Municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct, create a disturbance or threaten the safety of residents.

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

Penalty - see Sections 408.01 and 408.02

412.06 RIDING OF SKATEBOARDS IN COMMUNITY CENTER DISTRICT

(a) No person shall ride a skateboard on any sidewalk, street, alley, or public ground in the Community Center District.

(b) For the purpose of this section, the Community Center District shall be that area as defined in Chapter 1159 of the Codified Ordinances.

Penalty - see Sections 408.01 and 408.02

Legislative history: Ord. 42; passed 10/1/53. Ord. 2437-72; passed 12/12/72. Ord. 3312-88; passed 1/12/88. Ord. 3551-92; passed 5/12/92. Ord. 3711-96; passed 5/14/96

CHAPTER 414 Traffic Control Devices

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| 414.01 Obedience to traffic control devices. | 414.05 Pedestrian control signals. |
| 414.02 Through streets; stop and yield right-of-way signs. | 414.06 Flashing traffic signals. |
| 414.03 Traffic control signal terms and lights. | 414.07 Unauthorized signs and signals, hiding from view, advertising. |
| 414.04 Signal to control lane direction of travel. | 414.08 Alteration, injury, removal of traffic control devices. |
| | 414.09 Duty of Council |

CROSS REFERENCES

See section histories for similar State law

Designation of through streets or stop intersections - see Ohio R.C. 4511.07(F), 4511.65

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

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

Traffic control devices defined - see TRAF. 402.47

Criminal mischief (tampering) - see GEN. OFF. 642.09

414.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer. When both traffic control signals and stop signs are erected at intersections, traffic shall be governed by the traffic control signal while it is in operation.

No provisions of this Traffic Code for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected in place. (ORC 4511.12) Penalty - see Sections 408.01 and 408.02

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

(a) All State routes and are hereby designated as through streets or highways, provided that stop signs shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more through

streets or highways intersect and no traffic control signal is in operation, stop signs shall be erected at one or more entrances thereto, except as otherwise provided in this section.

(b) Other streets or highways or portions thereof within the Municipality, with a continuous length of more than one mile between the limits of such street or highway or portion thereof, at the entrances to which vehicular traffic from the majority of intersecting streets or highways is controlled by "stop" or "yield" signs or traffic control signals are hereby designated as through streets or highways. For purposes of this section, the limits of such street or highway or portion thereof shall be a municipal corporation line, the physical terminus of the street or highway or any point on such street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street.

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

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

(e) Every stop sign shall bear the word "stop" in letters not less than six inches in height. Every stop sign shall be located as near as practicable at the property line of the street or highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway. (ORC 4511.65; Ord. 2437-72. Passed 12-12-72.)

(f) Every operator of a vehicle, street car, or trackless trolley shall stop at such stop sign or at clearly marked stop line before entering an intersection except when directed to proceed by a police officer or traffic control signal. (Ord. 2818-78. Passed 9-12-78)

414.03 TRAFFIC CONTROL SIGNAL, TERMS AND LIGHTS.

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

(a) Green Indication.

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn, but vehicular traffic including vehicles turning right or left, shall yield the right of way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (3) Unless otherwise directed by a pedestrian control signal, as provided in Section 414.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication.
 - (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian control signal as provided in Section 414.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Steady Red Indication.
 - (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsection (c)(2) hereof.
 - (2) Unless a sign is in place prohibiting a right turn as provided in subparagraph (c)(4) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subparagraph (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian control signal, as provided in Section 414.05, pedestrians facing a steady red signal alone shall not enter the roadway.
 - (4) Council or other duly designated local authority, or the Ohio Director of Transportation on State routes, may prohibit a right turn against a steady red signal at any intersection, which prohibition shall be effective when signs giving notice thereof are posted at the intersection.
- (d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (ORC 4511.13)

Penalty - see Sections 408.01 and 408.02

414.04 SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL.

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

- (a) A steady downward green arrow:

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

- (b) A steady yellow "X":
Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.
- (c) A flashing yellow "X":
Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.
- (d) A steady red "X":
Vehicular traffic shall not enter or travel in any lane over which such signal is shown. (ORC 4511.131)
Penalty - see Sections 408.01 and 408.02

414.05 PEDESTRIAN CONTROL SIGNALS.

Whenever special pedestrian signals exhibiting the words "walk," "don't walk" or "wait" are in place, such signals shall indicate the following instructions:

- (a) "Walk": Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.
- (b) "Don't walk" or "wait": No pedestrian shall start to cross the roadway in the direction of the signal. (ORC 4511.14; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

414.06 FLASHING TRAFFIC SIGNALS.

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

- (1) Flashing red stop signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the rear side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) Flashing yellow caution signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

(b) Subsection (a) hereof shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 432.31 through 432.33. (ORC 4511.15)

Penalty - see Sections 408.01 and 408.02

414.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.

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

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CHAPTER 416

Pedestrians

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| <p>416.01 Duties of pedestrians and drivers at crosswalks.</p> <p>416.02 Right of way of blind person.</p> <p>416.03 Right of way yielded by pedestrian; crossing roadways.</p> <p>416.04 Moving in crosswalk.</p> <p>416.05 Walking on sidewalks and streets.</p> <p>416.06 Soliciting rides or business; riding on outside of vehicle.</p> | <p>416.07 Passing through bridge signals or railroad barriers.</p> <p>416.08 Right of way of public safety vehicles.</p> <p>416.09 Right of way on sidewalks.</p> <p>416.10 Intoxication.</p> |
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CROSS REFERENCES

See section histories for similar State law

Pedestrians prohibited on freeways - see TRAF. 404.05

Obedience to traffic control devices - see TRAF. 414.01

Pedestrian control signals - see TRAF. 414.05

Boarding buses - see TRAF. 446.04

Opening doors on side available to traffic - see TRAF. 452.07

Guide dogs for blind persons - see GEN. OFF. 618.12

416.01 DUTIES OF PEDESTRIANS AND DRIVERS AT CROSSWALKS.

(a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 416.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle. ORC 4511.46)

Penalty - see Sections 408.01 and 408.02

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

(ORC 4511.16; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

414.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

No person shall without lawful authority attempt to or willfully alter, deface, injure, knock down or remove any traffic control device, any railroad sign or signal, or any inscription, shield or insignia thereon, or any part thereof.

No person shall drive upon or over any freshly painted centerline, lane line, letter, number or symbol on the surface of a roadway while the paint is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it.
(Ord. No. 2770-77. Passed 11-8-77.)

414.09 DUTY OF COUNCIL.

Council shall cause to be erected, placed and maintained such traffic control devices upon the streets within the jurisdiction of the City as it deems necessary to indicate and carry out the provisions of this Traffic Code or to regulate, warn or guide traffic. (Ord. 42. Passed 10-1-53.)

416.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees. The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white or metallic cane, with or without a red tip. (ORC 4511.47; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

416.03 RIGHT OF WAY YIELDED BY PEDESTRIAN; CROSSING ROADWAYS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices. When authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.
(ORC 4511.48)

Penalty - see Sections 408.01 and 408.02

416.04 MOVING IN CROSSWALK.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
(ORC 4511.49; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

416.05 WALKING ON SIDEWALKS AND STREETS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Sections 414.03 and 416.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

(ORC 4511.50)

Penalty - see Sections 408.01 and 408.02

416.06 SOLICITING RIDES OR BUSINESS; RIDING ON OUTSIDE OF VEHICLE.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) No person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(c) No person shall hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments.

(d) No operator shall knowingly permit any person to hang onto, or ride on the outside of, any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments.

(ORC 4511.51)

Penalty - see Sections 408.01 and 408.02

416.07 PASSING THROUGH BRIDGE SIGNALS OR RAILROAD BARRIERS.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(ORC 4511.511)

Penalty - see Sections 408.01 and 408.02

416.08 RIGHT OF WAY OF PUBLIC SAFETY VEHICLES.

(a) Upon the immediate approach of a public safety vehicle, as stated in Section 432.19, every pedestrian shall yield the right of way to the public safety vehicle.

(b) Subsection (a) hereof shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(ORC 4511.452)

Penalty - see Sections 408.01 and 408.02

416.09 RIGHT OF WAY ON SIDEWALKS.

The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.
(ORC 4511.441)

Penalty - see Sections 408.01 and 408.02

416.10 INTOXICATION.

No pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders himself a hazard, shall walk or be upon a highway. (ORC 4511.481)

Penalty - see Sections 408.01 and 408.02

TITLE SIX - Vehicles and Operation

- Chap. 432. Operation Generally.
- Chap. 433. Light Motor Vehicle Noise Control.
- Chap. 434. DWI; Reckless Operation; Speed.
- Chap. 436. Licensing; Accidents.
- Chap. 438. Safety and Equipment.
- Chap. 440. Commercial and Heavy Vehicles.
- Chap. 442. Drivers of Commercial Cars or Tractors.
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 CHAPTER 432
Operation Generally

- | | | | |
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| 432.02 | Passing to right when proceeding in opposite directions. | 432.22 | Driving and parking upon sidewalks, tree lawns or curbs. |
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| 432.20 | Right of way at private driveway, alley or building. | | |

CROSS REFERENCES

See section histories for similar State law

Obedience to traffic control devices - see TRAF. 414.01

Yielding right of way to pedestrians on sidewalks - see TRAF. 416.09

Operation of trolleys and buses - see TRAF. Ch. 446

Operation of bicycles and motorcycles - see TRAF. 474.01 et seq.

Operation of snowmobiles and all purpose vehicles - see TRAF. 476.03,
476.04

432.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

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

- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
- (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- (5) When otherwise directed by a police officer or traffic control device.

(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

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

(d) Subsection (c) hereof shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road or driveway.
(ORC 4511.25)

Penalty - see Sections 408.01 and 408.02

432.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

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

(ORC 4511.26; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

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

- (a) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (c) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (b) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (c) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 432.29, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed. (ORC 4511.27; Ord. 2437-72. Passed 12-12-72.)
- (d) The driver of a vehicle overtaking upon the left any trolley or bus stopped for the purpose of receiving or discharging any passenger shall proceed past such trolley or bus at a speed not greater than is reasonable and proper and with due care for the safety of pedestrians. (Ord. 1694-67. Passed 10-10-67.)

Penalty - see Sections 408.01 and 408.02

432.04 OVERTAKING, PASSING TO RIGHT OF VEHICLE.

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

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

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

(ORC 4511.28)

Penalty - see Sections 408.01 and 408.02

432.05 OVERTAKING, PASSING TO LEFT OF CENTERLINE.

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

(ORC 4511.29)

Penalty - see Sections 408.01 and 408.02

432.06 DRIVING UPON LEFT SIDE OF ROADWAY.

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

- (a) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
- (b) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct, or tunnel;
- (c) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 432.01(a)(2).

(ORC 4511.30)

Penalty - see Sections 408.01 and 408.02

432.07 HAZARDOUS OR NO PASSING ZONES.

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

When appropriate signs or markings indicating hazardous or "no passing" zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 432.06.

(ORC 4511.31; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.08 DRIVING WITHIN LANES OR CONTINUOUS LINES OF TRAFFIC.

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

- (a) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
- (c) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.
- (d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(ORC 4511.33)

Penalty - see Sections 408.01 and 408.02

432.09 FOLLOWING TOO CLOSELY.

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

(b) The driver of any truck or motor vehicle drawing another vehicle, when traveling upon a street within the City shall maintain sufficient space whenever conditions permit, between such vehicle and another vehicle ahead, so an overtaking vehicle may enter and occupy such space without danger. The provisions of this section shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use by trucks. (ORC 4511.34; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.10 TURNING AT INTERSECTIONS.

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

- (a) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (b) At any intersection when traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the

intersection to the right of the centerline of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

- (c) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.
- (d) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs. (ORC 4511.36; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.11 "U" TURNS RESTRICTED.

- (a) No vehicle shall be turned so as to proceed in the opposite direction upon any street, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within 500 feet by the driver of any other vehicle approaching from either direction. (ORC 4511.37; Ord. 42. Passed 10-1-53.)

(b) No vehicle shall be turned so as to proceed in the opposite direction within an intersection, or upon any street in a business district, or upon a freeway, expressway or controlled-access highway, or where authorized signs are erected to prohibit such movement, or at any other location unless such movement can be made with reasonable safety to other users of the public way and without interfering with the safe operation of any traffic that may be affected by such movement. (Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.12 STARTING AND BACKING VEHICLES.

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

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

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

(ORC 4511.38; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.13 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

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

(b) When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

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

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

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

(ORC 4511.39)

Penalty - see Sections 408.01 and 408.02

432.14 HAND AND ARM SIGNALS.

All signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (a) Left turn: Hand and arm extended horizontally;
 - (b) Right turn: Hand and arm extended upward;
 - (c) Stop or decrease speed: Hand and arm extended downward.
- (ORC 4511.40; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.15 RIGHT OF WAY AT INTERSECTIONS.

(a) Except as otherwise provided in this Traffic Code and Ohio R. C. Chapter 4511, when two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

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

(ORC 4511.41)

Penalty - see Sections 408.01 and 408.02

432.16 RIGHT OF WAY WHEN TURNING LEFT.

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

(ORC 4511.42)

Penalty - see Sections 408.01 and 408.02

432.17 OPERATION OF VEHICLE AT STOP AND YIELD SIGNS.

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

(b) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way.

(ORC 4511.43)

Penalty - see Sections 408.01 and 408.02

432.18 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.

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

(ORC 4511.03; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.19 RIGHT OF WAY OF PUBLIC SAFETY VEHICLE.

Upon the approach of a public safety vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way,

immediately drive to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in such position until the public safety vehicle has passed, except when otherwise directed by a police officer.

This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street. (ORC 4511.45; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.20. RIGHT OF WAY AT PRIVATE DRIVEWAY, ALLEY OR BUILDING.

(a) The operator of a vehicle about to enter or cross a highway from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(ORC 4511.44)

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

(ORC 4511.431)

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

- (1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the centerline thereof.
- (3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

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

Penalty - see Sections 408.01 and 408.02

432.21 RIGHT OF WAY OF FUNERAL PROCESSION.

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

Excepting public safety vehicles proceeding in accordance with Section 432.19 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the

remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

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

(ORC 4511.451; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.22 DRIVING AND PARKING UPON SIDEWALKS, TREE LAWNS OR CURBS.

No person shall drive, stand or park a vehicle on a sidewalk, tree lawn area or the curb of a street, except when entering or leaving a permanent or temporary driveway or when lawfully authorized. (Ord. 3223-86. Passed 6-24-86.)

Penalty - see Section 408.01 and 408.02

432.23 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

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

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

(ORC 4511.70)

Penalty - see Sections 408.01 and 408.02

432.24 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

No person shall drive upon, along or across a street or highway, or any part thereof, which has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway. (ORC 4511.71; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.25 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a fireman. (ORC 4511.72; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.26 DRIVING OVER FIRE HOSE.

No vehicle shall, without the consent of the Fire Department official in command, be driven over any unprotected hose of the Fire Department, when such hose is laid down on any street or private driveway to be used at any fire or alarm of fire.
(ORC 4511.73; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.27 DRIVING THROUGH SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone.
(ORC 4511.60; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.28 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

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

(ORC 4511.32; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.29 DRIVING UPON DIVIDED ROADWAYS.

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

(ORC 4511.35; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

432.30 STOPPING FOR SCHOOL BUS; ACTUATING RED VISUAL SIGNALS; DISCHARGING CHILDREN.

(a) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child or person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion or until signaled by the school bus driver to proceed.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, and an automatically extended stop warning sign of a type approved by the state board of education, which, shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities are loading or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle, streetcar, or trackless trolley need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child or persons attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities. The driver of any vehicle, streetcar, or trackless trolley overtaking the school bus shall comply with division (a) of this section.

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

(e) No school bus driver shall start his bus until after any child or person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities who may have alighted therefrom has reached a place of safety on his residence side of the road. (Ord. No. 2934-81 - Passed 2/3/81)

(f) Whoever violates subsection (a) of §432.30 may be fined in an amount not to exceed \$500.00. (\$4511.99 O.R.C.) (Ord. No. 2979-81 - Passed 11/10/81.)

432.31 DRIVING ACROSS GRADE CROSSINGS.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, he shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (2) A crossing gate is lowered;
- (3) A human flagman gives or continues to give a signal of the approach or passage of a train;
- (4) A train approaching within approximately 1,500 feet of the highway crossing emits a signal audible from that distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard; or
- (5) An approaching train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. (ORC 4511.62)

Penalty - see Sections 408.01 and 408.02

432.32 STOPPING AT GRADE CROSSINGS.

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as a cargo, or such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped he shall listen through an open door or open window and look in both directions along the track for any approaching train, and for

signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section and upon proceeding, the operator of any such vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the operator shall not shift gears while crossing the tracks.

This subsection (a) does not apply at street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this subsection (a). (ORC 4511.63; Ord. 42. Passed 10-1-53.)

(b) When authorized signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty, but not less than fifteen, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing. (ORC 4511.61; Ord. 2542-74. Passed 1-22-74.)

Penalty - see Sections 408.01 and 408.02

432.33 SLOW-MOVING VEHICLES OR EQUIPMENT AT GRADE CROSSINGS.

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

- (1) Before making any such crossing, the person operating or moving such vehicle or equipment shall first stop the same, and while stopped he shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall proceed only upon exercising due care.
- (2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.

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

Penalty - see Sections 408.01 and 408.02

432.34 OBSTRUCTING INTERSECTIONS, CROSSWALKS OR GRADE CROSSINGS.

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

(ORC 4511.712)

Penalty - see Sections 408.01 and 408.02

432.35 SQUEALING TIRES; HORN BLOWING; NUISANCES.

No person shall disturb the peace and good order of the City while operating a motor vehicle on public or private streets or parking lots by causing excessive noise by the squealing of tires or by unnecessary blowing of horns, whistles or other devices, or in any other way create a nuisance through improper use of such motor vehicle.

(Ord. 2346-71. Passed 11-23-71.)

Penalty - see Sections 408.01 and 408.02

432.36 SHORTCUTTING ACROSS PRIVATE PROPERTY.

No operator of a motor vehicle shall enter upon private property for the sole purpose of driving across such property, between abutting streets or other public ways thereof. The failure to stop on such property in connection with or in furtherance of the objects of enterprise or activities being conducted on the property, shall constitute prima facie evidence of the violation.

Penalty - see Sections 408.01 and 408.02

432.37 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

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

(Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

432.38 FAILURE TO CONTROL; WEAVING COURSE.

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

(b) No person shall operate a motor vehicle upon any street or highway in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law. (Ord. 2437-72. Passed 12-12-72.)

(c) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. Punishment shall be as provided in Section 408.01. (ORC 4511.99(I)) (Ord. 3049-83. Passed 3-16-83.)

CHAPTER 433
Light Motor Vehicle Noise Control

433.01	Definitions	433.04	Severability Clause
433.02	80 dBA Noise Limit	433.99	Penalty

433.01 DEFINITIONS

Terminology:

All terminology used in this Ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body and are on file in the Office of the Clerk of Council and the Montgomery County Law Library. The Clerk of Council shall have copies available for distribution at cost.

- (a) A-weighted Sound Level. This means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.
- (b) Noise level. This shall refer to the A-weighted sound level produced by a light motor vehicle.
- (c) Person. This means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.
- (d) Sound Level Meter. This means an instrument which includes a microphone, amplifier, root-mean-square (RMS) detector, integrator or time averager, output meter, and weighing networks used to measure sound pressure levels. The instrument shall comply with the standards for Type 1 or Type 2 sound level meters as specified in American National Standards Institute Standard ANSI S1.4 1971 or its successor.
- (e) Sound Pressure Level. This means 20 times the logarithm to the base 10 of the ratio of the root-mean-square (RMS) sound pressure to the reference pressure of 20 micropascals. The sound pressure level is expressed in decibels.
- (f) Noise. This means any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
- (g) Light Motor Vehicle. For the purpose of this Chapter, Light Motor Vehicle shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter or truck with gross vehicular weight of less than 10,000 pounds.

- (h) Modified Exhaust System. It is an exhaust system in which:
- 1) The original noise abatement devices have been physically altered causing them to be less effective in reducing noises, or
 - 2) The original noise abatement devices have been either removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or
 - 3) Devices have been added to the original noise abatement devices, such that noise levels are increased.

433.02 80 dBA Noise Limit

(a) It shall be unlawful for any person to cause noise levels from the operation of a light motor vehicle in excess of 80 dBA in any area within the corporate limits of Kettering. Measurements shall be made from a distance of no less than fifteen (15) feet from the noise source in accordance with procedures outlined in the Code of Recommended Practices on file in the Office of the Clerk of Council and the Montgomery County Law Library. The Clerk of Council shall have copies available for distribution at cost. (Ord. 2942-81. Passed 3/3/81.)

(b) This Ordinance shall not apply to Public Service vehicles nor Public Safety Vehicles.

433.04^{.03} Excessive Noise

In addition to the prohibition provided for in §433.02, it shall be unlawful for any person to operate a light motor vehicle which causes excessive noise levels as a result of a defective or modified exhaust system, or as a result of unnecessary rapid acceleration, deceleration, revving or tire squeal. At the request of the operator of the light motor vehicle, the officer may administer a stationary motor vehicle noise test as outlined in the Code of Recommended Practices on file with the Clerk of Council. The stationary motor vehicle noise test can provide information as to the extent of defectiveness of the exhaust system or as to whether excessive noise levels were caused by improper operation of the light motor vehicle.

433.04 Severability Clause

If any sections, subsections, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such ruling or holding shall not effect the continued effectiveness, validity or enforcement of the remaining portions.

433.99 Penalty

Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in §408.01 of the Codified Ordinances. (Ord. No. 2847. Passed 5-22-79.)

CHAPTER 434
DWI; Reckless Operation; Speed

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| 434.01 Driving while under the influence; evidence. | 434.05 Speed limitations over bridges. |
| 434.02 Reckless operation on streets, public or private property. | 434.06 Speed exceptions for emergency or safety vehicles. |
| 434.03 Maximum speed limits; assured clear distance ahead. | 434.07 Drag racing prohibited. |
| 434.04 Slow speed; posted minimum speeds. | 434.08 Vehicular homicide. |
| | 434.09 Physical control while under the influence. |

CROSS REFERENCES

See section histories for similar State Law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23
 Intoxicated pedestrians - see TRAF. 416.10
 Driving upon sidewalks, street lawns or curbs - see TRAF. 432.22
 "Peeling" - see TRAF. 432.35
 Failure to control; weaving course - see TRAF. 432.38
 Liquor consumption in motor vehicle - see GEN. OFF 612.04

434.01 DRIVING WHILE UNDER THE INFLUENCE; EVIDENCE.

(a) Operation Under Influence. No person shall operate any vehicle within the Municipality if any of the following applies:

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

(b) Evidence; Tests. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol in the defendant's blood or urine at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of such alleged violation.

When a person submits to a blood test at the request of a police officer under Ohio R.C. 4511.191, only a physician, a registered nurse or a qualified technician or chemist shall withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the

taking of breath or urine specimens. A physician, a registered nurse or a qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol content of the blood if, in his or her opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

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

If there was, at the time bodily substance was withdrawn, a concentration of less than ten hundredths of one percent by weight of alcohol in the defendant's blood, less than ten-hundredths of one gram by weight of alcohol per 210 liters of his or her breath, or less than fourteen-hundredths of one gram by weight of alcohol per 100 milliliters of his or her urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of the person who has tested, the results of such test shall be made available to him or her, his or her attorney or his or her agent, immediately upon the completion of the test analysis.

The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence, relating to the test or tests taken at the direction of a police officer.

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

(c) License Suspension Pendente Lite. If a person is charged with a violation of this section relating to operating a motor vehicle while under the influence of alcohol, and if the results of a chemical test administered pursuant to Ohio R.C. 4511.191 indicate that the blood of the person contained a concentration of ten-hundredths of one percent or more by weight of alcohol, a concentration of ten-hundredths of one gram or more by weight of alcohol per 210 liters or his or her breath, or a concentration of fourteen-hundredths of one gram or more by weight of alcohol per 100 milliliters of his or her urine, at the time of the alleged offense, or refuses to consent to a chemical test of his or her blood, breath or urine to determine alcohol content under Ohio R.C. 4511.191, the court shall immediately suspend the person's operator's or chauffeur's license or permit or nonresident operating privilege, if the court or referee at the initial appearance, which shall be held within five days from the date of the citation or arrest, determines that one of the following is true:

- (1) The person has previously been convicted of a violation of this section, of another municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, or of Ohio R.C. 4511.19;
- (2) At the time of the arrest, the person's driver's or chauffeur's license or permit or nonresident operating privilege was suspended or revoked;
- (3) The person caused death or serious physical harm to another person;
- (4) The person failed to appear at the initial appearance; or
- (5) The court or referee determines that the person's continued driving will be a threat to public safety.

The suspension shall continue until the complaint alleging a violation of this section is adjudicated on the merits by the trial court, or until the trial court, upon motion, determines by a preponderance of the evidence that there was no probable cause for the arrest. (ORC 4511.191(K))

(d) Penalty for Operation Under Influence; Mandatory Imprisonment. Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree, in addition to the license suspension or revocation provided in subsection (d) hereof and in Ohio R.C. 4507.16. Punishment shall be as provided in Section 408.01.

- (1) If the offender has not been convicted, within five years of the offense, of a violation of subsection (a) hereof, of another municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse, or both, of Ohio R.C. 4511.19, or of Ohio R.C. 2903.06 or 2903.07 or Section 434.08 of this Traffic Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or both, he or she shall be sentenced to a term of imprisonment of three consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).
- (2) If the offender has been convicted, within five years of the offense, of a violation of subsection (a) hereof, or another municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse, or both, of Ohio R.C. 4511.19, or of Ohio R.C. 2903.06 or 2903.07 or Section 434.08 of this Traffic Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or both, he or she shall be sentenced to a term of imprisonment of ten consecutive days and may be sentenced to a longer term of imprisonment. In addition, the offender shall be fined not more than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).
- (3) If the offender has been convicted, within five years of the offense, of more than one violation of subsection (a) hereof, of another municipal ordinance relating to operating a motor vehicle while under the influence of alcohol, a drug of abuse, or both, or of Ohio R.C. 4511.19, or of Ohio R.C. 2903.06 or 2903.07 or Section 434.08 of this Traffic Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or both, he or she shall be sentenced to a term of imprisonment of not less than thirty consecutive days nor more than one year. In addition, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than one thousand dollars (\$1,000).
- (4) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to paragraph (e)(2) or (3) hereof to continue his or her employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten or thirty consecutive days of imprisonment that the court is required by paragraphs (e)(1), (2) and (3) hereof to impose. No court shall authorize work release from imprisonment during the three, ten or thirty consecutive days of imprisonment that the court is required by paragraphs (e)(1), (2) and (3) hereof to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.
- (5) Notwithstanding Ohio R.C. 2929.51 and 2951.02 and any other section of the Ohio Revised Code that authorizes the suspension of a sentence, no court shall suspend the three, ten or thirty consecutive days of imprisonment required to be imposed by paragraphs (e)(1), (2) and (3) hereof.

(e) Three Consecutive Days Defined. As used in subsection (e) hereof, three consecutive days means seventy-two consecutive hours. (Ord. No. 3049-83. Effective 3-16-83.)

434.02 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (ORC 4511.201; Ord. 1766-68. Passed 3-26-68.)

(c) "Reckless operation" is defined to mean the operation of a vehicle without the degree of care as a reasonably prudent person would have under similar circumstances. It is prima facie evidence of "reckless operation" to drive a vehicle in excess of twice the posted speed limit. (Ord. 2593-74. Passed 10-8-74.)

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

434.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

No person shall operate a motor vehicle in and upon the streets and highways at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit him to bring it to a stop within the assured clear distance ahead.

It is prima facie lawful for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

- (a) Fifteen miles per hour on all alleys within the Municipality;
- (b) Twenty miles per hour when passing a school building or the grounds thereof during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of the school are erected; except, that on controlled-access highways and expressways, if the right-of-way fence has been erected without pedestrian opening, the speed shall be governed by subsection (e) of this section, and on freeways, if the right-of-way fence has been erected without pedestrian opening, the speed shall be governed by subsection (f) of this section;
- (c) Twenty-five miles per hour in all other portions of the Municipality, except on State routes, through streets and through highways outside business districts;
- (d) Thirty-five miles per hour on all State routes or through streets and through highways within the Municipality outside business districts, except as provided in subsection (e) of this section;
- (e) Fifty miles per hour on controlled-access highways and expressways within the Municipality, and on State routes outside urban districts unless a lower prima facie speed is established as provided in Ohio R.C. 4511.21;
- (f) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality, except fifty miles per hour at all times for operators of trucks and commercial tractors weighing in excess of 4,000 pounds empty weight and school buses.

It is prima facie unlawful for any person to exceed any of the speed limitations in any section of this Traffic Code. In every charge of violation of this section the affidavit and warrant shall specify the time, place and the speed at which the defendant is alleged to have driven, and also, the speed which this section declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him 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.

Whenever, in accordance with Ohio R.C. 4511.21, 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.

(ORC 4511.21; 4511.211)

Penalty - see Sections 408.01 and 408.02

434.04 SLOW SPEED; POSTED MINIMUM SPEEDS.

(a) No person shall operate vehicle at such a low speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law. (Ord. 42. Passed 10-1-53.)

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum prima facie speed limit of a controlled-access highway has been established and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima facie unlawful for any person to operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(ORC 4511.22; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

434.05 SPEED LIMITATIONS OVER BRIDGES.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

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

(ORC 4511.23; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

434.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima facie speed limitations set forth in Section 434.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway.

(ORC. 4511.24)

434.07 DRAG RACING PROHIBITED.

(a) "Drag racing" is defined as the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by Section 434.03 or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of drag racing.

(b) No person shall participate in a drag race as defined in subsection (a) of this section upon any public road, street or highway in this Municipality.
(ORC 4511.251; Ord. 712-59. Passed 12-22-59.)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01.
(ORC 4511.99(B); Ord. 2542-74. Passed 1-22-74.)

434.08 VEHICULAR HOMICIDE.

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

(b) Whoever violates this section is guilty of vehicular homicide, a misdemeanor of the first degree, provided the offender has not previously been convicted of an offense under this section or Ohio R.C. 2903.06 or 2903.07. Punishment shall be as provided in Section 408.01.

If the jury or judge as trier of fact finds that the offender was under the influence of alcohol or any drug of abuse, or the combined influence of alcohol or any drug of abuse, at the time of the commission of the offense, then the offender's operator's or chauffeur's license or permit or nonresident operating privileges shall be permanently revoked pursuant to Ohio R.C. 4507.16.

When the trier of fact determines whether the offender was under the influence of alcohol or any drug of abuse, or the combined influence of alcohol or any drug of abuse, the concentration of alcohol in the offender's blood, breath or urine, as shown by a chemical test taken pursuant to Ohio R.C. 4511.191, may be considered as competent evidence and the offender shall be presumed to have been under the influence of alcohol if there was, at the time the bodily substance was withdrawn for the chemical test, a concentration of ten-hundredths of one percent or more by weight of alcohol in the offender's blood, ten-hundredths of one gram or more by weight of alcohol per 210 liters of his or her breath or fourteen-hundredths of one gram or more by weight of alcohol per 100 milliliters of his or her urine.

(c) If the offender has been previously convicted of a violation of Ohio R.C. 2903.06, 2903.07, 4507.38, 4507.39, 4511.19 or 4511.192, or Sections 434.01, 436.07 or this section of this Traffic Code, if the offender has accumulated twelve points pursuant to Ohio R.C. 4507.40 within one year of the offense, or if in the commission of the offense the offender was driving under suspension or operating a motor vehicle while under the influence of alcohol, a drug of abuse, or both, he or she shall not be eligible for shock probation, probation or shock parole pursuant to Ohio R.C. 2947.061, 2951.02 or 2967.31.
(ORC 2903.07) (Ord. No. 3049-83. Effective 3-16-83.)

434.09 PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

(a) No person shall be in actual physical control of any vehicle within the Municipality if any of the following applies:

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

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. No. 3049-83. Effective 3-16-83.)

(Revision 127)

CHAPTER 436 Licensing; Accidents

- | | |
|---|---|
| 436.01 Operator or chauffeur license required. | 436.09 Display of license plates; registration; obstructions. |
| 436.02 Possession of more than one license prohibited. | 436.10 Use of illegal license plates. |
| 436.03 Driving with temporary instruction permit without licensed driver. | 436.11 Stopping after accident upon streets; collision with unattended vehicle. |
| 436.04 Certain acts prohibited. | 436.12 Stopping after accident upon property other than streets. |
| 436.05 Owner or operator allowing another to drive. | 436.13 Vehicle accident resulting in damage to realty. |
| 436.06 Display of license. | |
| 436.07 Driving under suspension or revocation. | |
| 436.08 Operation or sale without certificate of title. | |

CROSS REFERENCES

- See section histories for similar State law
- Motor vehicle licensing law - see Ohio R.C. Ch. 4503
- Driver's license law - see Ohio R.C. Ch. 4507
- Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
- Employment of unlicensed chauffeur prohibited - see Ohio R.C. 4507.32
- Employment of a minor to operate a taxicab prohibited - see Ohio R.C. 4507.321
- State point system suspension - see Ohio R.C. 4507.40
- State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11
- Glass removal from street after accident - see TRAF. 412.01
- Licensing requirements of snowmobile and all purpose vehicle operator - see TRAF. 476.05
- Snowmobile and all purpose vehicle accident reports - see TRAF. 476.06

436.01 OPERATOR OR CHAUFFEUR LICENSE REQUIRED.

- (a) No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, inclusive, shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless such person, upon application, has been licensed as an operator or chauffeur by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 (Driver's License Law).

No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing such operator does not have a valid license, as an operator or chauffeur, issued to such operator by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 (Driver's License Law).

No person, except those expressly exempted under Ohio R.C. 4507.03 to 4507.05, inclusive, shall operate any motorcycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in the Municipality unless such person, upon application, has been licensed as a motorcycle operator by the Ohio Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. Such license shall be in the form of an endorsement, as determined by the Registrar, upon an operator's or chauffeur's license, if the person has been licensed to operate a motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person has not been licensed to operate a motor vehicle. (ORC 4507.02)

(b) No nonresident of Ohio shall drive any motor vehicle upon a street or highway of this Municipality unless he has in his possession a valid and current operator's or chauffeur's license issued to him by another jurisdiction recognized by the State of Ohio.

No nonresident of Ohio, upon demand of any police officer at any time or place, shall fail to prove lawful possession or his right to operate such motor vehicle, or fail to establish proper identity. (ORC 4507.04)

(c) No person shall operate any motor vehicle in violation of any restriction imposed on his operator's or chauffeur's license by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.14. (Ord. 2437-72. Passed 12-12-72.)

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01. (Ord. 2699-76. Passed 7-13-76.)

436.02 POSSESSION OF MORE THAN ONE LICENSE PROHIBITED.

(a) No person shall receive an operator's or chauffeur's license, or a motorcycle operator's endorsement of an operator's or chauffeur's license, unless and until he surrenders to the Registrar all valid licenses in his possession issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have in his possession more than one valid license at any time. (ORC 4507.02; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

436.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT WITHOUT LICENSED DRIVER.

(a) No person, who is the holder of a temporary instruction permit, issued by the Ohio Registrar of Motor Vehicles pursuant to Ohio R.C. 4507.05, shall drive a motor vehicle upon a street or highway, except when having such permit in his immediate possession and when accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver. (ORC 4507.05; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

436.04 CERTAIN ACTS PROHIBITED.

(a) No person shall:

- (1) Display, or cause or permit to be displayed, or possess any operator's or chauffeur's license or temporary instruction permit knowing the same to be fictitious, or to have been canceled, revoked, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit him to use any operator's or chauffeur's license or temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any operator's or chauffeur's license or temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Ohio Registrar of Motor Vehicles, upon his demand, any operator's or chauffeur's license or temporary instruction permit which has been suspended, canceled or revoked; or
- (5) Use a false or fictitious name, or give a false or fictitious address, in any application for an operator's or chauffeur's license or temporary instruction permit, or any renewal or duplicate thereof, or knowingly make a false statement, or knowingly conceal a material fact or otherwise commit a fraud in any such application.

(ORC 4507.30; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

436.05 OWNER OR OPERATOR ALLOWING ANOTHER TO DRIVE.

(a) No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or whose act of driving such vehicle would violate Ohio R.C. 4507.01 to 4507.39, inclusive. (ORC 4507.33; Ord. 908-61. Passed 9-26-61.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

436.06 DISPLAY OF LICENSE.

(a) The operator or chauffeur of a motor vehicle shall display his license, or furnish satisfactory proof that he has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator or chauffeur has his license on or about his person, he shall not refuse to display such license. Failure to furnish satisfactory evidence that such person is licensed under Ohio R.C. 4507.01 to 4507.30, inclusive, when such person does not have his license on or about his person shall be prima-facie evidence of his not having obtained such license. (ORC 4507.35; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (Ord. 2542-74. Passed 1-22-74.)

436.07 DRIVING UNDER SUSPENSION OR REVOCATION.

(a) No person, whose operator's or chauffeur's license, right or permit to operate a motor vehicle, registration, or nonresident's operating privilege has been suspended or revoked under the provisions of Ohio R.C. Chapter 4507 (Driver's License Law), or under the provisions of Ohio R.C. Chapter 4509 (Financial Responsibility Law), or under the provisions of Ohio R.C. 4511.191 (Implied Consent), or under applicable law in any other jurisdiction where such license, right, permit or registration certificate was issued, shall, during the effective dates of such suspension or revocation, apply for and receive a new license or operate any motor vehicle upon the streets or highways of this Municipality under a license, right, permit or registration certificate issued by any other jurisdiction or otherwise operate any motor vehicle upon the streets or highways of this Municipality.

(b) No person who is granted occupational driving privileges by any court shall operate any motor vehicle upon the streets or highways of this Municipality except in accordance with the terms of such privileges.

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

(d) Whoever violates this section is guilty of a misdemeanor of the first degree, in addition to the license suspension provided in Ohio R.C. 4507.99(A) and 4511.99(B). (Ord. No. 3049-83. Effective 3-16-83.)

436.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

(a) No person shall:

- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having such certificate in accordance with Ohio R.C. 4505.01 to 4505.19, inclusive, or upon which the certificate of title has been canceled;
- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title therefor as provided in Ohio R.C. 4505.01 to 4505.19, inclusive;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Ohio Registrar of Motor Vehicles and notice thereof as prescribed in Ohio R.C. 4505.01 to 4505.19, inclusive;
- (4) Fail to surrender the certificate of title to the Clerk of the Court of Common Pleas as provided in Ohio R.C. 4505.01 to 4505.19, inclusive, in case of destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title; or
- (5) Violate Ohio R.C. 4505.01 to 4505.19, inclusive, for which no penalty is otherwise provided, or any lawful rules or regulations promulgated pursuant to such sections.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.
(ORC 4505.18; Ord. 2437-72. Passed 12-12-72.)

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

436.09 DISPLAY OF LICENSE PLATES; REGISTRATION; OBSTRUCTIONS.

(a) No person who is the owner or operator of a motor vehicle shall fail to display on the front and rear of such motor vehicle the distinctive number and registration mark, including any validation sticker issued under Ohio R.C. 4503.191, furnished by the Ohio Director of Highway Safety, except those persons expressly exempted by Ohio R.C. Chapter 4503 (Motor Vehicle Licensing Law) and except that a manufacturer of motor vehicles or dealer therein, the holder of an in-transit permit, and the owner or operator of a house trailer, trailer or semitrailer shall display on the rear only. Such number plates shall be securely fastened so as not to swing. (ORC 4503.21; Ord. 2542-74. Passed 1-22-74.)

(b) No person who is the owner or chauffeur of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(c) No person shall park or operate upon the public streets or highways a motor vehicle acquired from a former owner who has registered the same in Ohio, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall park or operate such motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12; Ord. 2437-72. Passed 12-12-72.)

(e) No person shall park or operate any vehicle upon which are displayed any license plates for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(f) No person shall park or operate any vehicle upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant. (Ord. 617-58. Passed 10-28-58.)

(g) No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for such vehicle shall be fastened in such a manner, and not covered, obscured or concealed by any part or accessory of such vehicle or by any foreign substance or material, to be readable in its entirety from left to right. (Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

436.10 USE OF ILLEGAL LICENSE PLATES.

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

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a person who fails to comply with the transfer of registration provisions of Ohio R.C. 4503.12. (ORC 4549.08; Ord. 2437-72. Passed 12-12-72.)
- (4) Is assigned to such vehicle upon its registration by a former owner, in the event that the original owner fails to remove the plates as required by Ohio R.C. 4503.12. (Ord. 617-58. Passed 10-28-58.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01. (ORC 4549.99(D))

436.11 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

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

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and his name, address and the registered number of the motor vehicle he was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

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

(ORC 4549.02; Ord. 1907-68. Passed 12-17-68.)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01.
(ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

436.12 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREETS.

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

If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall, within twenty-four hours after such accident or collision, forward to the Police Department the same information required to be given to the owner or person in control of such damaged property and give the date, time and location of the accident or collision.

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

(ORC 4549.021; Ord. 1907-68. Passed 12-17-68.)

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

(ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

436.13 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public street or highway, shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of such fact, of his name and address, and of the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license.

If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within twenty-four hours after such accident, forward to the Police Department the same information required to be given to the owner or person in control of such property and give the location of the accident and a description of the damage insofar as it is known.

(ORC 4549.03; Ord. 1907-68. Passed 12-17-68.)

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

(ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

CHAPTER 438

Safety and Equipment

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| 438.01 Driving unsafe vehicles; application. | 438.14 Use of headlight beams. |
| 438.02 Lighted lights; measurement of distances and heights. | 438.15 Lights of less intensity on slow-moving vehicles. |
| 438.03 Headlights on motor vehicles and motorcycles. | 438.16 Number of lights permitted; red and flashing lights. |
| 438.04 Tail light; illumination of rear license plate. | 438.17 Focus and aim of headlights. |
| 438.05 Rear red reflectors. | 438.18 Motor vehicle and motorcycle brakes. |
| 438.06 Safety lighting on commercial vehicles. | 438.19 Horn, siren and theft alarm signal. |
| 438.07 Obscured lights on vehicles in combination. | 438.20 Muffler; muffler cutout; excessive smoke, gas or noise. |
| 438.08 Red light or red flag on extended loads. | 438.21 Rear-view mirror; clear view to front, both sides and rear. |
| 438.09 Lights on parked or stopped vehicles. | 438.22 Sign or poster upon windshield; windshield wiper. |
| 438.10 Lights on slow-moving vehicles; emblem required. | 438.23 Limited load extension on left of passenger vehicle. |
| 438.11 Spotlight and auxiliary lights. | 438.24 Motor vehicle stop lights. |
| 438.12 Cowl, fender and back-up lights. | 438.25 Bumpers. |
| 438.13 Two lights displayed. | 438.26 Snow removal equipment and lights. |

CROSS REFERENCES

See section histories for similar State law

Warning devices for commercial vehicles disabled upon freeways -
see Ohio R.C. 4513.28

Use of stop and turn signals - see TRAF. 432.13(d)

Wheel protectors for commercial vehicles - see TRAF. 440.03

Vehicles transporting explosives - see TRAF. 440.04

Towing requirements - see TRAF. 440.05

Occupying travel trailers while in motion - see TRAF. 440.08

Bicycle equipment - see TRAF. 474.05

Snowmobile and all purpose vehicle equipment - see TRAF. 476.02

Improperly handling firearms in a motor vehicle - see GEN. OFF.
672.04

438.01 DRIVING UNSAFE VEHICLES; APPLICATION.

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

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.
(ORC 4513.02; Ord. 42. Passed 10-1-53.)

(d) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.
(ORC 4513.99(B); Ord. 2542-74. Passed 1-22-74.)

438.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle upon a street or highway during the time from one-half hour after sunset to one-half hour before sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.
(Ord. 2542-74. Passed 1-22-74.)

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

(c) Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands. (ORC 4513.03; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

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

(b) Every motorcycle shall be equipped with at least one and not more than two headlights. (ORC 4513.04; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

(a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rearmost vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(ORC 4513.05; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.05 REAR RED REFLECTORS.

Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 438.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained so to be visible at night from all distances within 300 feet to fifty feet from such vehicle.

(ORC 4513.06; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

438.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 438.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is a sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by Section 438.07 to Section 438.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(ORC 4513.07; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

438.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance

lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (ORC 4513.08; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 438.02, a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(ORC 4513.09; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 438.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(ORC 4513.10; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) All vehicles, other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 438.01(b), not specifically required to be equipped with lamps or other lighting devices by Sections 438.02 through 438.09, shall, at all times specified in Section 438.02, be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and shall also be equipped with two lamps displaying a red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. Every animal-drawn vehicle shall at all times be equipped with a slow-moving vehicle emblem complying with subsection (b) hereof.

Lamps and reflectors required by this section shall meet standards adopted and promulgated by the Ohio Director of Highway Safety.

(b) All farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagman, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles an hour or less, shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). Such emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Highway Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

(c) The use of this emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

(d) No person shall sell, lease, rent or operate any slow-moving vehicle, as defined in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless such vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.

(e) The slow-moving vehicles specified in subsection (b) hereof may, in addition to the use of the slow-moving vehicle emblem, be equipped with a red flashing light which shall be visible from a distance of not less than 1,000 feet to the rear at all times specified in Section 438.02. When a doublefaced light is used, it shall display amber light to the front and red light to the rear.

(ORC 4513.11)

Penalty - see Sections 408.01 and 408.02

438.11 SPOTLIGHT AND AUXILIARY LIGHTS.

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(ORC 4513.12; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.12 COWL, FENDER AND BACK-UP LIGHTS.

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

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(ORC 4513.13; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.13 TWO LIGHTS DISPLAYED.

At all times mentioned in Section 438.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(ORC 4513.14; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.14 USE OF HEADLIGHT BEAMS.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 438.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(ORC 4513.15; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

Any motor vehicle may be operated under the conditions specified in Section 438.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 438.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(ORC 4513.16; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.16 NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS.

(a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights, or spotlights, or any light on the front thereof projecting a beam of an intensity greater than 300 candlepower, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when such vehicle is upon a street or highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, which projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of

the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle. (Ord. 42. Passed 10-1-53.)

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to the use of a flashing, oscillating or rotating amber light on emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, State highway survey vehicles, funeral escort vehicles and similar equipment operated by the Ohio Department of Highways or local authorities, nor to vehicles or machinery permitted by Section 433.10 to have a flashing red light. (Ord. 2437-72. Passed 12-12-72.)

(d) Except a person operating a public safety vehicle, as defined in Section 402.26, or a school bus, no person shall operate or move upon any public street or highway any vehicle or equipment which has a flashing red or a flashing combination red and white light, or any vehicle or equipment which has an oscillating or rotating red light or a combination red and white oscillating or rotating light. This section shall not prohibit the use of warning lights required by law or the simultaneously flashing of turn signals on disabled vehicles.

(ORC 4513.17; Ord. 1976-69. Passed 5-27-69.)

Penalty - see Sections 408.01 and 408.02

438.17 FOCUS AND AIM OF HEADLIGHTS.

No person shall use any lights mentioned in Sections 438.02 to 438.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(ORC 4513.19; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

The following requirements govern as to brake equipment on vehicles:

- (a) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
- (b) Every motorcycle, and bicycle with motor attached, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
- (c) Every trailer or semitrailer, except a pole trailer, of a gross weight of 2,000 pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the streets or highways of this Municipality, shall be equipped

- with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and such brakes shall be so designed and connected that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied.
- (d) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
- (e) Every vehicle and combination of vehicles, except motorcycles and motor-driven cycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.
- (f) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (g) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:
- | | From a speed of 20 miles per hour | |
|---|-----------------------------------|-----------------|
| | Stopping distance | Deceleration in |
| | in feet | feet per second |
| Brakes on all wheels | 30 | 14 |
| Brakes not on all four wheels | 40 | 10.7 |
- (h) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(ORC 4513.20; Ord. 2437-72, Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

438.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a State approved siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (ORC 4513.21; Ord. 2437-72. Passed 12-12-72.)

Penalty - See Sections 408.01 and 408.02

438.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates. (Ord. 2820-78. Passed 9-26-78.)

(b) No person shall own, operate or have in his possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation. (ORC 4513.22; Ord. 2346-71. Passed 11-23-71.)

Penalty - see Sections 408.01 and 408.02

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

Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(ORC 4513.23; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

438.22 SIGN OR POSTER UPON WINDSHIELD; WINDSHIELD WIPER.

(a) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower right-hand corner of the windshield a sign or poster not to exceed four inches in height by six inches in width.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(ORC 4513.24; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

438.24 MOTOR VEHICLE STOP LIGHTS.

All motor vehicles when operated upon a street, highway or alley shall be equipped with at least one stop light mounted on the rear of the vehicle which shall be actuated upon application of the service brake, and which may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181 are not subject to this section.

(ORC 4513.071; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

438.25 BUMPERS.

(a) No person shall operate upon any street or highway any motor vehicle that:

(1) Was originally equipped with bumpers as standard equipment, unless the vehicle is equipped with bumpers equal to the original equipment when so operated;

(2) Has a suspension system or body so modified that the height of any bumper on the vehicle varies more than three inches from the original manufactured bumper height for the vehicle. (ORC 4513.021; Ord. 2527-73. Passed 11-13-73.)

(b) Whoever violates subsection (a) hereof is guilty of minor misdemeanor on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 408.01.
(ORC 4513.99(B); Ord. 2542-74. Passed 1-22-74.)

438.26 SNOW REMOVAL EQUIPMENT AND LIGHTS.

No person shall operate snow removal equipment on a street unless the lights thereon comply with and are lighted when and as required by the standards and specifications adopted by the Ohio Director of Transportation.
(ORC 4513.18; Ord. 617-58. Passed 10-28-58.)
Penalty - see Sections 408.01 and 408.02

CHAPTER 440

Commercial and Heavy Vehicles

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| <p>440.01 Load limits.</p> <p>440.02 Maximum width, height and length.</p> <p>440.03 Wheel protectors.</p> <p>440.04 Vehicles transporting explosives.</p> <p>440.05 Towing requirements.</p> <p>440.06 Loads dropping, leaking or shifting; tracking mud; removal required.</p> | <p>440.07 Vehicles with spikes, lugs and chains.</p> <p>440.08 Occupying travel trailer while in motion.</p> <p>440.09 Route and load information.</p> |
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CROSS REFERENCES

See section histories for similar State law

Display of certificates of registration - see Ohio R.C. 4549.18

Arrest notice of drivers - see Ohio R.C. 5577.14

Required distance between vehicles - see TRAF. 432.09

Stopping at grade crossings - see TRAF. 432.32, 432.33

Slow-moving equipment at grade crossings - see TRAF. 432.33

Snow removal equipment and lights - see TRAF. 438.26

Fatigued or ill drivers - see TRAF. 442.02

Trolleys and buses - see TRAF. Ch. 446

Truck loading zones - see TRAF. 452.09

Bus stops and taxicab stands - see TRAF. 452.10

Parking of commercial vehicles - see TRAF. 452.11

Excessive noise from vehicle loads - see GEN. OFF. 648.05(b)

Depositing objectionable material on streets - see GEN. OFF. 660.14

440.01 LOAD LIMITS.

(a) No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any street or highway within the Municipality, except, in the case of State routes, pursuant to special written permit issued by the Ohio Director of Transportation. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality.

(b) The City Manager, upon application in writing by the owner or person having charge thereof, may grant permission for the moving of vehicles, objects and structures upon local streets in excess of the weight, height and load limits set forth in Ohio R.C. 5577.01 to 5577.05 or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive. Such permission shall be in writing and the City Manager may grant the same, subject to such conditions and restrictions as in his judgement are necessary for the preservation and protection of such streets, bridges and culverts.
(Ord. 2437-72. Passed 12-12-72.)

(c) The City Engineer may ascertain the safe carrying capacity of the bridges on roads or highways along with other roadway drainage structures within the corporate limits of the City. For the safe carrying capacity of any such bridge or roadway drainage structure is ascertained, the City Engineer may cause warning notice to be conspicuously painted in large letters or by sign near each end of such bridge or drainage structure. Such notice shall caution all persons against driving on such bridge or drainage structure, a loaded conveyance of greater weight than the carrying capacity thereof.

No person shall operate or move a vehicle or combination of vehicles of the size or weight exceeding the maximum carrying capacity of such bridge or drainage structure.
Penalty -See Sections 408.01 and 408.02. (Ord. 2678. Passed 2-10-76)

440.02 MAXIMUM WIDTH, HEIGHT AND LENGTH.

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

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

- (1) 104 inches for passenger bus-type vehicles operated exclusively within municipal corporations;
- (2) 132 inches for traction engines;
- (3) 96 inches, including load, for all other vehicles.

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

- (1) 48 feet for passenger bus-type vehicles operated exclusively within municipal corporations;
- (2) 40 feet for all other passenger bus-type vehicles;
- (3) 55 feet for the overall length of a commercial tractor and semitrailer combination, with or without load;
- (4) 65 feet for any other combination of vehicles coupled together, with or without load;
- (5) 40 feet for all other vehicles.

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

The length as prescribed in subparagraphs (b)(3) and (4) hereof shall not include safety devices or bumpers attached to the front or rear of such combination. In special cases vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules and regulations promulgated by the Ohio Director of Transportation.

This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or salvage company organized under the laws of this State or used by such department or company in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided in this section, shall when operating the same on highways and streets of the Municipality comply with the rules and regulations of the Director governing such movement, which rules and regulations the Director may adopt and promulgate. Ohio R.C. 119.01 to 119.13, inclusive, apply to any rules or regulations adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality. (ORC 5577.05; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

440.03 WHEEL PROTECTORS.

No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-fifth of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the centerline of the rearmost axle. (ORC 5577.11; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

440.04 VEHICLES TRANSPORTING EXPLOSIVES.

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

- (a) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.
- (b) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle. (ORC 4513.29; Ord. 42. Passed 10-1-53.)

Penalty - see Sections 408.01 and 408.02

440.05 TOWING REQUIREMENTS.

- (a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery, or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle. (Ord. 42. Passed 10-1-53.)

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby, and only one such unit may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor, as defined in Section 402.02.

(ORC 4513.32; Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

440.06 LOADS DROPPING, LEAKING OR SHIFTING; TRACKING MUD; REMOVAL REQUIRED.

(a) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway. (Ordinance No. 3327-88. Passed April 26, 1988.)

(b) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(c) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 438.08.

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

(e) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.

(Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

440.07 VEHICLES WITH SPIKES, LUGS AND CHAINS.

(a) As used in this section:

- (1) "Studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire.
- (2) "Traction engine" or "tractor" applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.

(b) No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind.

(c) No person shall operate any motor vehicle, other than a public safety vehicle or school bus, that is equipped with studded tires on any street or highways, except during the period extending from November 1 of each year through April 15 of the succeeding year. (Ord. 2805-78 Passed 6-13-78.)

(d) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or in the immediate vicinity thereof. (ORC 5589.08, 5589.081; Ord. 2542-74. Passed 1-22-74.)

Penalty - see Sections 408.01 and 408.02

440.08 OCCUPYING TRAVEL TRAILER WHILE IN MOTION.

No person shall occupy any travel trailer or nonself-propelled house trailer while it is being used as a conveyance upon a street or highway.

(ORC 4511.701)

Penalty - see Sections 408.01 and 408.02

440.09 ROUTE AND LOAD INFORMATION. -

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route. (Ord. 2437-72. Passed 12-12-72.)

Penalty - see Sections 408.01 and 408.02

CHAPTER 442
Drivers of Commercial Cars or Tractors

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|---|-------------------------------------|
| 442.01 Definitions. | 442.03 Driver's consecutive service |
| 442.02 Permitting or driving while
fatigued or ill prohibited. | and off-duty hours. |

CROSS REFERENCES

See section histories for similar State law
Warning devices when disabled on freeways - see Ohio R.C. 4513.28
Hours of service of truck drivers - see Ohio R.C. 4921.30, 4923.16
Arrest notice of drivers - see Ohio R.C. 5577.14
Required distance between vehicles - see TRAF. 432.09
Load limits - see TRAF. 440.01

442.01 DEFINITIONS.

As used in this chapter of the Traffic Code:

- (a) "Commercial car" means any motor vehicle having motor power designed and used for carrying merchandise or freight, or used as a commercial tractor.
(ORC 4501.01(G))
- (b) "Commercial tractor," except as defined in Section 402.08, means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both.
(ORC 4501.01(D))
- (c) "Owner" includes any person, firm or corporation other than a manufacturer or dealer having title to a motor vehicle.
(ORC 4501.01(P); Ord. 2437-72. Passed 12-12-72.)

442,02 PERMITTING OR DRIVING WHILE FATIGUED OR ILL PROHIBITED.

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

- (b) No owner, as defined herein, of a commercial car or commercial tractor, or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in subsection (a) hereof to drive such vehicle upon any street or highway.

(ORC 4511.79; Ord. 1600-66. Passed 12-15-66.)

Penalty - see Sections 408.01 and 408.02

442.03 DRIVER'S CONSECUTIVE SERVICE AND OFF-DUTY HOURS.

(a) No owner, as defined herein, of a commercial car or commercial tractor, as defined herein, or person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver to drive such vehicle in this Municipality after fourteen consecutive hours of service, within or without this Municipality. After fourteen consecutive hours of service, such driver shall have at least eight consecutive hours off duty, no part of which shall be required to be spent in or upon a motor vehicle.

In addition, no such driver shall be required or knowingly permitted to drive such vehicle in this Municipality after fourteen total hours of service within or without this Municipality in any twenty-four hour period until he has had at least eight consecutive hours off duty, no part of which shall be required to be spent in or upon a motor vehicle.

In cases of emergency this section shall not apply.

(ORC 4511.80; Ord. 2437-72. Passed 12-12-72.)

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

(ORC 4511.99(E); Ord. 2542-74. Passed 1-22-74.)

CHAPTER 444 Offenses Relating to Theft

- | | |
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| <p>444.01 Police may remove ignition key.</p> <p>444.02 Illegal sale or possession of master vehicle keys.</p> | <p>444.03 Motor vehicle with concealed identity.</p> |
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CROSS REFERENCES

See section histories for similar State law

Disengaging poles or obstructing trolley wires - see TRAF. 446.03

Unattended vehicles; duty to lock ignition, remove key, set brake, etc. - see TRAF. 452.06

Theft - see GEN. OFF. 642.02, 642.03

Unauthorized use of a vehicle - see GEN. OFF. 642.04

Criminal damaging or endangering - see GEN. OFF. 642.08

Criminal mischief (tampering) - see GEN. OFF. 642.09

Receiving stolen property - see GEN. OFF. 642.20

444.01 POLICE MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed, and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership. (ORC 4549.05; Ord. 2542-74. Passed 1-22-74.)

444.02 ILLEGAL SALE OR POSSESSION OF MASTER VEHICLE KEYS.

(a) No person shall sell or otherwise dispose of a master key designed to fit more than one motor vehicle, knowing or having reasonable cause to believe such key will be used to commit a crime.

No person shall buy, receive or have in his possession a master key designed to fit more than one motor vehicle, for the purpose of using such key to commit a crime. (ORC 4549.042; Ord. 2437-72. Passed 12-12-72.)

(b) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree on a first offense. Punishment shall be as provided in Section 408.01. (ORC 4549.99(C); Ord. 2542-74. Passed 1-22-74.)

444.03 MOTOR VEHICLE WITH CONCEALED IDENTITY.

(a) No person shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered or destroyed for the purpose of concealing or destroying the identity of such motor vehicle. (ORC 4549.07)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 408.01.
(ORC 4549.99(B); Ord. 2542-74. Passed 1-22-74.)

CHAPTER 446 Trolleys and Buses

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|---|-------------------------------|
| 446.01 Definition. | 446.04 Boarding. |
| 446.02 Impeding bus; stopping in loading zone prohibited. | 446.05 Payment of fare. |
| 446.03 Disengaging poles; obstructing wires. | 446.06 Smoking. |
| | 446.07 Right of way of buses. |

CROSS REFERENCES

Trolley defined - see TRAF. 402.51
 Passing stopped trolley or bus - see TRAF. 432.03
 Right of way of public safety vehicle - see TRAF. 432.19
 Stopping in bus stops - see TRAF. 452.10

446.01 DEFINITION.

As used in this chapter, "bus" means any electric trolley or bus, as defined in Section 402.06, being operated within the City upon a fixed route and published schedule. (Ord. 2082-70. Passed 2-10-70.)

446.02 IMPEDING BUS; STOPPING IN LOADING ZONE PROHIBITED.

No person shall drive or stop any vehicle, except a public safety vehicle in the discharge of its duties, in such manner as willfully to impede the movement of a bus, except for such time as is reasonably necessary to receive or discharge passengers. Nothing herein contained shall give any vehicle, other than a bus or a public safety vehicle, the right to stop in a designated bus stop or loading zone. (Ord. 2082-70. Passed 2-10-70.)

Penalty - see Sections 408.01 and 408.02

446.03 DISENGAGING POLES; OBSTRUCTING WIRES.

No person shall disengage any trolley pole of an electric trolley bus from the overhead wires, or throw any obstruction over the overhead wires or appurtenances used in the operation of an electric trolley bus, except a police officer in the discharge of his duties, a duly authorized agent of the transit company or an employee of the transit company while in the performance of the company's business. (Ord. 2082-70. Passed 2-10-70.)

Penalty - see Sections 408.01 and 408.02

446.04 BOARDING.

No person shall board a bus except by the front door unless authorized to use another method of entrance on the specific occasion by an employee of the company operating the bus. (Ord. 2082-70. Passed 2-10-70.)

Penalty - see Sections 408.01 and 408.02

446.05 PAYMENT OF FARE.

No person shall fail or refuse to pay the lawfully required fare upon boarding a bus, when such fare is demanded by the operator of the bus.

(Ord. 2082-70. Passed 2-10-70.)

Penalty - see Sections 408.01 and 408.02

446.06 SMOKING.

No person shall smoke tobacco in any form or carry lighted or burning tobacco in any form on a bus, other than a bus which is then under charter.

(Ord. 2082-70. Passed 2-10-70.)

Penalty - see Sections 408.01 and 408.02

446.07 RIGHT OF WAY OF BUSES.

(a) Buses operating on fixed routes and published schedules shall have the right of way over all other vehicles, except any vehicle which is entitled to the right of way under any other provision of law.

This subsection does not relieve the driver of a bus of the duty to drive with due regard for the safety of all persons and property upon the highway.

(Ord. 2091-70. Passed 2-24-70.)

(b) All buses covered by subsection (a) hereof shall post a notice on the outside rear of the vehicle that it has the right of way pursuant to ordinance, which notice shall provide as follows:

Please.....

Consider Bus Passengers.....

Buses Have the Right of Way By Ordinance

The size of letters of such notice shall be not less than one inch in height.

(Ord. 2101-70. Passed 4-14-70.)

Penalty - see Sections 408.01 and 408.02

TITLE EIGHT – PARKING

CHAPTER 452 PARKING GENERALLY

452.01	Prohibition Against Parking on Streets or Highways		452.08	Selling or Repairing Vehicle Upon Roadway
452.02	Police May Remove Illegally Parked Vehicle		452.09	Truck Loading Zones
452.03	Prohibited Stopping, Standing or Parking Places		452.10	Bus Stops and Taxicab Stands
452.04	Manner of Parallel Parking; Handicapped Parking		452.11	Parking of Oversized or Commercial Vehicles
452.05	Manner of Angle Parking		452.12	Removal of Vehicles from Streets during Periods of Emergency
452.06	Unattended Vehicles; Duty to Lock Ignition, Remove Key, Set Brake, Etc.		452.121	Snow Emergency; Removal of Vehicles
452.07	Opening Doors on Side Available to Traffic		452.13	Registered Owner Prima Facie Liable for Unlawful Parking

CROSS REFERENCES

See section histories for similar state law
 Parking defined – see TRAFFIC, Section 402.22
 Stop defined – see TRAFFIC, Section 402.40
 Stopping and standing defined – see TRAFFIC, Section 402.42
 Impounding; redemption – see TRAFFIC, Section 404.06 et seq.
 Abandoned junk motor vehicles – see TRAFFIC, Section 404.10 et seq.
 Removal of vehicles from streets under construction – see TRAFFIC, Section 404.16
 Penalty and waiver for parking violations – see TRAFFIC, Section 408.03
 Parking near stopped fire apparatus – see TRAFFIC, Section 432.25
 Lights on parked or stopped vehicles – see TRAFFIC, Section 438.09
 Police may remove ignition key from unattended vehicle – see TRAFFIC, Section 444.01
 Stopping in bus loading zones – see TRAFFIC, Section 446.02
 Parking of bicycles – see TRAFFIC, Section 474.07
 Parking in fire lanes on private property – see FIRE PREVENTION, Section 1501.08

SECTION 452.01 PROHIBITION AGAINST PARKING ON STREETS OR HIGHWAYS.

Upon any street or highway outside a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the street or highway if it is practicable to stop, park or so leave such vehicle off the paved or main traveled part of such street or highway. In every event, a clear and unobstructed portion of the street or highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of 200 feet in each direction upon such street or highway.

This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position. (O.R.C. 4511.66)

Penalty and waiver – See Sections 408.01 and 408.03.

SECTION 452.02 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE.

(a) Whenever any police officer finds a vehicle standing upon a street or highway in violation of Section 452.01, he may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such street or highway.

(b) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (O.R.C. 4511.67)

SECTION 452.03 PROHIBITED STOPPING, STANDING OR PARKING PLACES.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (a) On a sidewalk, except a bicycle;
- (b) In front of a public or private driveway or alley. In front shall include the area within five (5) feet of the driveway or alley width projected to the curb line or roadway edge, or the point along the curb or roadway edge where the driveway or alley mouth intersects, whichever is greater;
- (c) Within an intersection;

- (d) Within ten (10) feet in either direction along the curb or edge of the road or street from a point along said road or street nearest to a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty (20) feet of a crosswalk at an intersection;
- (g) Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (i) Within fifty (50) feet of the nearest rail of a railroad crossing;
- (j) Within twenty (20) feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five (75) feet of the entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (n) At any place where signs prohibit stopping, standing or parking, or where the curbing is painted yellow, or at any place in excess of the maximum time limited by signs;
- (o) Within one (1) foot of another parked vehicle;
- (p) On the roadway portion of a freeway, expressway or thruway (O.R.C. 4511.68);
- (q) In any public park between the hours of 12:00 midnight and 6:00 a.m.;
- (r) At any place on any street in the City for a period of time longer than seventy-two (72) hours, including Sundays and holidays;
- (s) On any property leased or owned by the City which is adjacent to any firehouse or fire station, except vehicles owned or operated by City firemen

while on official business and except those areas of such property designated as public parking areas;

- (t) In any street or alley when such parking obstructs the traveled way in such manner as to prevent the passage of other vehicles.
- (u) In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left hand side of or within the area dividing the separate roadways unless signs are installed to permit such parking or standing.
- (v) On a sidewalk, tree lawn area or a curb of a street except when entering or leaving a permanent or temporary driveway or when lawfully authorized (Cross Reference: 432.22).

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.04 MANNER OF PARALLEL PARKING; HANDICAPPED PARKING.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of such vehicle parallel with and not more than twelve (12) inches from the curb, unless it is impossible to approach so close to the curb; in such case, the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

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

(c) Notwithstanding any provision of this Code, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the State.

(d) Special parking locations and privileges for the handicapped shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. Such locations shall be reasonably close to exits, entrances, elevators and ramps.

(e) No person shall stop, stand or park any motor vehicle at special parking locations provided for the handicapped under this Section, or at special, clearly marked,

parking locations provided for the handicapped or in or on privately owned parking lots, parking garages or other parking areas, unless the motor vehicle is displaying a parking card issued under O.R.C. 4503.44 or is being operated by or for the transport of a handicapped person and is displaying the special license plates authorized by that section.

(f) When a motor vehicle bearing the special handicapped license plate provided in O.R.C. 4503.105 is being operated by or for the transport of a handicapped person, the motor vehicle shall be permitted to be parked for a period of two hours in excess of the legal parking period permitted by the Municipality, its agencies and instrumentalities, except where a local ordinance or police regulation provides otherwise, or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(g) As used in this Section, "handicapped" means having lost the use of one or both legs, one or both arms, or any combination thereof, or being blind or deaf or so severely disabled as to be unable to move about without the aid of crutches or a wheelchair.

Penalty – see Sections 408.01, 408.02 and 452.13.

SECTION 452.05 MANNER OF ANGLE PARKING.

Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway as is indicated by appropriate signs or markings.

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.06 UNATTENDED VEHICLES; DUTY TO LOCK IGNITION, REMOVE KEY, SET BRAKE, ETC.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway. (O.R.C. 4511.661)

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.07 OPENING DOORS ON SIDE AVAILABLE TO TRAFFIC.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. (O.R.C. 4511.70)

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.08 SELLING OR REPAIRING VEHICLE UPON ROADWAY.

No person shall stop, stand or park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale;
- (b) Greasing or repairing such vehicle except repairs necessitated by an emergency.

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.09 TRUCK LOADING ZONES.

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a truck loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.10 BUS STOPS AND TAXICAB STANDS.

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

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

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

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

Penalty and waiver – see Sections 408.01 and 408.03.

SECTION 452.11 PARKING OF OVERSIZED OR COMMERCIAL VEHICLES.

(a) Except as otherwise provided in Subsection (c) hereof, no commercial tractor, pole trailer, semitrailer, trailer or other commercial vehicle, or combination thereof, that exceeds twenty-two (22) feet in total length, or eighty-four (84) inches in width, or eighty-four (84) inches in height shall park on a public street or roadway for more than one (1) hour except for the purpose of loading or unloading, for emergency repairs, or if it is a temporarily disabled vehicle.

(b) Any commercial tractor pole trailer, semitrailer, trailer or other commercial vehicle, or combination thereof, parked in violation of this Section may be impounded by a police officer of the City.

(c) No person shall park, stop or stand a commercial tractor, agricultural tractor, commercial truck of more than one-half ton capacity, bus, trailer, semitrailer, pull trailer or moving van on any street within a residential district of the City, whether or not temporarily to load or unload, commencing at any time during the period from 10:00 o'clock p.m. until 7:00 o'clock a.m. the following morning. No person shall park a school bus on any street in such a district within those hours, but this shall not bar temporary stopping of such buses when actually loading or unloading students.

(d) No trailer, boat, cargo, vehicles or a combination thereof exceeding twenty-two (22) feet in total length or eighty-four (84) inches in width or eighty-four (84) inches in height shall park on a public street or roadway for more than one hour; except for the purpose of loading or unloading, for emergency repairs, or if it is temporarily a disabled vehicle but in no event to exceed eight (8) hours. A trailer, boat, cargo or vehicle in violation of this Subsection (d) may be impounded by a police officer of the City.

Penalty and waiver – see Sections 408.01 and 408.03.

SECTIONS 452.12 REMOVAL OF VEHICLES FROM STREETS DURING PERIODS OF EMERGENCY

Whenever, in the opinion of the City Manager, there is an actual or threatened local emergency such as riot, fire, flood, other acts of God (except snowfalls, since parking in snow emergencies is the subject of Section 452.12.1 immediately below), common disaster or acts of the enemy, the City Manager may require the removal of motor vehicles parked

upon the affected streets of the City. The City Manager shall inform the public of the aforementioned conditions through reasonable and usual methods of communication. If the owner or operator of the vehicle does not remove it within a reasonable time, the vehicle may be removed by the Police Department.

SECTION 452.12.1 SNOW EMERGENCY; REMOVAL OF VEHICLES.

(a) The City Manager shall have authority to declare a snow emergency when snowfall endangers or threatens to endanger the health, safety or welfare of persons or property.

(b) If the City Manager declares a snow emergency, the City shall give notice of the declaration by notifying the local offices of the same television and radio stations used to announce weather related closings of the Kettering school system. When a snow emergency is declared, the following parking restrictions shall apply:

- (1) On even numbered dates, parking is prohibited on the side of each street with even numbered street addresses. On odd numbered dates, parking is prohibited on the other side of each street, i.e. the side with odd numbered street addresses. No parking is allowed on any cul-de-sac on even numbered dates, regardless of street address number.
- (2) The City may provide for removal of any vehicle parked in violation of the restrictions that apply during a snow emergency.
- (3) No vehicle shall be removed, however, until one hour has passed after declaration of a snow emergency.
- (4) The City shall make reasonable efforts to notify the owner of a vehicle that it is subject to removal.

SECTION 452.13 REGISTERED OWNER PRIMA FACIE LIABLE FOR UNLAWFUL PARKING

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima facie evidence that the vehicle which was unlawfully parked was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

Legislative History: Ord. 42; passed 10-1-53. Ord. 42B-56; passed 4-2-56. Ord. 943-62; passed 1-23-62. Ord. 980-62; passed 6-12-62. Ord. 1715-67; passed 12-12-67. Ord. 2383-

72; passed 3/28/72. Ord. 2437-72; passed 12/12/72. Ord. 2542-74; passed 1/22/74. Ord. 2547-74; passed 2/26/74. Ord. 2997-82; passed 2/9/82. Ord. 3049-83; passed 3/16/83. Ord. 3243-86; passed 10/14/86. Ord. 3463-90; passed 10/9/90. Ord. 3562-92; passed 7/28/92. Ord. 3581-92; passed 11/10/92. Ord. 3592-93; passed 2/23/93. Ord. 3652-94; passed 10/11/94. Ord. 3712-96; passed 5/14/96. Ord. 3938-03; passed 3/4/03.

CODIFIED ORDINANCES OF KETTERING

PART FOUR – TRAFFIC CODE

TITLE TEN – BICYCLES, MOTORCYCLES AND SNOWMOBILES

Chapter 474. Bicycles and Motorcycles

Chapter 476. Snowmobiles and All Purpose Vehicles

CHAPTER 474 BICYCLES AND MOTORCYCLES

474.01	Code Application to Bicycles	474.06	Safe Riding Regulations for Bicycles
474.02	Riding Upon Seats; Carrying Packages; Motorcycle Handle Bars; Helmets and Glasses	474.07	Parking of Bicycle
474.03	Attaching Bicycles, Motorcycles to Other Vehicles	474.08	Impounding of Bicycles
474.04	Riding on Right Side of Roadway; Riding Abreast	474.09	Police Officer Operating a Bicycle
474.05	Lights, Signal Devices, Brakes on Bicycles		

CROSS REFERENCES

See section histories for similar state law
 Bicycle defined – see Traffic 402.05
 Motorcycle defined – see Traffic 402.20
 Bicycles prohibited on freeways – see Traffic 404.05
 Motorcycle operator's license required – see Traffic 436.01(a)
 Motorcycle headlight – see Traffic 438.03
 Motorcycle brakes – see Traffic 438.18(b)

SECTION 474.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code which are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles. (ORC 4511.52)

(b) Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all the duties applicable to the driver of a vehicle under the provisions of this Traffic Code, except as to special regulations in this section and except as to those provisions of this Traffic Code which by their nature can have no application.

Penalty – see Sections 408.01 and 408.02.

**SECTION 474.02 RIDING UPON SEATS; CARRYING PACKAGES;
MOTORCYCLE HANDLE BARS; HELMETS AND GLASSES**

(a) For purposes of this section, “snowmobile” has the same meaning as given that term in Section 476.01.

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

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

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

(e) No bicycle or motorcycle shall be used to carry more persons at one time other than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

(f) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a “novice” designation that is currently in effect as provided in Section 4507.13 of the Revised Code, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the director of highway safety. The provisions of this

paragraph or a violation thereof shall not be used in the trial of any civil action. (ORC 4511.53)

Penalty – see Sections 408.01 and 408.02.

SECTION 474.03 ATTACHING BICYCLES, MOTORCYCLES TO OTHER VEHICLES.

No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or himself to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle. (ORC 4511.54)

Penalty – see Sections 408.01 and 408.02.

SECTION 474.04 RIDING ON RIGHT SIDE OF ROADWAY; RIDING ABREAST.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles. (ORC 4511.55)

Penalty – see Sections 408.01 and 408.02.

SECTION 474.05 LIGHTS, SIGNAL DEVICES, BRAKES ON BICYCLES.

(a) Every bicycle, when in use at the times specified in Section 438.02, shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Ohio Director of Highway Safety that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle and a lamp emitting a red light visible from a distance of 500 feet to the rear shall be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a

bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway. (ORC 4511.56)

Penalty – see Sections 408.01 and 408.02.

SECTION 474.06 SAFE RIDING REGULATIONS FOR BICYCLES.

(a) No person operating a bicycle shall remove both feet from the pedals or practice or perform any acrobatic riding on any of the streets or public places in the City.

(b) The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on such sidewalk or sidewalk area and, upon entering the roadway, shall yield the right of way to all vehicles approaching on such roadway.

(c) No person shall ride a bicycle upon a sidewalk within a business district where such sidewalk extends from store front to curb.

(d) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

(e) No person shall operate a bicycle:

- (1) without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
- (2) without exercising reasonable and ordinary control over such bicycle;
- (3) in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law;
- (4) without both hands upon the handle grips except when necessary to give the required hand and arm signals; or
- (5) at a speed greater than is reasonable and prudent under the conditions then existing.

- (f) (1) No person under sixteen (16) years of age shall operate or ride on Roller Blades or shall operate a bicycle, or ride as a passenger on a bicycle equipped with a passenger seat, upon a street or sidewalk within the City unless such person is wearing a protective helmet on his or her head, with the chin strap fastened under the chin. Such helmet shall be fitted to the size of the operator and shall meet or exceed the standards set by ANSI (American National Standards Institute) or SNELL (Snell Memorial Foundation) for helmets manufactured before March 1999, and shall meet or exceed the standards set by the Consumer Product Safety Institute after said date. For purposes of this Subsection, "Roller Blades" shall mean a roller skate with skate wheels that are arranged in a line and secured to the bottom of a boot or shoe. Some Roller Blades may have a brake pad on the heel of one or both of a pair of skates.
- (2) No parent of any person under the age of sixteen (16) or guardian of any ward under the age of sixteen (16) shall authorize or knowingly permit any such person or ward to violate the provisions of Item (1) of Subsection (f) of this Section 474.06.
- (3) Whoever is convicted of or pleads guilty to a violation of Item (1) or Item (2) of Subsection (f) of this Section 474.06 shall be fined the amount of Fifty Dollars (\$50.00).

SECTION 474.07 PARKING OF BICYCLE.

No person shall park a bicycle upon a street or sidewalk in such a manner so as to obstruct pedestrian or vehicular traffic.

Penalty – see Sections 408.01 and 408.02.

SECTION 474.08 IMPOUNDING OF BICYCLES.

Members of the Police Department are hereby authorized to seize and impound any bicycle which is ridden or operated in violation of any of the provisions of this chapter. Any bicycle so seized and impounded shall be held by the Police Department until the owner thereof or, if the owner is a minor, the owner and such owner's parent or guardian shall appear at the Police Department and give assurance that such violation shall not be repeated.

SECTION 474.09 POLICE OFFICER OPERATING A BICYCLE.

Subsection (b) of Section 474.01 and Sections 474.02 through, and including, 474.07 of this Chapter 474 do not apply to a police officer operating a bicycle in the official performance of police duties in response to an emergency. However, this does not relieve the officer from the duty to operate the bicycle with due regard for the safety of all persons and property.

LEGISLATIVE HISTORY: Ord. 1326-65; passed 3-23-65. Ord. 2437-72; passed 12-12-72. Ord. 2848-79; passed 6-12-79. Ord. 3978-04; passed 9/14/04.

CHAPTER 476
Snowmobiles and All Purpose Vehicles

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CROSS REFERENCES

See section histories for similar State law
 Power of trial court of record to impound registration certificates for certain violations - see Ohio R.C. 4519.47
 Street or highway defined - see TRAF. 402.43
 Required usage of helmets and safety glasses - see TRAF. 474.02(f)

476.01 DEFINITIONS.

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads.
(ORC 4519.01(A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes, but excluding any self-propelled vehicle not principally used for purposes of personal transportation, any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 402.21 of this Traffic Code.
(ORC 4519.01(B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile or all purpose vehicle, or other right to the possession thereof.
(ORC 4519.01(C))
- (d) "Operator" means any person who operates or is in actual physical control of a snowmobile or all purpose vehicle.
(ORC 4519.01(D))
- (e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or

right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation.

(ORC 5511.02)

- (f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (d), 72 Stat. 888 (1958), 23 U.S.C.A. 103, and amendments thereof.

(ORC 4519.01(H); Ord. 2542-74. Passed 1-22-74.)

476.02 EQUIPMENT.

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

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

(ORC 4519.20; Ord. 2542-74. Passed 1-22-74.)

Penalty - see Sections 408.01 and 408.02

476.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles and all purpose vehicles, except that no snowmobile or all purpose vehicle shall be operated as follows:

- (1) On any limited access highway, freeway or interstate highway, or the right of way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Highway Safety shall designate;
- (2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;

- (3) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
- (4) On the tracks or right of way of any operating railroad;
- (5) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
- (6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or
- (7) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by Section 476.02. (ORC 4519.40; Ord. 2542-74. Passed 1-22-74.)

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

476.04 PERMITTED OPERATION.

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

- (a) To make a crossing of a highway, other than a highway as designated in Section 476.03(a)(1), whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems that are not maintained for vehicular winter travel by snow removal, whenever the local authority having jurisdiction over such highways so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile or all purpose vehicle is intended and authorized to be operated;
- (d) On the berm or shoulder of a highway, other than a highway as designated in Section 476.03(a)(1), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane. (ORC 4519.41; Ord. 2542-74. Passed 1-22-74.)

476.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle operator's or chauffeur's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4507, shall operate a snowmobile or all purpose vehicle on any street or highway in this Municipality, on any portion of the right of way thereof, or on any public land or waters.

(b) No person who is less than sixteen years of age shall operate a snowmobile or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources

may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

(c) Failure to produce an operator's or chauffeur's license, motorcycle operator's endorsement, or probationary license, upon the reasonable demand of any law enforcement officer or other person as authorized by Ohio R.C. 4519.42 and 4519.43, shall be prima-facie evidence that the license has not been obtained.
(ORC 4519.44; Ord. 2542-74. Passed 1-22-74.)

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

476.06 ACCIDENT REPORTS.

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

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

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

476.07 LOCAL CONTROL WITHIN POLICE POWER.

Nothing contained in this chapter shall prevent the Municipality from regulating the operation of snowmobiles and all purpose vehicles on streets and highways and other public property under Municipal jurisdiction, and within the reasonable exercise of the police power, except that the registration or licensing of any snowmobile or all purpose vehicle required to be registered under Ohio R.C. Chapter 4519 shall not be required.
(ORC 4519.48; Ord. 2542-74. Passed 1-22-74.)