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CHAPTER 438
Safety and Equipment

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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.
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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
	<u>in feet</u>	<u>feet per second</u>
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