

**CHAPTER 70: TRAFFIC CODE**  
ORDINANCE NO. 8-2012

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**70.01**            **DEFINITIONS**

"Owner" includes any person, firm, or corporation other than a manufacturer or dealer having title to a motor vehicle. (O.R.C. 4501.01)

"Operator" includes any person who operates a motor vehicle upon the public highways. (O.R.C. 4501.01)

"Chauffeur" means any operator who operates a motor vehicle, other than a taxicab, as an employee for hire; or any operator whether or not the owner of a motor vehicle, other than a taxicab, operating such vehicle for transporting for gain, compensation, or profit, either persons or property owned by another. (O.R.C. 4501.01)

"State" includes the territories and federal districts of the United States, and the provinces of the Dominion of Canada. (O.R.C. 4501.01)

"Operator's License" means the license issued to any person to operate a motor vehicle or motor-driven cycle including "probationary license" and "restricted license". (O.R.C. 4507.01)

"Probationary License" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle. (O.R.C. 4507.01)

"Restricted License" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar. (O.R.C. 4507.01)

"Chauffeur's License" means the license issued to a chauffeur. (O.R.C. 4507.01)

"Probationary Chauffeur's License" means the chauffeur's license issued to any person between eighteen and twenty-one years of age. (O.R.C. 4507.01)

"Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

"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 Chapter 4503 or Chapter 4561 of the Revised Code, and any vehicle excepted from definition as a motor vehicle by division (B) of Section 4501.01 of the Revised Code.

"Vehicle" means every device 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.

"Motor Vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except 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.

"Motorcycle" means every motor vehicle other than a bicycle with a motor or 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 bicycle", motor scooter", bicycle with motor attached", or "motorcycle" without regard to weight or brake horsepower.

"Emergency Vehicle" means vehicles of salvage corporations organized under Sections 1709.01 to 1709.07, inclusive of the Revised Code, emergency vehicles of municipal or county departments or public utility corporations when identified as such as required by law, the director of highways, or local authorities, and motor vehicles when commandeered by a police officer.

"Public Safety Vehicle" means ambulances, motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state and this municipal corporation, and the 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.

"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 a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, 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.

"Bicycle" means a two-wheel vehicle propelled by human power, having a tandem arrangement of wheels equipped with tires either of which is over fourteen inches in diameter.

"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 that 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.

"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 vehicles, or the load thereon, or both.

"Agricultural Tractor" and "traction engine" means any self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provisions for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

"Truck" means every motor vehicle, except trailers and semi-trailers, designed and used to carry property.

"Bus" means every motor vehicle designed for carrying more than nine, but not more than fifteen, passengers and used for the transportation of persons, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab, designed for the transportation of persons for compensation.

"Trailer" means every vehicle without motive power 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 a 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 road or highway at a speed greater than twenty five miles per hour, except a house trailer.

"House trailer" means any self-propelled and non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways.

"Semitrailer" means any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and includes for

the purpose of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semitrailer into a 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.

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

"Railroad Train" means a steam engine or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

"Streetcar" means a car, other than a railroad train, for transporting persons or property, operated upon rails principally within a street or highway.

"Trackless trolley" means every car which collects its power from overhead electric trolley wires and which is not operated upon rails or tracks.

"Explosive" 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 gasses 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 detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

"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.

"Gross Weight" means the weight of a vehicle plus the weight of any load thereon.

"Person" means every natural person, firm, copartnership, association, or corporation.

"Pedestrian" means any natural person afoot.

"Driver or Operator" means every person who drives or is in actual physical control of a vehicle, trackless trolley, or streetcar.

"Police Officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

"Local Authorities" means every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.

"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.

"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 of 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.

"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.

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

"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.

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

"Through Highway" means every street or highway as provided in Section 70.41 of the Traffic Code.

"State Route" means every highway which is designated with an official state road number and so marked.

"Intersection" means the area, bounded by the lateral lines, real or projected, of two or more public streets or highways which meet or cross each other.

"Crosswalk" means:

- (1) That part of 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;

- (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- (3) Notwithstanding subdivisions (1) and (2) above, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

"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.

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

"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 three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

"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 one hundred 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.

"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.

"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.

"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.

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices, either singly or together, while using any highway for purposes of travel.

"Right-of-Way" means the right of a vehicle, streetcar, trackless trolley, or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or he is moving in preference to another vehicle, streetcar, trackless trolley, or pedestrian approaching from a different direction into its or his path.

"Rural Mail Delivery Vehicle" means every vehicle used to deliver United States mail on a rural mail delivery route.

"Funeral Escort Vehicle" means any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

"Alley" means a public street in this municipality corporation which:

- (1) is used primarily for the convenience of the owner of property abutting thereon and of the persons dealing with them;
- (2) is abutted on both sides by property which is not customarily designated by an official property number; or
- (3) has been declared an "alley" by the legislative authority of this municipal corporation in which such street is located.

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

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

"Thruway" means a through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

"Stop Intersection" means any intersection at one or more entrances of which stop signs are erected. (O.R.C. 4511.01)

"Construction zone" means that lane or portion of any street or highway open to vehicular traffic and adjacent to a lane, berm, or shoulder of a street or highway within which lane, berm, or shoulder construction, reconstruction, resurfacing, or any other work of a repair or maintenance nature, including public utility work, is being conducted, commencing with the point where the first worker or piece of equipment is located and ending where the last worker or piece of equipment is located. (O.R.C. 5501.27)

"Road service vehicle" means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights. (O.R.C. 4511.01)

"Operate" means to cause or have caused movement of a vehicle, streetcar, or trackless trolley. (O.R.C. 4511.01)

"Predicate motor vehicle or traffic offense" means any one of the following:

(1) A violation of section 4511.03, 4511.051 [4511.05.1], 4511.12, 4511.132 [4511.13.2], 4511.16, 4511.20, 4511.201 [4511.20.1], 4511.21, 4511.211 [4511.21.1], 4511.213 [4511.21.3], 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431 [4511.43.1], 4511.432 [4511.43.2], 4511.44, 4511.441 [4511.44.1], 4511.451 [4511.45.1], 4511.452 [4511.45.2], 4511.46, 4511.47, 4511.48, 4511.481 [4511.48.1], 4511.49, 4511.50, 4511.511 [4511.51.1], 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661 [4511.66.1], 4511.68, 4511.70, 4511.701 [4511.70.1], 4511.71, 4511.711 [4511.71.1], 4511.712 [4511.71.2], 4511.713 [4511.71.3], 4511.72, 4511.73, 4511.763 [4511.76.3], 4511.771 [4511.77.1], 4511.78, or 4511.84 of the Revised Code;

(2) A violation of division (A)(2) of section 4511.17, divisions (A) to (D) of section 4511.51, or division (A) of section 4511.74 of the Revised Code;

(3) A violation of any provision of sections 4511.01 to 4511.76 of the Revised Code for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in division (III)(1), (2), or (3) of this section. (O.R.C. 4511.01)

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle. (O.R.C. 4507.01)

Except when used in section 4506.25 of the Revised Code, "commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand pounds;

(2) Any single vehicle with a gross vehicle weight rating of twenty-six thousand one pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand pounds;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

(4) Any school bus with a gross vehicle weight rating of less than twenty-six thousand one pounds that is designed to transport fewer than sixteen passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal motor carrier safety administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane. (O.R.C. 4506.01)

### **70.03**            **SCOPE**

The provisions of the Traffic Code are intended to apply to all traffic and to all operators not specifically excepted, and nothing in the Traffic Code shall be construed to exempt from its provisions and penalties (1) operators of vehicles owned or used in the service of the United States or the State of Ohio or any subdivision thereof; or (2) persons propelling pushcarts.

Every person riding, driving or leading an animal or animals upon a roadway shall be subject to the provisions of the Traffic Code applicable to the driver of a vehicle, except these provisions which by their nature can have no application.

All provisions relative to the operating, parking, standing or movement of vehicles, or animals, and to the movement of pedestrians, apply upon all the highways of this municipal corporation except as specifically limited.

### **70.05**            **CHIEF OF POLICE**

The Marshal or Chief of Police of this municipal corporation shall place and maintain traffic control devices, conforming to the manual and specifications of the Department of Highways of the state of Ohio upon all streets and highways necessary to indicate and to carry out the provisions of this Traffic Code, or to regulate, warn, or guide traffic.

### **70.07**            **RESTRICTION OF USE OF FARM TRUCK**

(A) No person shall use a farm truck on any public highway for commercial purposes or for any purpose other than exclusively in farm use, as defined in Section 4503.04

of the Revised Code, except that any farm truck designated by the manufacturer as a three-quarter ton pick-up truck, or smaller, may be used by a farmer non commercially as a passenger car.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (O.R.C. 4503.05)

## **LICENSE PLATES**

### **70.09            NEW ANNUAL LICENSE PLATES**

(A) Except as provided by Section 4503.101 of the Revised Code, no person who is the owner or chauffeur of a motor vehicle operated, or driven or parked upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.

(B) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 4503.11).

### **70.11            TRANSFER OF LICENSE PLATES (OLD OWNER)**

(A) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except that:

(1) If a statutory merger or consolidation results in the transfer of ownership of a motor vehicle from a constituent corporation to the surviving corporation, or if the incorporation of a proprietorship or partnership results in the transfer of ownership of a motor vehicle from the proprietorship or partnership to the corporation, the registration shall be continued upon the filing by the surviving or new corporation, within thirty days of such transfer, of an application for an amended certificate of registration. Upon a proper filing, the registrar of motor vehicles shall issue an amended certificate of registration in the name of the new owner.

(2) If the death of the owner of a motor vehicle results in the transfer of ownership of the motor vehicle to the surviving spouse of the owner or if a motor vehicle is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code and one of those persons dies, the registration shall be continued upon the filing by the survivor of an application for an amended certificate of registration. In relation to a motor vehicle that is owned by two persons under joint ownership with right of survivorship established under section 2131.12 of the Revised Code, the application shall be accompanied by a copy of the certificate of title that specifies that the vehicle is owned under joint ownership with right of survivorship. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the survivor.

(3) If the death of the owner of a motor vehicle results in the transfer of ownership of the motor vehicle to a transfer-on-death beneficiary or beneficiaries designated under section 2131.13 of the Revised Code, the registration shall be continued upon the filing by the transfer-on-death beneficiary or beneficiaries of an application for an amended certificate of registration. The application shall be accompanied by a copy of the certificate of title that specifies that the owner of the motor vehicle has designated the motor vehicle in beneficiary form under section 2131.13 of the Revised Code. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the transfer-on-death beneficiary or beneficiaries.

(4) If the original owner of a motor vehicle that has been transferred makes application for the registration of another motor vehicle at any time during the remainder of the registration period for which the transferred motor vehicle was registered, the owner may file an application for transfer of the registration and, where applicable, the license plates. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the public roads and highways in this state.

At the time of application for transfer, the registrar shall compute and collect the amount of tax due on the succeeding motor vehicle, based upon the amount that would be due on a new registration as of the date on which the transfer is made less a credit for the unused portion of the original registration beginning on that date. If the credit exceeds the amount of tax due on the new registration, no refund shall be made. In computing the amount of tax due and credits to be allowed under this division, the provisions of division (B)(1)(a) and (b) of section 4503.11 of the Revised Code shall apply. As to passenger cars, noncommercial vehicles, motor homes, and motorcycles, transfers within or between these classes of motor vehicles only shall be allowed. If the succeeding motor vehicle is of a different class than the motor vehicle for which the registration originally was issued, new license plates also shall be issued upon the surrender of the license plates originally issued and payment of the fees provided in divisions (C) and (D) of section 4503.10 of the Revised Code.

(5) The owner of a commercial car having a gross vehicle weight or combined gross vehicle weight of more than ten thousand pounds may transfer the registration of that commercial car to another commercial car the owner owns without transferring ownership of the first commercial car. At any time during the remainder of the registration period for which the first commercial car was registered, the owner may file an application for the transfer of the registration and, where applicable, the license plates, accompanied by the certificate of registration of the first commercial

car. The amount of any tax due or credit to be allowed for a transfer of registration under this division shall be computed in accordance with division (A)(4) of this section.

No commercial car to which a registration is transferred under this division shall be operated on a public road or highway in this state until after the transfer of registration is completed in accordance with this division.

(6) Upon application to the registrar or a deputy registrar, a person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.

(7) If a corporation transfers the ownership of a motor vehicle to an affiliated corporation, the affiliated corporation may apply to the registrar for the transfer of the registration and any license plates. The registrar may require the applicant to submit documentation of the corporate relationship and shall determine whether the application for registration transfer is made in good faith and not for the purposes of circumventing the provisions of this chapter. Upon a proper filing, the registrar shall issue an amended certificate of registration in the name of the new owner.

(B) An application under division (A) of this section shall be accompanied by a service fee of two dollars and seventy-five cents commencing on July 1, 2001, three dollars and twenty-five cents commencing on January 1, 2003, and three dollars and fifty cents commencing on January 1, 2004, a transfer fee of one dollar, and the original certificate of registration, if applicable.

(C) Neither the registrar nor a deputy registrar shall transfer a registration under division (A) of this section if the registration is prohibited by division (D) of section 2935.27, division (A) of section 2937.221 [2937.22.1], division (A) of section 4503.13, division (D) of section 4503.234 [4503.23.4], division (B) of section 4510.22, or division (B)(1) of section 4521.10 of the Revised Code.

(D) Whoever violates division (A) of this section is guilty of a misdemeanor of the fourth degree.

(E) As used in division (A)(6) of this section, "special license plates" means either of the following:

(1) Any license plates for which the person to whom the license plates are issued must pay an additional fee in excess of the fees prescribed in section 4503.04 of the Revised Code, Chapter 4504. of the Revised Code, and the service fee prescribed in division (D) or (G) of section 4503.10 of the Revised Code;

(2) License plates issued under section 4503.44 of the Revised Code. (O.R.C. 4503.12)

**70.13            DISPLAY OF CORRECT LICENSE PLATES**

(A) No person who is the owner or operator of a motor vehicle shall fail to display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under sections 4503.19 and 4503.191 [4503.19.1] of the Revised Code, furnished by the director of public safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer, or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker only on the rear license plate, except that a commercial tractor that does not receive an apportioned license plate under the international registration plan shall display the validation sticker on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under section 4503.182 [4503.18.2] of the Revised Code, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(B) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 4503.21)

**70.15            USE OF UNAUTHORIZED PLATES**

(A) No person shall operate or drive a motor vehicle upon the public roads and highways of this state if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (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 Section 70.11

(B) Whoever violates division (A)(1), (2), or (3) of this section is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense. (O.R.C. 4549.08)

**70.17 DEALER LICENSE PLATES**

(A) No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless such vehicle carries and displays two placards, except as provided in Section 70.13 issued by the director of highway safety, bearing the registration number of its manufacturer or dealer.

(B) Whoever violates this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. (O.R.C. 4549.10)

**70.19 FORMER OWNER'S LICENSE PLATES**

(A) No person shall operate or drive upon the highways of this state a motor vehicle acquired from a former owner who has registered the same, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration.

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

**70.21 DISPLAY OF COMMERCIAL REGISTRATION CERTIFICATE**

(A) The operator of a "Commercial Car" as defined in Section 4501.01 of the Revised Code, when such car is required to be registered under Section 4501.01, 4501.02, 4503.02 to 4503.10, inclusive, 4503.12 to 4503.18, inclusive, 4505.01 to 4505.19, inclusive, of the Revised Code, shall, when operating such commercial car, trailer, or semitrailer on the streets, roads, or highways of this state, display inside or on said vehicle the certificate of registration for such commercial car, trailer, or semitrailer provided for in Section 4503.19 of the Revised Code shall permit the inspection of the certificate of registration upon demand of the superintendent or any member of the state highway patrol or other peace officer of this state.

(B) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 4549.18)

**70.22 IMPROPER USE OF NONCOMMERCIAL MOTOR VEHICLE**

(A) No person shall use a motor vehicle registered as a noncommercial motor vehicle as defined in Section 4501.01 of the Revised Code for other than the purposes set forth in that section.

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

## DRIVERS LICENSE

### **70.23            OPERATING WITHOUT A VALID DRIVER LICENSE**

(A) (1) No person, except those expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid driver's license issued under Chapter 4507. of the Revised Code or a commercial driver's license issued under Chapter 4506. of the Revised Code.

(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Revised Code, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this state unless the person has a valid license as a motorcycle operator that was issued upon application by the registrar of motor vehicles under Chapter 4507. of the Revised Code. The license shall be in the form of an endorsement, as determined by the registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in section 4507.14 of the Revised Code, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(B) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A)(1) or (2) of this section may be admitted into evidence as prima-facie evidence that the person did not have either a valid driver's or commercial driver's license at the time of the alleged violation of division (A)(1) of this section or a valid license as a motorcycle operator either in the form of an endorsement upon a driver's or commercial driver's license or a restricted license at the time of the alleged violation of division (A)(2) of this section. The person charged with a violation of division (A)(1) or (2) of this section may offer evidence to rebut this prima-facie evidence.

(C) Whoever violates this section shall be punished as follows:

(1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this division, the offender is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code;

notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of section 2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case. If the offender previously has been convicted of or pleaded guilty to any violation of this section or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(2) If the offender's driver's or commercial driver's license or permit or, in a case involving the operation of a motorcycle by the offender, the offender's driver's or commercial driver's license bearing the motorcycle endorsement or the offender's restricted license was expired at the time of the offense, except as otherwise provided in this division, the offender is guilty of a minor misdemeanor. If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(D) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of this section or a substantially equivalent municipal ordinance.

(E) If the offender is sentenced under division (C)(2) of this section, if within three years of the offense the offender previously was convicted of or pleaded guilty to one or more violations of this section or a substantially equivalent municipal ordinance, and if the offender's license was expired for more than six months at the time of the offense, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. (O.R.C. 4510.12)

## **70.29            CERTAIN ACTS PROHIBITED**

(A) No person shall:

(1) Display, or cause 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 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;

(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 fraud, in any such application.

(B) Whoever violates any division in this section is guilty of a misdemeanor of the first degree. (O.R.C. 4507.30)

**70.31 PERMITTING UNLICENSED MINORS TO DRIVE**

(A) No person shall cause or knowingly permit any minor under eighteen to drive a motor vehicle upon a highway as an operator unless such minor has first obtained a license or permit to drive a motor vehicle under Sections 4507.01 to 4507.39, inclusive, of the Revised Code.

(B) Whoever violates any division in this section is guilty of a misdemeanor of the first degree. (O.R.C. 4507.31)

**70.33 PERMITTING UNLICENSED PERSON TO DRIVE**

(A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.

(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Chapter 4510. or any other provision of the Revised Code.

(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Chapter 4509. of the Revised Code.

(4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate section 4511.19 of the Revised Code or any substantially equivalent municipal ordinance.

(5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under section 4503.235 of the

Revised Code and the other person is prohibited from operating the vehicle under that order.

(B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (A)(1), (2), (3), (4), or (5) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in division (A)(1), (2), (3), (4), or (5) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in division (A)(1), (3), or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.

(2) Regarding an operator allegedly in the category described in division (A)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit, or privilege.

(3) Regarding an operator allegedly in the category described in division (A)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(C) Whoever violates this section shall be punished as provided in divisions (C) to (H) of this section.

(1) Except as provided in division (C)(2) of this section, whoever violates division (A)(1), (2), or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of section 2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.

(2) (a) If, within three years of a violation of division (A)(1), (2), or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2), or (3) of this section or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

(b) Whoever violates division (A)(4) or (5) of this section is guilty of a misdemeanor of the first degree.

(3) For any violation of this section, in addition to the penalties imposed under Chapter 2929. of the Revised Code, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:

(a) Except as otherwise provided in division (C)(3)(b) or (c) of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under section 4503.233 of the Revised Code.

(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under section 4503.233 of the Revised Code.

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under section 4503.234 of the Revised Code.

If title to a motor vehicle that is subject to an order for criminal forfeiture under division (C)(3)(c) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealers association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (C)(2) of section 4503.234 of the Revised Code.

(D) If a court orders the immobilization of a vehicle under division (C)(3)(a) or (b) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) If a court orders the criminal forfeiture of a vehicle under division (C)(3)(c) of this section, upon receipt of the order from the court, neither the registrar of motor vehicles

nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the registrar of the termination. If the court terminates the forfeiture and notifies the registrar, the registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(F) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in section 4549.65 of the Revised Code.

(G) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(H) For purposes of this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name. (O.R.C. 4511.203)

### **70.35 FAILURE TO DISPLAY DRIVER 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 licenses 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 said license. Failure to furnish satisfactory evidence that such person is licensed under Sections 4507.01 to 4507.30, inclusive, of the Revised Code, when such person does not have his license on or about his person shall be prima-facie evidence of his not having such license.

(B) (1) Except as provided in division (B)(2) of this section, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of section 2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a

substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree. (O.R.C. 4507.35)

**70.37            DRIVING UNDER SUSPENSION**

(A) Any nonresident or other person whose operator's or chauffeur's license, or right or privilege to operate a motor vehicle in this municipal corporation, has been suspended or revoked shall not operate a motor vehicle in this municipal corporation under a license, permit, or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this municipal corporation during a period of such suspension, or within one year after the date of such revocation.

(B) Except as otherwise provided in 4507.02 of the Revised Code, whoever violates this division is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of section 2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.

If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree. (O.R.C. 4507.02 & 4507.11)

**OPERATION OF MOTOR VEHICLES**

**70.39            COMPLIANCE WITH ORDER OF POLICE OFFICER-  
FLEEING AND ELUDING**

(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.

(B) No person shall operate a motor vehicle so as to willfully elude or flee a police officer after receiving visible or audible signal from a police officer to bring his motor vehicle to a stop.

(C) Whoever violates either division of this section is guilty of a misdemeanor of the first degree. (O.R.C. 2921.331)

**70.41            EMERGENCY VEHICLES - RED LIGHTS AND STOP SIGNS**

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

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.03)

**70.43            EXCEPTIONS**

Sections 70.01 to 70.171, inclusive, 70.999, and Sections 70.175 to 70.215, inclusive, of the Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a 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 strippers, 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 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 70.63, 70.69, 70.73, 70.75, 70.77, 70.81, 70.83, 70.87 and 70.143 of the Traffic Code. 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 violation of Sections 70.63, 70.69, 70.73, 70.75, 70.77, 70.81, 70.83, 70.87 and 70.143 of the Traffic Code. (O.R.C. 4511.04)

**70.45            OBEYING TRAFFIC CONTROL DEVICES**

(A)    No pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device lawfully placed 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.

(B)    No provision 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 ordinary observant person. Whenever no signs are required, such control shall be effective even though no signs are erected or even in place.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.12)

**70.47            SIGNAL TERMS AND LIGHTS**

Whenever traffic is controlled by traffic control signals exhibiting different illuminated colored lights, or controlled with illuminated arrows, the following colors only shall be used and the terms and lights shall indicate and apply to operators of vehicles, streetcars and trackless trolleys, and pedestrians as follows:

(A)    Circular green alone or "go" signal:

(1)    Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal or a traffic control device.

(2)    All other traffic facing the signal except as provided under Sections 70.89 and 70.93 of the Traffic Code may proceed straight through or turn right or left, unless a sign at such place prohibits such turn. But such traffic shall yield the right-of-way to vehicles, streetcars and trackless trolleys lawfully within the intersection and to pedestrians lawfully within a crosswalk at the time such signals is exhibited.

(B)    Circular yellow alone or "caution" when shown following the green or "go" signal:

(1)    No pedestrian facing such signal shall enter the roadway.

(2)    All other traffic facing the signal is warned that the red or "stop" signal will be exhibited immediately thereafter, and that pedestrians proceeding in accordance with the traffic control signals shall have the right-of-way.

(C)    Circular red alone or "stop" signal:

(1)    No pedestrian facing such signal shall enter the roadway.

(2)    All other traffic facing the signal shall stop before entering the intersection and shall remain standing until authorized to proceed by a traffic control device except otherwise provided by the laws of the State of Ohio.

(D)    Green arrow signal or a traffic control device authorizing turn with red or "stop" signal:

(1) No pedestrian facing such signal or device shall enter the roadway.

(2) All other traffic facing such signal or device may cautiously enter the intersection only to make the movement indicated by the green arrow or device, and shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(E) Green arrow signal alone:

(1) Pedestrians facing a vertical green arrow signal may proceed across the roadway within any marked or unmarked crosswalk unless directed by a pedestrian signal or a traffic control device.

(2) All other traffic facing such signal may enter the intersection to make the movement indicated by such arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.

(F) Where more than one traffic control signal or device is shown simultaneously, vehicular traffic shall comply with the traffic control signal or device applicable to the traffic lane and direction in which it is proceeding or about to proceed except as otherwise provided by the laws of the State of Ohio.

(G) Any traffic lawfully upon the roadway within an intersection at the time a traffic control signal changes may continue cautiously through the intersection with due regard for the safety and rights of all persons using the roadway. (O.R.C. 4511.13)

## **70.49 PEDESTRIAN CONTROL SIGNALS**

Whenever special pedestrian control signals exhibiting the words "walk", "don't walk", or "wait," or the symbol of a walking person or an upraised palm, are in place, such signals shall indicate the following instructions:

- (A) "Walk" or the symbol of a walking person: Pedestrians facing such signals 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, streetcars, and trackless trolleys.
- (B) "Don't walk" or "Wait" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal. (O.R.C. 4511.14)

**70.51            FLASHING TRAFFIC SIGNAL**

Whenever flashing red or yellow traffic signals are used, they shall require obedience as follows:

- (A) Flashing red stop signal: Operators of vehicles, trackless trolleys, and streetcars shall stop before entering the intersection or at a limit line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (B) Flashing yellow caution signal: Operators of vehicles, trackless trolleys, and streetcars may proceed through the intersection or past such signal only with caution. (O.R.C. 4511.15)

**70.53            ALTERATION, DEFACING OR REMOVAL OF SIGNS**

(A) No person shall without lawful authority knowingly move, alter, deface, injure, knock railroad sign or signal, or any inscription shield down, or remove any traffic control device, or any insignia thereon, or any part thereof. This prohibition includes the driving upon or over any freshly painted center line, 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.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a misdemeanor of the third degree. If a violation of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. (O.R.C. 4511.17)

**70.55            DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

(A) No person shall operate any vehicle, streetcar, or trackless trolley within this municipal corporation, if, at the time of the operation, any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (2) The person has a concentration on eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
- (3) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
- (4) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

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

(6) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood;

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

(8) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

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

(B) No person under twenty-one years of age shall operate any vehicle, streetcar, or trackless trolley within this municipal corporation, if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least two-hundredths of one per cent but less eight-hundredths of one per cent by weight per unit of alcohol in the person's whole blood.

(2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

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

(D) (1) In any prosecution for a violation of division (A) or (B) of this section the court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within two hours of the time of the alleged violation.

When a person submits to a blood test at the request of a law enforcement officer under section 70.551, only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.

The bodily substance withdrawn shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director of health pursuant to section 3701.143 of the Ohio Revised Code.

(2) In any prosecution for a violation of division (A) of this section, if there was at the time the bodily substance was drawn a concentration of less than the applicable concentration of alcohol specified in divisions (A)(2), (3), (4), and (5) of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This division does not limit or affect a prosecution for a violation of division (B) of this section.

(3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under section 70.552 of this Code, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.

(4) (a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any prosecution for a violation of division (A) or (B) of this section, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect

that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Ohio Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

(c) Division (D)(4)(b) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D)(4)(b) of this section.

(E) (1) Subject to division (E)(3) of this section, in any prosecution for a violation of division (A)(2), (3), (4), (5), (6), (7), (8) or (9) or (B)(1), (2), (3), or (4) of this section, a laboratory report from any forensic laboratory certified by the department of health that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:

(a) The signature, under oath, of any person who performed the analysis;

(b) Any findings as to identity and quantity of alcohol, a drug of abuse, or a combination of them that was found;

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;

(d) An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards

in general and, in this particular analysis, under rules of the department of health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (E)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The magistrate in the case may extend the seven-day limit in the interest of justice.

(F) Except as otherwise provided in this division, any physician, registered nurse, or qualified technician, chemist, or phlebotomist 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 civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(G) (1) Whoever violates any provision of divisions (A)(1) to (9) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. The court shall sentence the offender under Chapter 2929 of the Ohio Revised Code, except as otherwise authorized or required by divisions (G)(1)(a) to (e) of this section:

(a) Except as otherwise provided in division (G)(1)(b), (c), (d), or (e) of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1), (2), (3), (4), or (5) of this section, a mandatory jail term of three consecutive days. As used in this division, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this division if the court, in lieu of that suspended term, places the offender under a community

control sanction pursuant to section 2929.25 of the Ohio Revised Code and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under section 3793.10 of the Ohio Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Ohio Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793 of the Ohio Revised Code by the director of alcohol and drug addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of probation that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Ohio Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793 of the Ohio Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

(iii) In all cases, a fine of not less than two hundred fifty and not more than one thousand dollars;

(iv) In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A) (5) of section 4510.02 of the Revised Code. The court may grant

limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(2) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (G) of this section and if section 4510.13 of the Revised Code permits the court to grant limited driving privileges, the court may grant the limited driving privileges only if the court imposes as one of the conditions of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Ohio Revised Code, except as provide in division (B) of that section.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of section 4510.02 of the Ohio Revised Code.

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of division (A) or (B) of this section or other equivalent offense offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Ohio Revised Code.

(I) If a person whose driver's or commercial license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(J) All terms defined in sections 4510.01 of the Ohio Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Ohio Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Ohio Revised Code, the term as defined in section 4510.01 of the Ohio Revised Code applies to this section. (O.R.C. 4511.19)

**70.551 CHEMICAL TESTS FOR DETERMINING ALCOHOLIC CONTENT OF BLOOD; EFFECT OR REFUSAL TO SUBMIT TO TEST; PROCEDURES SUSPENSION**

(A) (1) "Physical control" has the same meaning as in section 4511.194 of the Ohio Revised Code.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug, or alcohol and drug content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 70.55 or section 70.554.

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

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

(B) (1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 70.55 or section 70.554 that was completed and sent to the registrar and a court pursuant to section 70.552 in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 70.557 of the Ohio Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Ohio Revised Code.

(b) If the arrested person, within six years of the date on which the person refused to consent to the chemical test, had refused one previous request to consent to a chemical test, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Ohio Revised Code.

(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two

previous requests to consent to a chemical test, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Ohio Revised Code.

(d) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused three or more previous requests to consent to a chemical test, the suspension shall be for five years.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or has been convicted of, operating a vehicle in violation of section 70.55 if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 70.55, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C) (1) Upon receipt of the sworn report of law enforcement officer who arrested a person for a violation of division (A) or (B) of section 70.55 that was completed and sent to the registrar and a court pursuant to section 70.552 in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(2), (3), (4), or (5) of section 70.55, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 70.552 and the period of the suspension, as determined under divisions (F)(1) to (4) of this section. The suspension shall be subject to appeal as provided in section 70.557. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 70.554 who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Ohio Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or has been convicted of, operating a vehicle in violation of section 70.55,

if the offense for which the conviction is had or the pleas is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 70.55, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D) (1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 70.55, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 70.554, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or pursuant to Chapter 4510 of the Ohio Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 70.557 regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 70.552 through 70.557 that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license. (O.R.C. 4511.191)

**70.552            WRITTEN NOTICE OF EFFECT OF REFUSAL; SEIZURE OF LICENSE**

(A) The arresting law enforcement officer shall give advice in accordance with this section to any person under arrest for a violation of division (A) or (B) of section 70.55 or section 70.554. The officer shall give that advice in a written form that contains the information described in division (B) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One or more persons shall witness the arresting officer's reading of the form and the witness shall certify to this fact by signing the form.

(B) If a person is under arrest as described in division (A) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol and drug contents of the person's blood, breath, or urine, the arresting officer shall read the following form to the person:

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

If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated.

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

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

(C) If the arresting law enforcement officer does not ask a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 70.551 of the Revised Code, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the arrest, and upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under section 70.556.

(D) (1) If a law enforcement officer asks a person under arrest as described in division (A) of this section to submit to a chemical test or tests under section 70.551, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless the arrest was for a violation of section 70.554, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, the arresting officer shall do all of the following:

(a) On behalf of the registrar of motor vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five days after the date of the person's arrest or the issuance of a citation

to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending thirty days after the initial appearance;

(b) Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within twenty-four hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar.

(c) Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the registrar of the change;

(d) Send to the registrar, within forty-eight hours after the arrest of the person, a sworn report that includes all of the following statements:

(i) That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 70.55 or for being in physical control of a stationary vehicle, streetcar, or trackless trolley in violation of section 70.554;

(ii) That the person was arrested and charged with a violation of division (A) or (B) of section 70.55 or section 70.554;

(iii) That the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (B) of this section;

(iv) That either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of section 70.554, the person submitted to the chemical test or tests and the test results indicate a prohibited concentration of alcohol in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

(2) Division (D)(1) of this section does not apply to a person who is arrested for a violation of section 70.554, who is asked by a law enforcement officer to submit to a chemical test or tests under section 70.551, and who submits to the test or tests, regardless of the amount of alcohol that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, or urine.

(E) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to be the arresting officer. As soon as possible, but not later than forty-eight hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

(F) The sworn report of an arresting officer completed under this section is prima-facie proof of the information and statements that it contains. It shall be admitted and considered as prima-facie proof of the information and statements that it contains in any appeal under section 70.557 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report. (O.R.C. 4511.192)

**70.554            HAVING PHYSICAL CONTROL OF VEHICLE WHILE UNDER INFLUENCE**

(A) As used in this section:

(1) "National highway traffic safety administration" has the same meaning as in section 70.55.

(2) "Physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a streetcar or trackless trolley and having possession of the vehicle's, streetcar's, or trackless trolley's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in division (A) (2), (3), (4), or (5) of section 70.55.

(C) (1) In any prosecution for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following will apply:

(a) The officer may testify concerning the results of the field sobriety tests so administered.

(b) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the prosecution.

(c) If testimony is presented or evidence is introduced under division (C)(1)(a) or (b) of this section if the testimony or evidence is admissible under the Ohio Rules of Evidence, the court shall admit the testimony or evidence, and the trier of fact shall give it whatever weight the trier of fact considers appropriate.

(2) Division (C)(1) of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a prosecution of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (C)(1) of this section.

(D) Whoever violates this section is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. (O.R.C. 4511.194)

**70.556            INITIAL APPEARANCE; SUSPENSION**

(A) If a person is arrested for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 70.554 or for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 70.55 of this Code, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under section 70.551, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person.

(B) (1) If a person is arrested as described in division (A) of this section, if the person's driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 70.551 in relation to that arrest, if the person appeals the suspension in accordance with section 70.557, and if the magistrate terminates the suspension in accordance with that section, the magistrate, at any time prior to adjudication on the merits of the charge resulting from the arrest, may impose a new suspension of the person's license, permit, or nonresident operating privilege, notwithstanding the termination, if the magistrate determines that the person's continued driving will be a threat to public safety.

(2) If a person is arrested as described in division (A) of this section and if the person's driver's or commercial driver's license or permit or nonresident operating privilege has not been suspended under section 70.551 in relation to that arrest, the magistrate, at any time prior to the adjudication on the merits of the charge resulting from the arrest, may impose a suspension of the person's license, permit, or

nonresident operating privilege if the magistrate determines that the person's continued driving will be a threat to public safety.

(C) A suspension under division (B)(1) or (2) of this section shall continue until the complaint on the charge resulting from the arrest is adjudicated on the merits. A court that imposes a suspension under division (B)(2) of this section shall send the person's driver's license or permit to the registrar of motor vehicles. If the court possesses the license or permit of a person in the category described in division (B)(2) of this section and the court does not impose a suspension under that division, the court shall return the license or permit to the person if the license or permit has not otherwise been suspended or cancelled.

Any time during which the person serves a suspension of the person's license, permit, or privilege that is imposed pursuant to division (B)(1) or (2) of this section shall be credited against any period of judicial suspension of the person's license, permit, or privilege that is imposed under division (G) of section 70.55 of this Code. (O.R.C. 4511.196)

#### **70.557            APPEAL OF SUSPENSION**

(A) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 70.55 or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 70.554 and if the person's driver's or commercial driver's license or permit or nonresident operating privilege is suspended under section 70.551, the person may appeal the suspension at the person's initial appearance on the charge resulting from the arrest or within the period ending thirty days after the person's initial appearance on that charge, in the court which the person will appear on that charge. If the person appeals the suspension, the appeal does not stay the operation of the suspension. If the person appeals the suspension, either the person or the registrar of motor vehicles may request a continuance of the appeal, and the court may grant the continuance. The court also may continue the appeal on its own motion. Neither the request for, nor the granting of, a continuance stays the suspension that is the subject of the appeal, unless the court specifically grants a stay.

(B) A person shall file an appeal under division (A) of this section in the mayor's court.

(C) If a person appeals a suspension under division (A) of this section, the scope of the appeal is limited to determining whether one or more of the following conditions have not been met:

(1) Whether the arresting law enforcement officer had reasonable ground to believe the arrested person was operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 70.55 or was in physical control of a vehicle, streetcar, or trackless trolley in violation of section 70.554 and whether the arrested person was in fact placed under arrest.

(2) Whether the law enforcement officer requested the arrested person to submit to the chemical test or tests designated pursuant to division (A) of section 70.551;

(3) Whether the arresting officer informed the arrested person of the consequences of refusing to be tested or of submitting to the test or tests;

(4) Whichever of the following is applicable:

(a) Whether the arrested person refused to submit to the chemical test or tests requested by the officer.

(b) Whether the arrest was for a violation of division (A) or (B) of section 70.55 and, if it was, whether the chemical test results indicate that the arrested person's whole blood contained a concentration of eight-hundredths of one per cent or more by weight of alcohol, the person's blood serum or plasma contained a concentration of ninety-six-thousandths of one per cent or more by weight of alcohol, the person's breath contained a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath, or the person's urine contained a concentration of eleven-hundredths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine at the time of the alleged offense.

(D) A person who appeals a suspension under division (A) of this section has the burden of proving, by a preponderance of the evidence, that one or more of the conditions specified in division (C) of this section has not been met. If, during the appeal, the magistrate determines that all of those conditions have been met, the magistrate shall uphold the suspension, continue the suspension, and notify the registrar of motor vehicles of the decision on a form approved by the registrar.

Except as otherwise provided in this section, if a suspension imposed under section 70.551 is upheld on appeal or if the subject person does not appeal the suspension under division (A) of this section, the suspension shall continue until the complaint alleging the violation for which the person was arrested and in relation to which the suspension was imposed is adjudicated on the merits or terminated pursuant to law. If the suspension was imposed under division (B)(1) of section 70.551 and it is continued under this section, any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of section 70.551 does not terminate or otherwise affect the suspension. If the suspension was imposed under division (C) of section 70.551 in relation to an alleged misdemeanor violation of division (A) or (B) of section 70.55 and it is continued under this section, the suspension shall terminate if, for any reason, the person subsequently is found not guilty of the charge that resulted in the person taking the chemical test or tests.

If, during the appeal the magistrate determines that one or more of the conditions specified in division (C) of this section have not been met, the magistrate shall terminate the suspension, subject to the imposition of a new suspension under division (B) of section 70.556, shall notify the registrar of motor vehicles of the decision on a form approved by the registrar; and except as provided in division (B) of section 70.556, shall order the registrar to return the driver's or commercial driver's license or permit to the person or take any other measures that may be necessary, if the license or permit was destroyed under section 4510.53

of the Ohio Revised Code, to permit the person to obtain a replacement driver's or commercial driver's license or permit from the registrar or a deputy registrar in accordance with that section. The court also shall issue to the person a court order, valid for not more than ten days from the date of issuance, granting the person operating privileges for that period.

(E) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 70.551 may file a petition requesting limited driving privileges in the mayor's court. The petition may be filed at any time subsequent to the date on which the arresting law enforcement officer serves the notice of suspension upon the arrested person but no later than thirty days after the arrested person's initial appearance or arraignment. Upon the making of the request, limited driving privileges may be granted under sections 4510.021 and 4510.13 of the Ohio Revised Code, regardless of whether the person appeals the suspension under this section or appeals the decision of the court on the appeal, and, if the person has so appealed the suspension or decision, regardless of whether the matter has been heard or decided by the court. The person shall pay the costs of the proceeding, notify the registrar of the filing of the petition, and send the registrar a copy of the petition.

The court may not grant the person limited driving privileges when prohibited by section 4510.13 of the Ohio Revised Code or section 70.551.

(F) Any person whose driver's or commercial driver's license or permit has been suspended under section 70.55 and who desires to retain the license or permit during the pendency of an appeal, at the time sentence is pronounced, shall notify the mayor's court of the person's intention to appeal. If the person so notifies the court, the court shall retain the license or permit until the appeal is perfected, and, if executive of sentence is stayed, the license or permit shall be returned to the person to be held by the person during the pendency of the appeal. If the appeal is not perfected or is dismissed or terminated in an affirmance of the conviction, then the license or permit shall be taken up by the court at the time of putting the sentence into execution, and the court shall proceed in the same manner as if no appeal was taken.

(G) The court shall give information in writing of any action taken under this section to the registrar of motor vehicles. (O.R.C. 4511.197)

## **70.57            RECKLESS DRIVING**

(A) No person shall operate a vehicle, trackless trolley, or streetcar on any street or highway within this municipal corporation in willful or wanton disregard of the safety of persons or property.

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

traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.20)

**70.58            FAILURE TO CONTROL VEHICLE**

(A) No person shall operate a vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic within this municipal corporation without being in reasonable control of the vehicle, trackless trolley, or streetcar.

(B) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 4511.202).

**70.59            RECKLESS DRIVING OFF STREETS AND HIGHWAYS**

(A) No person shall operate a vehicle, trackless trolley, or streetcar on any public or private property within this municipal corporation other than streets or highways, in willful or wanton disregard of the safety of persons or property.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.201)

**70.60            WEAVING**

(A) No person shall drive a vehicle upon any highway in a weaving or zigzag course, unless such irregular course is made necessary by traffic exigencies.

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

**70.61            SPEEDING**

(A) No person shall operate a motor vehicle, trackless trolley, or streetcar in and upon the streets and highways of this municipal corporation 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 conditions, and no person shall drive any motor vehicle, trackless trolley, or streetcar in and upon any street or highway of this municipal corporation 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, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1) Twenty miles per hour when passing a school bus 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 line fence has been erected without pedestrian opening, the speed shall be governed by division (4) of this section and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (8) of this section.

(2) Twenty five miles per hour in all other portions of this municipal corporation, except on state routes, through highways outside business districts, and alleys;

(3) Thirty five miles per hour on all state routes or through highways within this municipal corporation outside business districts, except provided in divisions (4) and (5) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within this municipal corporation; as used in this section "nighttime" means any time when lighted lights are required by Section 70.179 of the Traffic Code. "Daytime" means any other time.

(5) Fifty miles per hour on state routes within this municipal corporation outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen miles per hour on all alleys within this municipal corporation;

(7) Fifty-five miles per hour at all times on freeways with paved shoulders inside this municipal corporation except fifty miles per hour at all times for operators of trucks and commercial tractors weighing in excess of four thousand pounds empty weight and school busses;

(8) Fifty-five miles per hour at all times on freeways within this municipal corporation.

It is prima-facie unlawful for any person to exceed any of said speed limitations. 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 a vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not notify the speed at which the defendant is alleged to have driven.

Whenever the authorities of this municipal corporation determine upon the basis of an engineering and traffic investigation that the prima-facie speed permitted on any part of a highway under its jurisdiction is greater than is reasonable and safe under the conditions found to exist at such location, the authorities may by resolution request the director of highways to determine and declare a reasonable and safe prima-facie speed limit. Upon receipt of such request the director may determine and declare a reasonable and safe prima-facie speed limit at such location, and if the director alters the prima-facie speed limit, then such altered speed limit shall become effective only when appropriate signs giving notice thereof are erected on such location by the local authorities. The director may withdraw his declaration of any altered prima-facie speed limit whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal the altered prima-facie speed shall become ineffective, and the signs relating thereto shall be immediately removed by the local authorities.

The authorities of this municipal corporation may authorize by ordinance higher prima-facie speeds than those stated in this section upon through highways, or upon highways or portions thereof where there are no intersections, or between widely spaced intersections, provided signs are erected giving notice of the authorized speed, but the authorities shall not modify or alter the basic rule set forth in the first paragraph of this section or in any event authorize by ordinance a speed in excess of fifty miles per hour.

Alteration of prima-facie limits on state routes by local authorities shall not be effective until the alteration has been approved by the director. The director may withdraw his approval of any altered prima-facie speed limits whenever in his opinion any altered prima-facie speed becomes unreasonable, and upon such withdrawal the altered prima-facie speed shall become ineffective, and the signs relating thereto shall be immediately removed by the local authorities.

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

(1) Except as otherwise provided in the below divisions of this section, whoever violates this section is guilty of a minor misdemeanor;

(2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section, the offender is guilty of a misdemeanor of the fourth degree;

(3) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section, the offender is guilty of a misdemeanor of the third degree.

(4) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of this section and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or

leaving school during the school's opening or closing hours, the offender is guilty of a misdemeanor of the fourth degree.

(5) Notwithstanding division (B)(1)-(4) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine. (O.R.C. 4511.21)

**70.63            SLOW SPEED**

(A) No person shall operate a vehicle, trackless trolley or street car at such a slow 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.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.22)

**70.65            SPEED ON BRIDGES**

(A) No person shall operate a vehicle, trackless trolley or street car over any bridge, or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with signs as provided in this section.

The department of highways upon request from the local authority of this municipal corporation shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that such structure cannot with safety withstand traffic traveling at the speed otherwise permissible under Sections 4511.01 to 4511.85, and 4511.98 of the Revised Code, the department shall determine and declare the maximum speed of traffic which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of at least one hundred feet before each end of such structure.

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

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.23)

**70.67            EMERGENCY VEHICLES EXCEPTED - SPEED**

The prima-facie speed limitations set forth in Section 70.61 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls, 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.

**70.68            APPROACHING STATIONARY PUBLIC SAFETY, EMERGENCY, OR ROAD SERVICE VEHICLES WITH CAUTION**

(A) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, an emergency vehicle, or a road service vehicle, that is displaying the appropriate visual signals by means of flashing, oscillating, or rotating lights, as prescribed in 4513.07 of the Revised Code, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.

(2) If the driver is not traveling on a highway of a type described in division (A)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather, and traffic conditions.

(B) This section does not relieve the driver of a public safety vehicle, an emergency vehicle, or a road service vehicle, from the duty to drive with due regard for the safety of all persons and property upon the highway.

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

(D) (1) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic

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

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

(E) As used in this section, "public safety vehicle" has the same meaning as in section 4511.01 of the Ohio Revised Code.

## **TRAFFIC RULES**

### **70.69 DRIVING UPON THE RIGHT SIDE OF ROAD**

(A) Upon all roadways of sufficient width, a vehicle or trackless trolley 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) (1) Upon all roadways any vehicle or trackless trolley proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:

(a) When overtaking and passing another vehicle or trackless trolley proceeding in the same direction;

(b) When preparing for a left turn;

(c) When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.

(2) Nothing in division (B)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(C) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle or trackless trolley shall be driven to the left of the center line 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 division (A)(2) of this section.

This division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.25)

## **70.71            STREET RACING**

(A) Street 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 division (A)(1)-(6), inclusive, of Section 70.61 of the Traffic Code or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(B) No person shall participate in a street race as defined in division (A) of this section upon any public road, street, or highway in this municipal corporation. Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division. (O.R.C. 4511.251)

**70.73            VEHICLES TRAVELING IN OPPOSITE DIRECTIONS**

(A) Operators of vehicles and trackless trolleys 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 is reasonably possible.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.26)

**70.75            PASSING**

(A) The following rules govern the overtaking and passing of vehicles or trackless trolleys proceeding in the same direction:

(1) The operator of a vehicle or trackless trolley overtaking another vehicle or trackless trolley proceeding in the same direction shall, except as provided in division (A)(3) of this section, signal to the vehicle or trackless trolley 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 or trackless trolley.

(2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

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

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.27)

**70.77**            **PASSING ON THE RIGHT**

(A)    The operator of a vehicle or trackless trolley may overtake and pass upon the right of another vehicle or trackless trolley which is making or about to make a left turn. The operator of a vehicle or trackless trolley may overtake and, allowing sufficient clearance, pass another vehicle or trackless trolley proceeding in the same direction either upon the left or upon the right of a roadway with unobstructed pavement of sufficient width whenever such roadway has been divided into four or more clearly marked lanes for moving traffic, or whenever within this municipal corporation traffic is moving in two or more substantially continuous lines in the same direction, provided such movement can be made in safety.

(B)    No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(C)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.28)

**70.79**            **PASSING LEFT OF CENTER**

(A)    No vehicle or trackless trolley shall be driven to the left of center or center line 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.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.29)

**70.81**            **DRIVING LEFT OF CENTER**

No vehicle or trackless trolley shall, in overtaking and passing traffic, or at any other time, be driven to the left of the center line 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 directions;

- (B) When the view is obstructed upon approaching any bridge, viaduct, or tunnel;
- (C) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing, unless compliance with this section is impossible because of insufficient roadway space.

This section does not apply to vehicles or trackless trolleys upon a one-way roadway or upon a roadway where traffic is lawfully directed to be driven to the left side.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.30)

**70.83            RULES FOR DRIVING IN MARKED LANES**

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

- (A) A vehicle or trackless trolley 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 a vehicle or trackless trolley shall not be driven in the center lane except when overtaking and passing another vehicle or trackless trolley 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 same time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such allocation.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the

offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.33)

**70.85            FOLLOWING TOO CLOSE**

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

The driver of any truck or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient speed, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.34)

**70.87            DIVIDED ROADWAYS**

(A)    Whenever any highway 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 any such dividing space, barrier, or 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 section for the purpose of an emergency stop or in compliance with an order of a police officer.

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

traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.35)

**70.89            TURNING AT INTERSECTIONS**

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

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

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

(3)    At any intersection where traffic is restricted to the open 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.

(B)    The operator of a trackless trolley shall comply with divisions (A)(1)-(3) of this section whenever practicable.

(C)    The department of transportation and local authorities in their respective jurisdictions may cause markers, buttons, or signs to 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, streetcars, or trackless trolleys, turning at an intersection, and when markers, buttons, or signs are so placed, no operator of a vehicle, streetcar, or trackless trolley shall turn such vehicle, streetcar, or trackless trolley at an intersection other than as directed and required by such markers, buttons, or signs.

(D)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.36)

**70.91            TURNING TO OPPOSITE DIRECTION**

(A) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, if such vehicle cannot be seen within five hundred feet by the driver of any such vehicle approaching from either direction.

(B) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This division applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This division does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.37)

**70.93            IMPROPER STARTING AND BACKING**

(A) No person shall start a vehicle, streetcar, or trackless trolley which is stopped, standing, or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles, streetcars, or trackless trolleys shall give ample warning, and while backing they shall exercise vigilance not to injure person or property.

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.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.38)

**70.95****CHANGING COURSE OF OR STOPPING VEHICLE**

No person shall turn a vehicle or trackless trolley from a direction course upon a highway until such person has exercised due care to ascertain that the movement can be made with reasonable safety to other users of the highway, and then only after giving clearly audible signal by sounding the horn if any pedestrian may be affected by such movement, or after giving an appropriate signal in the event any traffic may be affected by such movement.

No person shall turn a vehicle in an intersection unless the vehicle is in proper position upon the roadway as required in Section 70.89 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a director course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

- (A) A signal of intention to turn right or left shall be given in sufficient time in advance of the movement indicated to give ample warning to other users of the highway who would be affected by such movement.
- (B) No person shall stop or suddenly decrease the speed of a vehicle or trackless trolley without first giving an appropriate signal to the traffic immediately to the rear.
- (C) Any stop or turn signal required herein, shall be given either by means of the hand and arm, or by signal lights or a mechanical signal device that clearly indicates to both approaching and following traffic intention to turn 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 or a mechanical signal device 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 (24) inches, or when the distance from the center of the top of the steering post to the rear limits of the body or load thereof exceeds fourteen (14) feet, whether a single vehicle or combination of vehicles.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.39)

**70.97            HAND AND ARM SIGNALS**

(A) All signals, 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:

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

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.40)

**70.98            WARNING SIGNS AS TO INCREASED PENALTIES IN CONSTRUCTION ZONES**

The Village Administrator may cause signs to be erected advising motorists that increased penalties apply for certain traffic violations occurring on streets or highways within a construction zone. The increased penalties shall be effective only when signs are erected in accordance with the guidelines and design specifications established under section 5501.27 of the Ohio Revised Code, and when a violation occurs during actual hours of work within the construction zone. (O.R.C. 4511.98)

**RIGHT-OF-WAY**

**70.101           RIGHT-OF-WAY AT INTERSECTIONS**

(A) The operator of a vehicle, streetcar, or trackless trolley shall yield the right-of-way at an intersection of two or more roads or highways which cross each other to a vehicle, streetcar, or trackless trolley approaching from the right, except as provided in Section 70.117.

(B) At an intersection at which one or more roads or highways meet but does not cross the others, the operator of a vehicle, streetcar, or trackless trolley traveling on the dead-end road or highway shall yield the right-of-way to any vehicle, streetcar, or trackless trolley traveling on the road or highway which crosses the intersection, unless otherwise directed by a traffic control device, or as provided in Section 70.117.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever

violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.41)

**70.103            RIGHT-OF-WAY WITHIN AN INTERSECTION WHEN TURNING LEFT**

(A)    The operator of a vehicle, streetcar, or trackless trolley intending to turn to the left shall yield the right-of-way to any vehicle, streetcar, or trackless trolley approaching from the opposite direction.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.42)

**70.104            STOPPING PRIOR TO DRIVING ONTO OR ACROSS SIDEWALK**

(A)    The driver of a vehicle or trackless trolley emerging from an alley, building, private road, or driveway within a business or residence district shall stop the vehicle or trackless trolley 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.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.431)

**70.105            RIGHT-OF-WAY AT THROUGH HIGHWAY: STOP SIGNS**

(A)    (1)    The operator of a vehicle, intending to enter a through highway, shall yield the right-of-way to all other vehicles, streetcars, or trackless trolleys on said through highway, unless otherwise directed by a traffic control signal, or as provided in this section.

(2)    The operator of a vehicle, streetcar, or trackless trolley shall stop in obedience to a stop sign at an intersection and shall yield the right-of-way to all other vehicles, streetcars, or trackless trolleys not obliged to stop, or as provided in this section.

(3) The operator of a vehicle, streetcar, or trackless trolley in obedience to a yield sign shall yield the right-of-way to all of other vehicles, streetcars, trackless trolleys, or pedestrians approaching from a different direction into its or his path.

(4) The operator of a vehicle transferring from one traffic lane to another on entering a through highway from a ramp or entrance, shall not do so until the driver has first ascertained that such movement can be made with safety.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.43)

**70.106            ENTERING ROADWAY FROM ANY PLACE OTHER THAN ANOTHER ROADWAY: DUTY TO YIELD**

(A) The operator of a vehicle, streetcar, or trackless trolley 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.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.44)

**70.107            EMERGENCY VEHICLES HAVE RIGHT-OF-WAY**

(A) 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 five hundred 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 highway 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.

(B) Upon the approach of a public safety vehicle, as stated in the first paragraph of this section, the operator of every streetcar or trackless trolley shall immediately stop such car clear of any intersection and keep it in such position until the public safety vehicle has passed, except when otherwise directed by a police officer.

(C) 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 highway.

(D) Except as otherwise provided in this division, whoever violates division (A) or (B) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (O.R.C. 4511.45)

**70.109 FUNERAL PROCESSION HAS RIGHT-OF-WAY**

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

(B) Excepting public safety vehicles proceeding in accordance with Section 70.117 of the Traffic Code or when directed otherwise by a police officer, pedestrians and the operators of all vehicles, streetcars, and trackless trolleys shall yield the right-of-way to each vehicle which is part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection to 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 the Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

(C) 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 or orange and white pennant in such a manner as to be clearly visible to traffic approaching from any distance.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.451)

**70.111 PEDESTRIAN ON CROSSWALK HAS RIGHT-OF-WAY**

(A) When traffic control signals are not in place, not in operation, or are not clearly assigning the right-of-way, the driver of a vehicle, trackless trolley, or streetcar shall yield the right-of-way, slowing down or stopping if need be to so yield or if required by Section 70.112 of the Fairfax Traffic Code, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway 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, trackless trolley, or streetcar which is so close as to constitute an immediate hazard.

(C) Division (A) of this section does not apply under the conditions stated in the second paragraph of Section 70.115 of the Fairfax Traffic Code.

(D) Whenever any vehicle, trackless trolley, or streetcar 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, trackless trolley, or streetcar approaching from the rear shall not overtake and pass the stopped vehicle.

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.46)

#### **70.112 MALFUNCTIONING TRAFFIC LIGHTS**

The driver of a vehicle, streetcar, or trackless trolley who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing him either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way:

- (A) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (B) Yield the right-of-way to all vehicles, streetcars, or trackless trolley in the intersection or approaching on an intersecting road, if the vehicles, streetcars, or trackless trolley will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;
- (C) Exercise ordinary care while proceeding through the intersection.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.132)

**70.113            RIGHT-OF-WAY TO 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 field of vision such that the widest diameter of visual field subtends an angle no greater than twenty degrees.

(B) The driver of every vehicle, streetcar, or trackless trolley shall yield the right-of-way to every blind pedestrian guided by a guide dog, or carrying in a raised or extended position a white or metallic cane with or without a red tip.

(C) No person, other than a blind person, while on any public highway, street, alley, or other public thoroughfare shall carry in a raised or extended position a white cane or a white cane with a red tip.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.47)

**70.115            RIGHT-OF-WAY YIELDED BY PEDESTRIANS**

(A) Every pedestrian crossing a roadway within a municipal corporation 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 traffic operating lawfully 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; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(E) The section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway.

(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the

offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.48)

## **PEDESTRIANS**

### **70.117        PEDESTRIANS**

(A)    (1)    Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(2)    Pedestrians shall not step into or upon a public roadway or highway without looking in both directions to see what is approaching.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.49)

### **70.118        INTOXICATED PEDESTRIANS ON PUBLIC HIGHWAYS**

(A)    A 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 not walk upon a highway.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.481)

### **70.119        USE OF WALKS BY PEDESTRIANS**

(A)    Where usable walks or paths parallel the street or highway, pedestrians shall not walk in, along, or upon the vehicular traveled portion of such street or highway.

(B)    When usable walks or paths are not provided parallel to the street or highway, pedestrians may walk along or upon the traveled portion of such street or highway, and when practicable, they shall face the approaching traffic and shall exercise due care to avoid approaching traffic.

(C)    No pedestrian shall cross a roadway within this municipal corporation at a place other than a crosswalk except when crosswalks are an unreasonable distance apart.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.50)

**70.121            PROHIBITION AGAINST SOLICITING RIDES; RIDING ON OUTSIDE OF VEHICLE**

(A) No person while on a roadway 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, streetcar, or trackless trolley 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, streetcar, or trackless trolley while it is moving upon a roadway except mechanics or test engineers making repairs or adjustments.

(E) Except as otherwise provided in this division, whoever violates any provision of divisions (A) to (D) of this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of divisions (A) to (D) of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of divisions (A) to (D) of this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.51)

**BICYCLES AND MOTORCYCLES**

**70.123            BICYCLES**

(A) Sections 4511.01 to 4511.78, 4511.99, and 4513.01 to 4513.37 of the Revised Code and 70.175 to 70.215 of the Traffic Code, which are applicable to bicycles, apply whenever a bicycle is operated upon any highway, or upon any path set aside for the exclusive use of bicycles.

(B) Except as to violations of section 4511.19 of the Revised Code, a bicycle operator who violates any section of the Revised Code described in division (A) of

this section that is applicable to bicycles may be issued a ticket, citation, or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under section 4510.036 of the Revised Code. (O.R.C. 4511.52)

(C) Except as to violations of section 4511.19 of the Revised Code, in the case of a violation of any section of the Revised Code described in division (A) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of the Revised Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Revised Code for that violation.

## **70.125            RULES FOR BICYCLES AND MOTORCYCLES**

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

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

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

No bicycle or motorcycle shall be used to carry more persons at one time 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.

No person shall operate or be a passenger on a 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 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.

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has

been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.53)

**70.126            MOTORCYCLES, MOTOR SCOOTERS, MINI BIKES AND TRAIL BIKES -PRIVATE PROPERTY**

(A) No person shall operate, or permit to be operated a motorcycle, motor scooter, mini bike or trail bike on any private property without the written consent of the owner of such private property.

- (1) Such written consent shall be carried on the person of the operator of such vehicle at all times of such operation and produced by said operator on demand of any law enforcement officer.
- (2) Such written consent shall also contain an assumption of responsibility by said owner for noise created by such permitted use on such private property, whereby the operator and owners of such private property shall assume the joint, and joint and separate, responsibility for the operation thereof in violation of any provision of the Fairfax Code of Ordinances.

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

**70.127            PROHIBITION AGAINST ATTACHING BICYCLES AND SLEDS TO VEHICLES**

(A) No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself to any streetcar, trackless trolley or vehicle upon the roadway.

No operator shall knowingly permit any person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle to attach the same or himself to any streetcar, trackless trolley, or vehicle while it is moving upon a roadway.

This section does not apply to the towing of a disabled vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.54)

**70.129            RIDING BICYCLES AND MOTORCYCLES ABREAST**

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

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.55)

**70.131            SIGNAL DEVICE ON BICYCLE AND MOTORCYCLE**

(A)    Every bicycle when in use at the times specified in section 4513.03 of the Revised Code, shall be equipped with the following:

(1)    A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.

(2)    A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle;

(3)    A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector. If the red lamp performs as a reflector in that it is visible as specified in division (A)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(B)    Additional lamps and reflectors may be used in addition to those required under division (A) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(C)    A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

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

(E) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.56)

**70.133 DRIVING THROUGH SAFETY ZONE**

(A) No vehicle shall at any time be driven through or within a safety zone.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.60)

**GRADE CROSSINGS**

**70.135 PROHIBITION AGAINST DRIVING ACROSS GRADE CROSSINGS**

(A) No person shall drive a vehicle across a railroad grade crossing in the following instances:

- (1) When a clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;
- (2) When a crossing gate is lowered;
- (3) When a human flagman gives or continues to give a signal of the approach or passage of a train.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (O.R.C. 4511.62)

**70.137 VEHICLES REQUIRED TO STOP AT GRADE CROSSING**

(A) The operator of any motor vehicle or trackless trolley, 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 or trackless trolley, 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.

(B) This section does not apply at street railway grade crossings within the Village of Fairfax or to abandoned tracks, spur tracks, side tracks, and industrial tracks when the public utilities commission has authorized and approved the crossing of such tracks without making the stop required by this section.

(C) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 4511.63)

**70.139 SLOW-MOVING VEHICLES OR EQUIPMENT  
CROSSING RAILROAD TRACKS**

(A) No person shall operate or move any crawler-type tractor, steam shovel, derrick, 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 about the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (A)(1) and (A)(2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment or equipment shall first stop the same, and while stopped he shall listen and look in both directions 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 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 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.

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

traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.64)

## **THROUGH HIGHWAYS**

### **70.141 THROUGH HIGHWAYS; STOP SIGNS**

All state routes and all sections of streets and highways on which are operated streetcars, trackless trolleys, and other electric cars, or motor coaches for carrying passengers, for hire, along a fixed or regular route under authority granted by a municipal corporation within which such route lies, are hereby designated as through highways, provided that stop signs shall be erected at all intersections with such through highways, by the department of transportation as to highways under its jurisdiction, and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two or more through highways intersect and no traffic control signal is in operation, stop signs shall be erected at one or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section.

The department with reference to state highways, and local authorities with reference to highways under the jurisdiction, may designate additional through highways and shall erect stop signs in all streets and highways intersecting such through highways, or may designate any intersection as a stop intersection and shall erect like signs at one or more entrances to such intersection.

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 highway at the entrance to which the stop must be made, or at the nearest line of the crosswalk thereat, if none, at the nearest line of the roadway. (O.R.C. 4511.65)

## **PARKING**

### **70.142 PARKING IN BUS STOPS**

No operator of any vehicle other than a bus shall stand or park such vehicle in an officially designated bus stop where signs prohibit standing or parking. Whoever violates this section is guilty of a minor misdemeanor.

### **70.143 PROHIBITION AGAINST PARKING ON HIGHWAYS**

(A) Upon any 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 highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of said highway. In every event a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of two hundred feet in each direction upon such highway.

(B) 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 highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position.

(C) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.66)

**70.144            OWNER OF PRIVATE PROPERTY MAY POST PARKING PROHIBITION OR REGULATIONS; TOW-AWAY ZONE; CONDITIONS FOR TOWING VEHICLE**

(A) If an owner of private property posts on the property, in a conspicuous manner, a prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (1) Park a vehicle on the property without the owner's consent;
- (2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(B) Except as provided in Sections 4513.60 to 4513.65 of the Revised Code, and subject to the requirements of this section, the owner of private property or his authorized agent may remove, or cause to be removed, any vehicle parked on the property in violation of a posted parking prohibition, condition, or regulation.

(C) The owner of private property may create a private tow-away zone only if all of the following conditions are satisfied:

- (1) The owner posts on his property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property, and that contains at least all of the following information:
  - (a) A notice that the property is a tow-away zone and that vehicles not authorized to park on the property will be towed away;
  - (b) The telephone number of the person from whom a towed away vehicle can be recovered, and the address of the place to which the vehicle will be taken and from which it may be recovered;
  - (c) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars, and a storage charge, in an amount not to exceed twelve dollars per twenty-four-hour period;

except that the charge for towing shall not exceed one hundred fifty dollars, and the storage charge shall not exceed twenty dollars per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of ten thousand pounds and is a truck, bus, or a combination of a commercial tractor and trailer or semitrailer.

(2) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted, and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(D) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (C) of this section, without the consent of the owner of the property, the owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle, and to the payment of the towing and storage charges specified in division (C) (1) (c) of this section, and the owner may recover the vehicle only upon submission of proof of ownership and the payment of such charges. However, if the owner or operator of the vehicle arrives after the vehicle has been prepared for removal but prior to its actual removal from the zone, the owner or operator shall be given the opportunity to pay a fee of no more than one-half of the normal towing charge of the person who has prepared the vehicle for removal in order to obtain release of the vehicle. Upon payment of this fee, the vehicle shall be released to the owner or operator and upon release of the vehicle, the owner or operator immediately shall move the vehicle so that it is not parked on the private property established as a private tow-away zone without the consent of the owner.

(E) If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of private property located within the municipal corporation shall remove, or shall cause the removal and storage of, any vehicle pursuant to this section by an unlicensed tow truck or unlicensed tow truck operator.

(F) Except as provided in Sections 4513.60 to 4513.65 of the Revised Code, no person shall remove, or cause to be removed, any vehicle from private property other than in accordance with this section.

(G) If an owner of private property, or his authorized agent, removes or causes the removal of a vehicle from that property pursuant to this section, the owner or agent shall notify the police department of the municipal corporation, township, or township police district in which the property is located, of the removal and of the vehicle's license plate number.

(H) Whoever parks a vehicle in violation of this section is guilty of a minor misdemeanor. (O.R.C. 4511.681 and 4513.60)

#### **70.145 POLICE MAY REMOVE ILLEGALLY PARKED VEHICLE**

Whenever any police officer finds a vehicle standing upon a highway in violation of Section 70.143, such officer may move such vehicle, or require the driver or other

person in charge of the vehicle to move same, to a position off the paved or improved or main traveled part of such highway.

Whenever any police officer finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. In addition to the above, any police officer may impound any stolen, abandoned or unroadworthy vehicle, or any other vehicle parked at a place where parking is prohibited or which has been parked for more than one hour in excess of the time allowed for parking in any place, or which is involved in an accident, or which is driven by a person under the influence of alcohol, or which is in possession of any person who has been physically arrested. Any person redeeming such impounded vehicle shall pay towing charges direct to the supplier of the towing service, to the garage where stored if arrangements for such have been made between the storer and the garage or to this municipal corporation if this municipal corporation has paid or become obligated to pay such towing charges.

If said impounded vehicle is sold in accordance with the provisions of the Ohio Revised Code, the above charge shall be deducted from the proceeds of the sale before said proceeds are paid to the police relief funds. If the owner of an impounded vehicle files with the Mayor a statement under oath, that the vehicle had been stolen and abandoned by the thief, or that the vehicle had been disabled, said Mayor shall have the power to remit all or any part of the storage or impounding charge. (O.R.C. 4511.67)

**70.147            PARKING PROHIBITIONS**

No person shall stand or park a trackless trolley or vehicle, except when necessary to avoid conflict with other traffic, or to comply with Sections 70.01 to 70.171, inclusive, and 70.175 to 70.215, inclusive, of the Traffic Code or while obeying the directions of a police officer or 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; except that a private vehicle owned, leased, or rented by the owner or lessee of a residential single-family dwelling may be parked in front of the driveway of such property;
- (C) Within an intersection;
- (D) Within ten feet of a fire hydrant;
- (E) On a crosswalk;
- (F) Within fifteen feet of a crosswalk at an intersection;

- (G) Within thirty feet of, and upon the approach to, any flashing beacon, stop, sign, or traffic control device unless otherwise marked;
- (H) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic control device;
- (I) Within fifty feet of the nearest rail of a railroad crossing;
- (J) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance of any fire station, within seventy-five 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 elevated structure upon a highway, or within a highway tunnel;
- (N) At any place where signs prohibit stopping;
- (O) Within one foot of another parked vehicle;
- (P) On the roadway portion of a freeway, expressway, or thruway;
- (Q) Within the right-of-way of any street or highway for a period of longer than seventy two (72) consecutive hours;
- (R) In any village park or property, except as posted;
- (S) In any fire lane posted on private property marked "No Parking Fire Lane".

Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.68)

**70.148            NO PARKING ON FRONT YARD**

(A) No person shall stop, stand or park a motor vehicle on any portion of a front yard in a residential district that has not been lawfully designated a driveway or a parking area. For the purpose of this section, "front yard" shall mean that area between the sidewalk, or street line in the event there is no sidewalk, and the front line of the principal building, extending in both directions to the side lot lines. It shall be unlawful to use that portion of a

vacant lot within 30 feet of the sidewalk lines for parking in a residential zone. Driveways in the residential district shall not exceed 25% of the width at the front or side lot line. No person, being the owner of the real property of having control of all or any parts of a building on the property, shall violate or fail to conform to any provisions of this section, or fail to obey any lawful order of an officer charged with its enforcement. Each and every day on which any person continues to violate the provisions of this section, after having been notified of the violation, shall constitute a separate offense. A conviction under this section shall not relieve any person from thereafter complying with the provisions of the section.

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

**70.149 PARKING NEAR CURB; PRIVILEGES OF VEHICLE REGISTERED TO HANDICAPPED PERSON; PRIVATELY OWNED LOTS**

(A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) (1) Except as provided in division (C) (2) of this section, no vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(2) The operator of a motorcycle may back the motorcycle into an angled parking space so that when the motorcycle is parked it is facing in a direction other than the direction of travel on the side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, 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 or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division (C) of section 3781.111 of the Revised Code shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(F) (1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

(a) The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (F)(1)(a) or (b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or

citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code.

(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

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

(J) (1) Whoever violates division (A) or (C) of this section is guilty of a minor misdemeanor.

(2) (a) Whoever violates division (F)(1)(a) or (b) of this section is guilty of a misdemeanor and shall be punished as provided in division (J)(2)(a) and (b) of this section. Except as otherwise provided in division (J)(2)(a) of this section, an offender who violates division (F)(1)(a) or (b) of this section shall be fined not less than two hundred fifty nor more than five hundred dollars. An offender who violates division (F)(1)(a) or (b) of this section shall be fined not more than one hundred dollars if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(i) At the time of the violation of division (F)(1)(a) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a removable windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in division (F)(1)(a) of this section.

(ii) At the time of the violation of division (F)(1)(b) of this section, the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but

the offender or the person neglected to display the card or license plates as described in division (F)(1)(b) of this section.

(b) In no case shall an offender who violates division (F)(1)(a) or (b) of this section be sentenced to any term of imprisonment.

An arrest or conviction for a violation of division (F)(1)(a) or (b) of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

The clerk of the court shall pay every fine collected under division (J)(2) of this section to the political subdivision in which the violation occurred. Except as provided in division (J)(2) of this section, the political subdivision shall use the fine moneys it receives under division (J)(2) of this section to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of this section. The political subdivision may use up to fifty per cent of each fine it receives under division (J)(2) of this section to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

(3) Whoever violates division (H) of this section shall be punished as follows:

(a) Except as otherwise provided in division (J)(3) of this section, the offender shall be issued a warning.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of this section or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined not more than twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(K) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield

placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty. (O.R.C. 4511.69)

**70.150            PROHIBITION AGAINST PARKING VARIOUS VEHICLES ON STREETS**

(A)    The vehicle hereinafter enumerated in this division are prohibited from being parked along the curb of any street in the Village of Fairfax:

- (1)    horse drawn or motorless carriages;
- (2)    unlicensed vehicles;
- (3)    vehicles whose license or registration has expired;
- (4)    any vehicles whose length is 20 feet or more.

(B)    No trailer, semitrailer, pole trailer, or other vehicle without independent motive power, unless attached to a vehicle with motive power, may be parked along the curb of any portion of a street which lies in a residential area in the Village of Fairfax unless:

- (1)    it is parked along the curb of a street in the Village of Fairfax between the hours of 6 a.m. and 6 p.m.; or
- (2)    the owner or operator of the vehicle has obtained a permit in accordance with division (C) of this section.

(C)    The Mayor or his designee may issue a permit which allows an owner or operator of a trailer, semitrailer, pole trailer, or other vehicle which is without independent motive power and which is unattached to a vehicle with independent motive power to park such a vehicle between the hours of 6:00 p.m. and 6 a.m., or any portion thereof, along the curb of a street which lies in a residential area in the Village of Fairfax, if:

- (1)    the permit specifies the dates on which the vehicle may be parked; and
  - (2)    the permit specifies the time during which the vehicle may be parked;
- and
- (3)    the permit specifies the place(s) where the vehicle may be parked; and
  - (4)    the Mayor or his designee finds that parking the vehicle at the place(s) specified on the permit and during the dates and times specified on the permit will not pose an unreasonable threat to public safety

(D)    Nothing in divisions (B), and (C) of this section shall limit or deny the effect of divisions (A)(1) through (A)(4) of this section on any vehicles parked in residential areas of the Village of Fairfax.

(E) Divisions (B), and (C) of this section do not apply to parking along the curb of a street in a non-residential area of the Village of Fairfax. An owner or operator may park a trailer, semitrailer, pole trailer, or other vehicle without independent motive power along the curb of a street in non-residential areas of the Village of Fairfax in accordance with divisions (A)(1) through (A)(4) of this section, as well as all other applicable provisions contained in Ordinance 28-1984, as amended.

(F) As used in this section, the term "residential area" means any area which is classified as a Residence C classification or Residence D classification under the Zoning Code of the Village of Fairfax.

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

### **MISCELLANEOUS PROVISIONS**

#### **70.151 PROHIBITION AGAINST DRIVING OR PARKING VEHICLE ACROSS SIDEWALK OR PLANTING ZONE**

(A) No person shall drive, propel or park a vehicle on or across a sidewalk or the planting strip between sidewalk and curb except as a permanent or temporary driveway.

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

#### **17.152 PROHIBITION AGAINST OCCUPANCY OF TRAILER WHILE IN MOTION**

(A) No person shall occupy any travel trailer or non-self-propelled house trailer while it is being used as a conveyance upon a street or highway.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.701)

#### **70.153 OBSTRUCTIONS AND INTERFERENCE AFFECTING VIEW AND CONTROL OF DRIVER**

(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 drive to the front or sides of vehicle or to interfere with the driver's control of the vehicle.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever

violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.70)

**70.154            OBSTRUCTING OPERATOR'S VIEW**

(A) No passenger in a vehicle shall ride in such position as to interfere with the operator's view ahead or to the sides or to interfere with the operator's control of the driving mechanism.

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

**70.155            PROHIBITION AGAINST DRIVING UPON CLOSED HIGHWAY**

(A) 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 highway.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.71)

**70.156            OBSTRUCTING INTERSECTION, CROSSWALK, GRADE CROSSING**

(A) 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, streetcar, or trackless trolley he is operating without obstructing the passage of other vehicles, streetcars, trackless trolley, Pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(B) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.712)

**70.157**            **FOLLOWING AN EMERGENCY VEHICLE PROHIBITED**

(A)    The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred feet, 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 firefighter.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.72)

**70.158**            **PASSENGERS ON VEHICLES**

(A)    No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion, nor shall any operator knowingly permit the same to be done.

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

(C)    This provision shall not apply to an employee engaged in the necessary discharge of a duty, or riding within a truck body in space designated for merchandise.

**70.159**            **DRIVING OVER UNPROTECTED HOSE**

(A)    No streetcar, trackless trolley, or vehicle shall, without consent of the fire department official in command, be driven over any unprotected hose of a fire department, when said hose is laid down on any street, private driveway, or streetcar track to be used at any fire or alarm of fire.

(B)    Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4511.73)

**70.161**            **PROHIBITION AGAINST PLACING INJURIOUS MATERIAL  
ON HIGHWAY**

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

Any person who drops or permits to be dropped or thrown upon any highway any destructive or injurious material shall immediately remove the same.

Any person authorized to remove a wrecked or damaged vehicle, streetcar, or trackless trolley from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle, streetcar, or trackless trolley.

No person shall place any obstruction in or upon a highway without proper authority.

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

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

(2) Whoever violates division (B) of this section is guilty of a misdemeanor of the first degree. (O.R.C. 4511.74)

**70.162**            **CHILD RESTRAINTS**

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

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

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

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

(C) The failure of the operator of a motor vehicle to secure a child in a child restraint system as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not used as a basis for criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible in any criminal action involving the operator of the motor vehicle other than a prosecution for violation of this section.

(D) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle and to whom this section would otherwise apply or the life of any child who otherwise would be required to be restrained under this section.

(E) If a person who is not a resident of this state is charged with a violation of Division (A) or (B) of this section and does not prove to the court, by a preponderance of the evidence, that his use or non-use of a child restraint system was in accordance with the law of the state of which he is a resident, the court shall impose a fine in accordance with Section 70.999 (C) (3) of the Traffic Code.

(F) Notwithstanding any provision of the law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of Division (A) or (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such a violation, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether such a violation has been or is being committed.

(G) (1) Whoever is a resident of this state and violates division (A) or (B) of this section shall be punished as follows:

(a) Except as otherwise provided in division (G), the offender is guilty of a minor misdemeanor.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of this section or of a municipal ordinance that is substantially similar to either of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) Whoever is not a resident of this state, violates division (A) or (B) of this section, and fails to prove by a preponderance of the evidence that the offender's use or nonuse of a child restraint system was in accordance with the law of the state of which the offender is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, the offender is guilty of a misdemeanor of the fourth degree. (O.R.C. 4511.81)

**70.163            PROHIBITION AGAINST PASSING A SCHOOL BUS**

(A) The driver of any vehicle on any public street shall, when approaching a private or public school bus that is stopped for the purpose of receiving or discharging any school child, bring the vehicle to a stop not less than ten (10) feet from any part of the bus. The driver shall not proceed until the bus resumes motion or until signaled by the school bus driver to do so.

(B) Whoever violates this section is guilty of a misdemeanor of the second degree. A person who is issued a citation for a violation of this section must appear in person in the proper court to answer the charge. (O.R.C. 4511.75)

**70.164            OCCUPANT RESTRAINING DEVICES**

(A) As used in this section:

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

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

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

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Ohio Revised Code.

(5) "Vehicle" and "motor vehicle" have the same meanings as in section 4511.01 of the Ohio Revised Code.

(6) "Manufacturer" and "supplier" have the same meanings as in Section 2307.71 of the Ohio Revised Code.

(B) No person shall do any of the following:

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;

(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device;

(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;

(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(C) Division (B)(3) of this section does not apply to a person who is required by section 4511.81 of the Revised Code or section 70.162 of this Code to be secured in a child restraint device. Division (B)(1) of this section does not apply to a person who is an employee of the United States Postal Service or a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addresses. Divisions (B)(1) and (3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under Chapter 4731 of the Ohio Revised Code or a chiropractor licensed to practice in this state under Chapter 4734 of the Ohio Revised Code that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(D) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of division (B) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall

view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(E) Whoever violates section 70.164 of the Traffic Code shall be punished as follows:

(1) If the offender has not previously been convicted of or pled guilty to a violation of division (B) of section 70.164, the offender shall be fined not more than \$150.

(2) If the offender has been previously convicted of or pled guilty to a violation of division (B) of section 70.164, the offender shall be fined not more than \$250 and/or imprisoned in the county jail not more than 30 days. (O.R.C. 4513.263)

**70.166            BOARDING OR LEAVING VEHICLE IN MOTION**

(A) No person shall board or alight from any vehicle while such vehicle is in motion.

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

**70.167            EXCESSIVE MOTOR ACCELERATION**

(A) No person shall "race", accelerate or increase the revolutions per minute of the motor vehicle when said motor vehicle is in a stopped position or is not in gear so as to cause unreasonable or unnecessary noise.

(B) No person shall accelerate or increase the revolutions per minute of a motor vehicle while said motor vehicle is in motion so as to cause an unnecessarily rapid increase in the speed of said vehicle over a short distance of travel.

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

**70.168            BOARDING OR LEAVING STOPPED VEHICLE**

(A) No person or passenger of any motor vehicle shall leave or enter such vehicle, or otherwise open any door of same on the side next to a moving lane of traffic unless such movement can be made without danger of causing an accident by reason of a passing vehicle, lawfully using the highway, striking the open door or the person entering or leaving or swerving to avoid same.

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

**70.169            CITATION TAGS**

The mayor is hereby authorized and directed to supply police officers with citation tags, for the purpose of giving notice to persons violating any provisions of the Traffic Code or of other laws or ordinance affecting the use of highways. Such notice may be given by delivering such tag to the violator, or by affixing it to the vehicle by means of which the violation occurred. Such citation tag shall direct the violator to appear and to present such tag at the mayor's court on a date and hour specified thereon. Nothing in this section shall be construed to abridge the power of a police officer to arrest any violator and take him into custody.

**70.170            EXCESSIVE SOUND FROM A MOTOR VEHICLE**

(A) No person, firm or corporation being the owner or person in possession of a motor vehicle with any radio, phonograph, television, tape player, CD player, loud speaker or any other instrument, machine or device shall cause or permit any noise to emanate from the motor vehicle in such a manner and to be of such intensity and duration to create unreasonable noise or loud sound which causes inconvenience and annoyance to persons of ordinary sensibilities.

(B) It shall be prima facie unlawful for a person, firm, or occupation being the owner or person in possession of a motor vehicle with a device described above to cause or permit any noise emanating from a motor vehicle which is plainly audible at a distance of 50 feet from the motor vehicle. The lawful use of a motor vehicle horn shall not be a violation of this section.

(C) This section shall not apply to any of the following circumstances:

(1) The sound amplifying equipment of a motor vehicle is being operated to request medical or vehicular assistance or to warn others of a hazardous road, vehicle, or traffic safety condition;

(2) The motor vehicle is an emergency vehicle or public safety vehicle and is on an emergency run;

(3) The motor vehicle is owned and operated by the state or a political subdivision, or public utility;

(4) The motor vehicle is participating in a parade or other activity for which the sponsors have obtained the necessary permit or authorization; or

(5) The sound amplifying equipment of the motor vehicle is being operated as a requirement of federal, state, or local law.

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

**70.171 PROHIBITION AGAINST RESISTING AN OFFICER**

(A) No person shall resist, hinder, obstruct, or abuse any sheriff, constable, or other official while such official is attempting to arrest offenders under Sections 70.01 to 70.171, inclusive of the Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public highways.

(B) No person shall resist, hinder, obstruct a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(C) Whoever violates subsection (A) of this section is guilty of a misdemeanor of the second degree. Whoever violates subsection (B) of this section is guilty of a misdemeanor of the first degree. (O.R.C. 4511.78)

**70.173 OBSTRUCTING ROADS BY RAILROAD AGENTS**

(A) No person or corporation, conductor of a train or railroad cars, or other agent or servant of a railroad company, shall obstruct unnecessarily, a public road or highway of this municipal corporation, by permitting a railroad car or locomotive to remain upon or across it for longer than five minutes, or permit timber, lumber, wood, or other obstructions to remain upon or across it, to the hindrance or inconvenience of travelers or a person passing along or upon such road or highway.

(B) Upon the filing of an affidavit or complaint for violation of division (A) of this section, summons shall be issued to the railroad company pursuant to division (B) of section 2935.10 of the Ohio Revised Code, which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (O.R.C. 5589.21)

**70.174 SUNSCREENING, NONTRANSPARENT & REFLECTORIZED MATERIALS**

(A) Definitions. As used in this section, the following terms are defined as follows:

(1) "Motor vehicle" has the same meaning as specified in Section 70.01 of the Traffic Code.

(2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening which, when applied to the windshield or

windows of the motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.

(3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or materials and the glazing.

(4) "Windshield" means the front exterior viewing device of a motor vehicle.

(5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.

(6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(7) "Limousine" means any vehicle of the type generally described as a limousine, designed to transport nine or more people. (O.A.C 4501-41-02)

(B) No person shall operate, on any street or other public or private property open to the public for vehicle travel or parking, nor lease or rent any motor vehicle that is required to be registered in this State with any suncreening materials, or other product or materials, which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, except as herein specified:

(1) Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205." In "Federal Motor Vehicle Standard Number 205," "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicle or motor vehicle equipment including any person importing motor vehicles or motor vehicle equipment for resale.

(2) Any motor vehicle with a strip of suncreening applied along the top of the windshield so long as such material when used in conjunction with the windshield is transparent and is in compliance with "Federal Motor Vehicle Safety Standard Number 205," or other applicable federal standards, and does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top.

(3) Any motor vehicle with suncreening materials applied to the side windows near the driver and passenger in the front of such vehicle and/or the rear windows so long as such material, when used in conjunction with the safety glazing

materials of such windows, has a light transmittance of not less than fifty percent (50%) plus or minus three percent (3%) and is not red or yellow in color.

(C) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.

(D) No used motor vehicle dealer or new motor vehicle dealer, as defined in O.R.C. section 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.

(E) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(F) No person shall operate on any street or other public or private property open to the public for vehicular travel or parking, nor lease or rent any motor vehicle that is required to be registered in this state that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, curtains or blinds are opened and secure during vehicle operation.

(G) All motor vehicles, beginning with the 1990 model year, shall be equipped with labels identifying sunscreening material. All sunscreening material shall indicate the manufacturer's name and the percentage level of light transmission of the materials permanently installed between the material and the surface to which the material is applied or affixed. Such label shall be legible and shall be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (O.A.C. 4501-41-03)

(H) The provisions of this section do not apply to:

(1) A motor vehicle registered in this State in the name of the person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State or an affidavit signed by an optometrist licensed to practice in this State that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would otherwise be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;

(2) The windows to the rear of the driver in limousines if the limousines are operated for hire;

(3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and

(4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205."

(I) Whoever violates any division of this section is guilty of a minor misdemeanor. (O.R.C. 4513.241)

## **EQUIPMENT: LOADS**

### **70.175      PROHIBITION AGAINST OPERATING UNSAFE VEHICLES**

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

(B) When directed by any patrolman, the operator of any motor vehicle shall stop and submit such motor vehicle to an inspection and such tests as are necessary to determine whether it is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, or in violation of the equipment provisions of Chapter 4513 of the Revised Code.

(C) Such inspection shall be made with respect to the brakes, lights, turn signals, steering, horns and warning devices, glass, mirrors, exhaust system, windshield wipers, tires, and such other items of equipment as designated.

(D) When any motor vehicle is found to be unsafe for operation, the inspecting officer may order it removed from the highway and not operated, except for purposes of removal and repair, until it has been repaired pursuant to a repair order as provided in division (E) of this section.

(E) When any motor vehicle is found to be defective or in violation of Chapter 4513. of the Revised Code, the inspecting officer may issue a repair order, in such form and containing such information as the superintendent shall prescribe, to the owner or operator of the motor vehicle. The owner or operator shall thereupon obtain such repairs as are required and shall, as directed by the inspecting officer, return the repair order together with proof of compliance with its provisions. When any motor vehicle or operator subject to rules of the public utilities commission fails the inspection, the inspecting officer shall issue an appropriate order to obtain compliance with such rules.

(F) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4513.02)

### **70.177      BUMPER HEIGHT**

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

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

(B) 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.

- (C) Whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4513.021)

## **LIGHTS**

### **70.179      USAGE OF LIGHTS**

(A) Every vehicle upon a street or highway within this municipal corporation during the time from one half hour after sunset to one-half hour before sunrise, and at any other time when there are favorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the highway at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by Sections 4513.04 to 4513.37, inclusive, of the Revised Code, for different classes of vehicles. No motor vehicle, during such times, shall be operated upon a street or highway within this municipal corporation using only parking lights as illumination.

(B) Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway 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.

(D) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the offender is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the offender is guilty of a misdemeanor of the third degree. (O.R.C. 4513.03)

### **70.181      HEADLIGHTS**

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

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

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.04)

**70.83**            **TAIL LIGHTS AND ILLUMINATION OF REAR LICENSE PLATE**

(A) Every motor vehicle, trackless trolley, 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 five hundred feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most 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.

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.05)

**70.184**            **STOP LIGHT REGULATIONS**

(A) All motor vehicles when operated upon a highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, 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 five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

(B) 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.

(C) 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 Section 4513.19 of the Revised Code.

(D) Historical motor vehicles as defined in section 4503.181 (4503.18.1) of the Revised Code are not subject to this section.

(E) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (4513.071; Ordinance No. 3-1987)

**70.185            RED REFLECTORS REQUIRED**

(A) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor, to which a trailer or semitrailer is attached shall carry at the rear, either as part of the tail lamps or separately, two red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in Section 4513.07 of the Revised Code shall be equipped with reflectors as required by the regulations provided for in said section.

(B) Every such reflector shall be of such size and characters and so maintained as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle.

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.06)

**70.187            RED LIGHT OR FLAG REQUIRED**

(A) 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 70.179, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(B) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.09)

**70.189            LIGHTS ON PARKED VEHICLES**

(A) Except in case of emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in Section 70.179, 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 five hundred feet to the front of such vehicle, and a red light visible from a distance of five hundred 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 five hundred feet upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(B) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.10)

**70.191            SPOTLIGHT AND AUXILIARY DRIVING 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 one hundred feet ahead of the vehicle

(B) Any motor vehicle may be equipped with not more than three auxiliary driving lights mounted on the front of the vehicle. (O.R.C. 4513.12)

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code.

**70.193 COWL, FENDER, AND BACK-UP LIGHTS**

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

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code.

**70.195 TWO HEADLIGHTS DISPLAYED**

(A) At all times mentioned in Section 70.179, at least two lighted lights shall be displayed, one near each side of the front of every motor vehicle and trackless trolley, except when such vehicle or trackless trolley is parked subject to the regulations governing lights on parked vehicles and trackless trolleys.

(B) The director of highway safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.14)

**70.197 HEADLIGHTS REQUIRED**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 70.179, 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, subject to the following requirements:

(A) Whenever the driver of a vehicle approaches an oncoming vehicle, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

- (B) Every new motor vehicle registered in this state, which has multi-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.15)

**70.199            NUMBER OF LIGHTS PERMITTED; RED AND FLASHING LIGHTS**

(A) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred candle power, 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 said vehicle is upon a 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 three hundred candle power 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.

(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 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 department or local authorities, nor to vehicles or machinery permitted by Section 4513.11 of the Revised Code to have a flashing red light.

(D) Except a person operating a public safety vehicle, as defined in division (E) of Section 70.01 of the Traffic Code, 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 flashing combination of red and white, 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 simultaneous flashing of turn signals on disabled vehicles.

(E) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.17)

**70.201            FOCUS AND AIM OF HEADLIGHTS**

(A) No person shall use any lights mentioned in Sections 70.179 to 70.199, inclusive, upon any motor vehicle, trailer, or semi-trailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the director of highway safety.

(B) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.19)

**70.203            HORNS, SIRENS, AND WARNING DEVICES**

(A) Every motor vehicle or trackless trolley when operated upon a highway 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 two hundred feet.

(B) No motor vehicle or trackless trolley 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 vehicle shall be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the director of highways. 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 vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.21)

**70.205            MUFFLERS; EXCESSIVE SMOKE OR GAS**

(A) Every motor vehicle or 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.

(B) No person shall own, operate, or have in his possession any motor vehicle or motorcycle equipped with a device for the producing excessive smoke or gas, or so equipped as to permit oil or any 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.

(C) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.22)

**70.207        REAR VIEW MIRRORS**

(A) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle, or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view of the rear of their vehicles, motorcycles, street cars, or trackless trolleys by mirror.

(B) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.23)

**70.209        WINDSHIELDS AND WIPERS**

(A) No person shall drive any motor vehicle on a street or highway in this state, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(B) No person shall drive any motor vehicle, other than a bus, with any sign, poster, or other non-transparent material upon the front windshield, sidewings, side, or rear window 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.

(C) The windshield on every motor vehicle, streetcar, and trackless trolley 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, streetcar, or trackless trolley.

(D) Whoever violates this section is punishable in accordance with section 70.179(D) of the Traffic Code. (O.R.C. 4513.24)

**70.210        BLURRED WINDSHIELD**

(A) No person shall operate or have upon any highway, any vehicle in which the operator's view through the windshield or any window is obstructed, due to the glass being dirty, cracked, blurred or otherwise non transparent.

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

## LOADS

### **70.215      STOPPING AFTER ACCIDENT**

(A) In case of accident to or collision with persons or property upon any of the public roads 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 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 said unoccupied or unattended motor vehicle.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree. (O.R.C. 4549.02)

### **70.217      DUTY TO STOP AFTER ACCIDENT OCCURRING ON PROPERTY OTHER THAN PUBLIC HIGHWAYS**

(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 roads 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 commercial driver'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 of

the city or village in which such accident or collision occurred or if it occurred outside the corporate limits of a city or village to the sheriff of the county in which such accident or collision occurred 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 said unoccupied or unattended motor vehicle.

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

**70.218**        **MOTOR 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 road 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 commercial driver'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 of the city or village in which such accident or collision occurred or if it occurred outside the corporate limits of a city or village to the sheriff of the county in which such accident or collision occurred 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.

(B) Whoever violates division (A) of this section is guilty of a misdemeanor of the first degree. (O.R.C. 4549.03)

**70.221**        **USE OF FICTITIOUS NAME AFTER CITATION**

(A) It shall be unlawful for any person charged with violating any of the provisions of the Traffic Code to present a citation tag or to file a written plea of guilty with the clerk of the mayor's court or mayor or with any other court under a name other than his correct and true name.

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

**70.222        PROHIBITING THE REPAIRING OF VEHICLES ON STREETS**

(A) No person shall stop, stand or park a vehicle upon any street or roadway within the Village for the principal purpose of greasing, changing oil, or repairing such vehicle, except repairs necessitated by an emergency.

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

**SPECIAL VEHICLES**

**70.223        REGISTRATION REQUIRED FOR SNOWMOBILES AND ALL PURPOSE VEHICLES; EXCEPTIONS**

(A) Except as provided in divisions (B), (C), and (D) of this section, no person shall operate any snowmobile or all purpose vehicle within this municipal corporation unless the snowmobile or all purpose vehicle is registered and number in accordance with Section 4519.03 and 4519.04 of the Revised Code.

(B) No registration is required for a snowmobile or all purpose vehicle that is operated exclusively upon lands owned by the owner of the snowmobile or all purpose vehicle, or on lands to which the owner has a contractual right.

(C) No registration is required for a snowmobile or all purpose vehicle owned and used in this municipal corporation by a resident of another state whenever that state has in effect a registration law similar to chapter 4519 of the Revised Code and the snowmobile or all purpose vehicle is registered thereunder. Any snowmobile or all purpose vehicle owned and used in this municipal corporation by a resident of another state not having such a registration shall comply with Section 4519.09 of the Revised Code.

(D) No registration is required for a snowmobile or all purpose vehicle owned and used in this municipal corporation by the United States, another state, or a political subdivision thereof, but the snowmobile or all purpose vehicle shall display the name of the owner thereon.

(E) Except as otherwise provided in 4519.02 of the Revised Code, whoever violates division (A) of this section shall be fined not less than fifty dollars but not more than one hundred dollars. (O.R.C. 4519.02)

**70.225        PLACEMENT OF LICENSE**

(A) Upon the filing of an application for registration of a snowmobile, off-highway motorcycle, or all-purpose vehicle and the payment of the tax therefor, the registrar of motor vehicles or a deputy registrar shall assign to the snowmobile, off-highway motorcycle, or all-purpose vehicle a distinctive number and issue and deliver to the owner in such manner as the registrar may select, a certificate of registration, in such form as the registrar shall prescribe.

Any number so assigned to a snowmobile, off-highway motorcycle, or all-purpose vehicle shall be a permanent number, and shall not be issued to any other snowmobile, off-highway motorcycle, or all-purpose vehicle.

(B) (1) In addition to the certificate of registration, the registrar or deputy registrar also shall issue to the owner of a snowmobile or off-highway motorcycle two decal registration stickers. The registrar shall prescribe the color and size of the stickers and the combination of numerals and letters displayed on them. The placement of the decal stickers shall be one on either side of the forward cowling or fuel tank.

(2) The registrar or deputy registrar also shall issue to the owner of an all-purpose vehicle, in addition to the certificate of registration, one license plate and a validation sticker, or a validation sticker alone when applicable upon a registration renewal. The license plate and validation sticker shall be displayed on the all-purpose vehicle so that they are distinctly visible, in accordance with such rules as the registrar adopts. The validation sticker shall indicate the expiration date of the registration period of the all-purpose vehicle. During each succeeding registration period following the issuance of the license plate and validation sticker, upon the filing of an application for registration and payment of the fee specified in division (C) of this section, a validation sticker alone shall be issued.

(C) Unless previously canceled, each certificate of registration issued for a snowmobile, off-highway motorcycle, or all-purpose vehicle expires upon the thirty-first day of December in the third year after the date it is issued. Application for renewal of a certificate may be made not earlier than ninety days preceding the expiration date, and shall be accompanied by a fee of thirty-one dollars and twenty-five cents.

Notwithstanding section 4519.11 of the Revised Code, of each thirty-one dollar and twenty-five-cent fee collected for the registration of an all-purpose vehicle, the registrar shall retain not more than five dollars to pay for the licensing and registration costs the bureau of motor vehicles incurs in registering the all-purpose vehicle. The remainder of the fee shall be deposited into the state treasury to the credit of the state recreational vehicle fund created by section 4519.11 of the Revised Code. (O.R.C. 4519.04)

## **70.227      RULES AND REGULATIONS FOR EQUIPMENT OF SNOWMOBILES**

Each snowmobile must have the following equipment:

- (A) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least one hundred 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 five hundred 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 one hundred and seventy-five pounds or more, and while carrying such driver, be capable of stopping in no 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 division (A), (B), (C), or (D) of this section, except that equipment specified in divisions (A) and (B) of this section shall not be required on snowmobiles or all purpose vehicles operated during the daylight hours on state controlled land under the jurisdiction of the department of natural resources and that are limited to off-highway use.
- (F) Except as otherwise provided in this division, whoever violates division (B) of this section shall be fined not more than fifty dollars. If the offender within the preceding year previously has committed a violation of division (B) of this section, whoever violates division (B) of this section shall be fined not less than fifteen nor more than one hundred dollars, imprisoned not more than three days, or both. (O.R.C. 4519.20)

**70.229      PROHIBITION AGAINST NONCOMPLYING VEHICLE**

(A) No person shall have for sale, sell, offer for sale, lease, rent or otherwise furnish for hire in this state any new snowmobile or all purpose vehicle which fails to comply with any rule or regulation adopted by the director of highway safety under Section 4519.20 of the Revised Code, after the effective date of such rule or regulation.

(B) Except as otherwise provided in this division, whoever violates this section shall be fined not more than fifty dollars. If the offender within the preceding year previously has committed a violation of this section, whoever violates this section shall be fined not less than fifteen nor more than one hundred dollars, imprisoned not more than three days, or both. (O.R.C. 4519.22)

**70.231      PROHIBITIONS ON USE**

(A) The applicable provisions of Chapter 70 of the Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles, except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

(1) On any limited access highway, freeway, or interstate highway, or the right-of-way thereof, except for emergency travel only during such time and in such manner as the director of highway safety shall designate.

(2) On any private property, or in any nursery or planting are, 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 this municipal corporation 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 wildfowl;

(7) During the time from one-half hour after sunset to one-half hour before sunrise, unless displaying lighted lights as required by Section 70.227 of the Traffic Code.

(B) Whoever violates any division of this section is guilty of a misdemeanor of the third degree. (O.R.C. 4519.40)

### **70.233 PERMITTED USES**

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 division (A) of Section 70.231 of the Traffic Code, 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) 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.

(C) On the berm or shoulder of a highway, other than a highway as designated in division (A) of Section 70.231 of the Traffic Code, when the terrain permits such operation to be undertaken safely and without necessity of entering any traffic lane. (O.R.C. 4519.41)

**70.235**            **RULES AND REGULATIONS FOR OPERATION OF VEHICLES  
IN PARKS; ENFORCEMENT**

A board of park commissioners of any park district created under Chapter 1545 of the Revised Code may provide rule or regulation for the operation of snowmobiles and all purpose vehicles in the parks, parkways, and other reservations of land under its jurisdiction, and shall file a copy of any such rules or regulations with the director of natural resources.

Any employee of a board of park commissioners designated pursuant to Section 1545.13 of the Revised Code shall have full authority to enforce any of the provisions of Chapter 4519 of the Revised Code with respect to the proper titling, registration, equipping, and operation of snowmobiles or all purpose vehicle within the lands under the jurisdiction and control of the board. (O.R.C. 4519.43)

**70.237**            **LICENSING REQUIREMENTS**

(A) No person who does not hold a valid, current motor vehicle operator's or commercial driver's license, motorcycle operators endorsement, or probationary license, issued under Chapters 4506 and 4507 of the Revised Code, shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any street or highway in this municipal corporation, 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, off-highway motorcycle, 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 division (A) of this section, except that the 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 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 commercial driver's license, motorcycle operator's endorsement, or probationary license, upon the reasonable demand of any law enforcement officer or other person as authorized by Sections 4519.42 and 4519.43 of the Revised Code, shall be prima-facie evidence that the license has not been obtained.

(D) Whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4519.44)

**70.239**            **MAINTENANCE OF VEHICLES FOR HIRE**

(A) Any dealer who rents, leases, or otherwise furnishes a snowmobile, off-highway motorcycle, or all purpose vehicle for hire shall maintain the vehicle in safe operating condition. No dealer, or his agent or employee, shall rent, lease, or otherwise

furnish a snowmobile, off-highway motorcycle, or all purpose vehicle for hire to any person who does not hold a license as required by division (A) of Section 4519.44 of the Revised Code, or to any person whom the dealer, his agent, or employee has reasonable cause to believe is incompetent to operate the vehicle in a safe and lawful manner.

(B) Whoever violates this section is guilty of a misdemeanor of the third degree. (O.R.C. 4519.45)

**70.241 IMPOUNDING OF VEHICLE**

Whenever a person is found guilty of operating a snowmobile, off-highway motorcycle, or all purpose vehicle in violation of any rule under Chapter 70 of the Traffic Code, the judge may, in addition to or independent of any other penalties provided by law, impound for not less than sixty days the certificate of registration of such snowmobile or all purpose vehicle. The court shall send the impounded certificate of registration to the registrar of motor vehicles who shall retain the certificate until the expiration of the period of impoundment. (O.R.C. 4519.47)

**COMMERCIAL AND HEAVY VEHICLES**

**70.301 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT**

(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 O.R.C. Sections 5577.01 to 5577.09, inclusive, or otherwise not in conformity with O.R.C. Sections 4513.01 to 4513.37, inclusive, upon any State route within the Village, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. 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.

(B) 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 Village; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Village which is not a State route, except as provided in section 70.302.

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

**70.302 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS**

(A) Use of Local Streets: No person shall operate a vehicle exceeding a size as specified in Section 70.303 or exceeding a gross weight of five tons, upon any street in the Village other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to

perform any other legitimate business or act other than passage through the Village. Operators of vehicles so deviating from either a State route or a designated truck route within the Village shall confine such deviation to that required in order to accomplish the purpose of the departure.

(B) Local Permit and Conditions: Upon application and for good cause, the Mayor or his designee may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 70.301.

The Mayor or his designee may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Mayor or his designee in his discretion deems advisable, or for the duration of any construction project. The Mayor or his designee may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Mayor or his designee may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Mayor or his designee shall charge Ten Dollars (\$10.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of Twenty-five Dollars (\$25.00) per hour per officer. The charge can be prorated into fifteen minute increments.

Signs shall be posted indicating "no thru trucks -- gross weight 5 tons" or words of similar import to apprise drivers of the limitation imposed by this section. No driver shall disobey the instructions indicated on such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Mayor or his designee shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 70.999.

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

**70.303 MAXIMUM WIDTH, HEIGHT AND LENGTH**

No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Village, 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) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Ohio Department of Transportation;

(3) 132 inches for traction engines;

(4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit the operation of 102-inch vehicles on such State routes or portions thereof as the Director designates.

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

(1) 48 feet for passenger bus type vehicles operated exclusively within municipal corporation;

(2) 45 feet for all other passenger bus type vehicles;

(3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State routes or portions thereof as the Director designates;

(4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer-semi-trailer combination, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semi-trailer-semi-trailer combination on such State routes or portions thereof as the Director designates;

(5) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (B)(3) and (4) and in subsection (D) hereof;

(6) 60 feet for all other vehicles except trailers and semitrailers, with or without load.

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

(D) Any automobile transporter or boat transporter shall be allowed a length of sixty-five feet and any stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than

three feet beyond the front of such vehicles, and except further that the Director may, by journal entry, prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.

The lengths prescribed in subsections (B)(2) to (6) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used by the first and second semitrailer of a commercial tractor-semi-trailer-semi-trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules 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 used by such department 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 by this section, shall when operating the same on the highways and streets of this State comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. O.R.C. Sections 119.01 to 119.13 apply to any rules 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 Village, 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 Village.

(E) Whoever violates this section is guilty of a misdemeanor of the first degree. (O.R.C. 5577.05)

#### **70.304            ROUTE AND LOAD INFORMATION**

(A) 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.

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

**70.305            WHEEL PROTECTORS**

(A) 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 Village unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps from 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-third 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 center line of the rearmost axle.

(B) Whoever violates this section shall be fined not more than twenty-five dollars. (O.R.C. 5577.11)

**70.306            VEHICLES TRANSPORTING EXPLOSIVES**

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

(1) 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 tag 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.

(2) 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.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. (O.R.C. 4513.29)

**70.307            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.

(D) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in O.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 is an agricultural tractor.

(E) Whoever violates the sections of this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the offender is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the offender is guilty of a misdemeanor of the third degree.(O.R.C. 4513.32)

**70.308            LOADS DROPPING OR LEAKING; REMOVAL REQUIRED;  
TRACKING MUD**

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

(B) 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 street, highway or other public place unless the load is covered with a sufficient cover to

prevent the load or any part of the load from spilling onto the street, highway or other public place.

(C) No person shall operate on any street, alley or other public place a vehicle with mud, dirt, sticky substances, litter or foreign matter on its wheels or other parts if such operation results in the depositing or tracking of such mud, dirt, substances, litter or foreign matter on any street, alley or other public place. No person being owner of real property or a prime contractor in charge of a construction site shall maintain such property or construction site so that vehicles upon such property or construction site pick up mud, dirt, sticky substances, litter or foreign matter on the wheels or other parts and deposit or track such mud, dirt, sticky substances, litter or foreign matter onto the street, alley or other public place.

(D) Where mud, dirt, sticky substances, litter or foreign matter has been tracked or deposited on any street, alley or other public place in violation of this section the Mayor or his designee is authorized to cause such mud, dirt, substances, litter or foreign matter to be cleaned from such street and to charge the cost thereof to person or persons responsible. The cost of cleaning shall be collected by civil suit. The term "responsible person" as used in this section means the driver of the vehicle which deposited or tracked the mud, dirt, substances, litter or foreign matter on the street or his employer or the owner of the real property or prime contractor in charge of a construction site from where the deposited or tracked mud, dirt, substances litter or foreign matter on the street, alley or other public place originated.

(E) Whoever violates the sections of this chapter is guilty of a misdemeanor of the first degree. (O.R.C. 4513.31)

**70.309            SHIFTING LOAD; LOOSE LOADS**

(A) 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.

(B) 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 70.308.

(C) Whoever violates the sections of this chapter is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the offender is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the offender is guilty of a misdemeanor of the third degree.

**70.310            VEHICLES WITH SPIKES, LUGS AND CHAINS**

(A) No person shall drive over the improved streets of this Village 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 Village, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power.

(B) Whoever violates this section is guilty of a misdemeanor of the first degree. (O.R.C. 5589.08)

**70.311            USE OF STUDED TIRES AND CHAINS**

(A) For purposes of this section, "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. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meaning as given those terms in Section 70.01.

(B) No person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(C) This section does not apply to the use of tire chains when there is snow or ice on the street or highways where such chains are being used, or the immediate vicinity thereof.

(D) Whoever is guilty of this section is guilty of a misdemeanor of the first degree. (O.R.C. 5589.081)

**70.312            FARM TRUCK USE RESTRICTED**

(A) No person shall use a motor vehicle registered as a noncommercial motor vehicle as defined in O.R.C. 4501.01 for other than the purposes set forth in that section.

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

**70.313            MOTOR TRANSPORTATION COMPANIES AND MOTOR CARRIERS**

(A) Motor Transportation Companies: In order for a motor transportation company to commence or continue its operation within or through the corporate limits of the Village it shall first obtain from the Public Utilities Commission of Ohio a certificate declaring that

public convenience and necessity require such operation. No person shall conduct such operations without having first obtained such certificate.

(B) Motor Carrier Registration: No motor carrier shall operate motor vehicles upon any public highway in interstate commerce pursuant to interstate authority until the motor carrier has registered the interstate authority with the Public Utilities Commission of Ohio, has paid the appropriate filing fee as provided in 4919.79 of the Revised Code, and has been issued an acknowledgement by the Commission which shall remain in effect until amended, suspended, canceled or revoked. The interstate authority shall be registered, and acknowledgements shall be issued in a manner to be prescribed by the Commission.

No motor carrier shall operate motor vehicles upon any public highway for the transportation of property for hire in interstate commerce unless it has registered with the Commission and complied with the requirements of 4919 of the Revised Code.

Mutual exemptions in the payment of filing fees may be authorized and granted by the Commission under reciprocal agreements with other states. (O.R.C. 4919.78)

(C) Private Motor Carriers: No private motor carrier, officer, agent or employee of a private motor carrier, or other corporation, company, association, joint-stock association, person, firm or co-partnership shall violate, or procure, aid or abet the violation of 4923.02 to 4923.17 of the Revised Code or fail to comply with any order, decision, rule or regulation of the Public Utilities Commission, or procure, aid or abet any private motor carrier in its failure to comply with such order, decision, rule or regulation. Information of a conviction of a violation of this subsection shall be reported to the Commission by the Clerk of Court which such conviction was obtained or if there is no Clerk, by the presiding officer of the Court. Such report shall be made a part of the records of the Commission relating to such private motor carrier. (O.R.C. 4923.17)

(D) Motor Transportation Company Violations: No motor transportation company, officer, agent or employee of a motor transportation company, or other corporation, company, association, joint stock association, person, firm or co-partnership, shall violate or procure, aid or abet the violation of 4921.02 to 4921.32 of the Revised Code or fail to comply with any order, decision, rule or regulation of the Public Utilities Commission, or procure, aid or abet any motor transportation company in its failure to comply with such order, decision, rule or regulation. Information of a conviction of a violation of this subsection shall be reported to the Commission by the Clerk of Court in which such conviction was obtained or, if there is no Clerk, by the presiding officer of the Court. Such report shall be made a part of the records of the Commission relating to such motor transportation company. (O.R.C. 4921.32)

(E) Whoever violates any division in this section is guilty of a minor misdemeanor.

**70.314 REDUCTION OF WEIGHT AND SPEED DURING TIMES OF THAWS AND MOISTURE**

(A) When thaws or excessive moisture render the improved highways of this Village or any section of them insufficient to bear the traffic thereon, or when such highways would be damaged or destroyed by heavy traffic during the period of thawing or excessive

moisture, the maximum weight of vehicle and load, or the maximum speed, or both, for motor vehicles, as prescribed by law shall be reduced in the following manner:

(1) On State highways, within the Municipal Corporation, the Director of Transportation or Mayor or his designee shall prescribe such reduction which shall not be more than twenty-five percent (25%);

(2) On improved highways and all other roads in the Village, other than State highways, the Mayor, or his designee, shall prescribe such reduction as the condition of the road or highway justifies, but in no case shall the reduction be more than fifty percent (50%).

(B) The schedule of the reduction of maximum weights and speeds shall be filed, for the information of the public, in the office of the Mayor or his designee. The Mayor or his designee, at least one day before such reduction becomes effective, shall cause to be placed and retained on such highways, at both ends and at the points of intersections by principal roads, during the period of such reduced limitation of weight, speed or both, signs, of substantial construction, which shall conspicuously indicate the limitations of weight and speed, which are allowed on the highway and the date on which such limitations shall go into effect. No person shall operate upon any such highway, a motor vehicle whose maximum weight or speed is in excess of the limitations prescribed. (O.R.C. 5577.07)

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

#### **70.315            CLASSIFICATIONS OF ROADS**

(A) The Mayor, or his designee, shall classify the improved roads within the Village limits, except State highways, with reference to the maximum weights and speeds permitted on such roads.

(B) The classifications made by the Mayor, or his designee, under this section shall not apply to vehicles of five ton or less for vehicle and load.

(C) In making the classification the Mayor, or his designee, shall take into consideration the nature of the roadbed, construction and any other factors which are material in the proper classification of such roads.

(D) The Mayor, or his designee, shall make rules and regulations governing the weight of vehicle and load and the speed permitted on the several classes of roads. (O.R.C. 5577.08)

#### **70.316            RULES AND REGULATIONS**

(A) All rules and regulations as provided by Section 70.315 shall be kept on file at the Municipal Building and open for inspection by the public.

(B) At least two days before such rules and regulations become effective, the Mayor, or his designee, shall cause to be placed and retained on such improved highways or sections thereof, at both ends and at the points of intersection, signs, of substantial construction, which shall conspicuously indicate the limitations of weight of vehicle and load or speed which shall be allowed on such highways.

(C) It shall be unlawful to operate upon such highway a vehicle whose maximum weight or speed is in excess of the limitations prescribed.

(D) Whoever violates this section is guilty of a misdemeanor of the first degree. (O.R.C. 5577.09)

**70.317            STATEMENT OF GROSS VEHICLE WEIGHT**

(A) Any driver or operator of a commercial car, trailer or semitrailer may obtain from any person, firm, partnership, corporation or association, including the owner, lessee or operator of such commercial car, trailer or semitrailer, owning and operating sealed scales in this State, a written "statement of gross vehicle weight" showing the gross weight of the vehicle, including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer or semitrailer shall retain such statement of gross vehicle weight on his person, and any law enforcement officer of this State may request that such driver or operator exhibit it to him. If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he shall endorse it with his name and the date and place where it was exhibited to him. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law enforcement officer of this State. No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement.

(B) Whoever violates this section is guilty of misdemeanor of the first degree. (O.R.C. 5577.10)

**70.318            LIABILITY FOR DAMAGES; PROSECUTION;  
APPLICATION OF MONEYS**

Any person violating any law relating to or regulating the use of the improved public roads shall be liable for all damage resulting to any such street, highway, bridge or culvert by reason of such violation. In case of any injury to such a street, highway, bridge or culvert, such damages shall be collected by civil action, brought in the name of the Village, on the relation of the Director of Transportation or the Mayor or his designee with respect to highways under their jurisdiction, and the Village Solicitor shall institute such action, when requested by the Mayor or his designee and prosecute it to final judgment. In case of any injury to an improved public road, bridge or culvert of the Village, by reason of the violation

of any of the rules or regulations made by the Mayor, or his designee, the damages shall be recovered by a civil Action prosecuted by the Mayor or his designee. (O.R.C. 5577.12)

**70.319            NOTICE OF ARREST**

Whenever the driver or operator of any truck, trailer, semitrailer, commercial Tractor or any other commercial vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, has been arrested for a violation of any provision of this Traffic Code, of O.R.C. Sections 4511.01 to 4511.76 and 4513.01 to 4513.40, or O.R.C. Sections 5577.01 to 5577.09, the officer making such arrest shall immediately notify, in writing, the person, firm, association or corporation holding the certificate of public convenience and necessity or permit under which such vehicle is being driven or operated, and in whose name the vehicle is registered with and licensed by the Bureau of Motor Vehicles, of the fact of such arrest. Such notification shall describe the vehicle involved, the name of the driver or operator thereof, and the time, place and nature of the offense committed. Copies of such notification shall be immediately transmitted by the arresting officer to the Public Utilities Commission and to the Superintendent of the State Highway Patrol. (O.R.C. 5577.14)

**70.320            HIGHWAY USE PERMIT AND IDENTIFICATION DEVICE**

(A) A highway use permit identification device or devices shall be displayed on the commercial car or commercial tractor for which it was issued at all times in such manner as the State of Ohio Tax Commissioner prescribes. The highway use permits and the identification device and devices shall not be transferable.

(B) Whoever violates this section is guilty of a minor misdemeanor. (O.R.C. 5728.02)

**70.321            UNLAWFUL OPERATION; TAX COMMISSIONER TO BE NOTIFIED**

(A) No person shall operate a commercial car with three or more axles, a commercial car as part of a commercial tandem or a commercial tractor as part of a commercial tractor combination or commercial tandem on a public highway without a valid highway use permit for such commercial car or commercial tractor.

(B) The judge or magistrate of any court finding any person guilty of unlawfully operating a commercial car or commercial tractor as provided for in this section shall immediately notify the tax commissioner of such violation and shall transmit to the tax commissioner the name and the permanent address of the owner of the commercial car or commercial tractor operated in violation of this section, the registration number, the state of registration, and the certificate of title number of the commercial car or commercial tractor. The commercial car or commercial tractor involved in a violation of division (A) of this section may be detained until a valid fuel use permit is obtained or reinstated. (O.R.C. 5728.04)

**70.322**        **SIGNS**

The Mayor or his designee shall cause appropriate signs to be erected to notify the public of the passage of Sections 70.301 through 70.323, and shall request the assistance of the State Department of Transportation in carrying out the prohibitions contained herein.

**70.323**        **EXCEPTIONS**

The provisions of this chapter shall not apply when a vehicle is used to deliver or pick up materials, equipment or parcels to or from property located on any street, or segment thereof, as provided in Section 70.302.

## **PENALTIES**

### **70.999      PENALTIES**

(A) Whoever is found guilty of a minor misdemeanor shall be sentenced to a fine of no more than one hundred fifty dollars.

(B) Whoever is found guilty of a misdemeanor of the fourth degree shall be sentenced to no more than thirty days in jail, a fine of no more than two hundred fifty dollars, or both.

(C) Whoever is found guilty of a misdemeanor of the third degree shall be sentenced to no more than sixty days in jail, a fine of no more than five hundred dollars, or both.

(D) Whoever is found guilty of a misdemeanor of the second degree shall be sentenced to no more than ninety days in jail, a fine of no more than seven hundred fifty dollars, or both.

(E) Whoever is found guilty of a misdemeanor of the first degree shall be sentenced to no more than one hundred eighty days in jail, a fine of no more than one thousand dollars, or both.

(F) Notwithstanding any other provision of the Traffic Code, upon a finding that a person violated any provision of sections 70.39 through 70.210 of the Traffic Code, or any provision of sections 70.301 through 70.323 of the Traffic Code, within a construction zone where a sign was then posted in accordance with section 70.98, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender who alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division, provided the court determines the offender is an indigent person and is unable to pay the fine. (O.R.C. 4511.99)