

## **NOTICE**

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CODIFIED ORDINANCES OF KETTERING

PART FOUR - TRAFFIC CODE

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TITLE TWO - Administration, Enforcement and Penalties

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CHAPTER 402  
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## CROSS REFERENCES

See section histories for similar State law  
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Funeral procession defined - see TRAF. 432.21  
Drag racing defined - see TRAF. 434.07  
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

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## 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 "motorcycle" 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(EE); 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(II); 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.)