

**WHEREAS**, the City of Columbus has the ability to enforce all local police, sanitary, and other similar regulations as are not in conflict with the general laws of the State of Ohio pursuant to Article XVIII, Section 3 of the Ohio Constitution, and

**WHEREAS**, the Ohio General Assembly has enacted Senate Bill 123 which consists of a comprehensive revision of state traffic laws that is scheduled to go into effect January 1, 2004; and

**WHEREAS**, the Ohio General Assembly has enacted House Bill 490, a law designed to overhaul misdemeanor sentencing, that is likewise scheduled to go into effect January 1, 2004; and

**WHEREAS**, the enactment of SB 123 and HB 490 has created disparity between existing city ordinances and general laws of the State of Ohio, which inconsistencies, in many instances, will cause the city ordinances to be in conflict with the general laws of the State of Ohio and will thereby be unenforceable as of January 1, 2004; and

**WHEREAS**, there is currently incongruity between various other provisions of the Columbus City Traffic Code and the prohibitions found in Title 45 of the Ohio Revised Code; and

**WHEREAS**, it is desirable to have consistency between the Traffic Code and Title 45 of the Ohio Revised Code; now therefore

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO:**

**Section 1. That Chapters 2101, 2105, 2107, 2109, 2113, 2131, 2133, 2135, 2137, 2139, 2150, 2151, 2155, 2157, 2171, 2173, 2301, 2303, and 2307 of the Columbus City Codes, 1959, are hereby amended through the enactment of new Sections 2101.05, 2101.09, 2101.11, 2101.17, 2101.19, 2101.20, 2101.201, 2101.251, 2101.27, 2101.311, 2101.32, 2101.341, 2101.35, 2101.45, 2101.51, 2105.16, 2107.01, 2107.04, 2107.06, 2109.01, 2109.02, 2109.03, 2109.031, 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.05, 2113.06, 2113.07, 2113.08, 2113.09, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.21, 2131.215, 2131.216, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.32, 2131.33, 2131.34, 2131.36, 2131.38, 2131.39, 2131.40, 2131.41, 2131.42, 2131.43, 2133.01, 2133.011, 2133.012, 2133.02, 2133.03, 2133.04, 2133.05, 2133.06, 2133.07, 2133.071, 2135.06, 2135.07, 2135.08, 2135.09, 2135.10, 2135.11, 2135.12, 2137.01, 2137.02, 2137.03, 2137.04, 2137.05, 2137.06, 2137.08, 2137.09, 2137.10, 2137.11, 2137.12, 2137.13, 2137.14, 2137.15, 2137.16, 2137.17, 2137.18, 2137.19, 2137.20, 2137.21, 2137.22, 2137.221, 2137.23, 2137.24, 2137.25, 2137.26, 2137.27, 2139.01, 2139.02, 2139.03, 2139.04, 2139.041, 2139.05, 2139.07, 2139.10, 2139.11, 2139.27, 2139.28, 2139.29, 2139.31, 2139.32, 2139.34, 2139.35, 2139.36, 2139.99, 2141.01, 2141.02, 2141.03, 2141.04, 2141.05, 2141.06, 2141.11, 2141.12, 2141.14, 2141.16, 2141.18, 2141.21, 2150.01, 2150.03, 2150.04, 2150.05, 2150.06, 2150.10, 2151.01, 2151.02, 2151.03, 2151.04, 2151.06, 2151.07, 2151.08, 2151.09, 2151.10, 2151.105, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2155.01, 2155.02, 2155.04, 2155.05, 2155.055, 2155.06, 2155.07, 2155.08, 2157.01, 2157.02, 2157.04, 2157.05, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.07, 2171.08, 2171.09, 2171.10, 2173.01, 2173.02, 2173.03, 2173.04, 2173.05, 2173.07, 2173.08, 2173.09, 2173.10, 2173.105, 2173.12, 2173.13, 2301.02, 2301.25, 2303.06, 2307.01, and 2307.24.**

**2101.05 Bus.**

"Bus" means every motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. (ORC 4511.01(L))

**2101.09 Crosswalk.**

"Crosswalk" means:

(1) (a) That part of a roadway or alley 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 transversable roadway;

(b) If the service director authorizes curb ramps which are outside the crosswalk established by subsection (a) but within fifteen (15) feet of that crosswalk, the crosswalk shall be extended to encompass the pathway between two (2) opposed ramps; and

(c) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(2) Notwithstanding subsections (a), (b) and (c) of this section, there shall not be a crosswalk where authorized signs have been placed indicating no crossing. (ORC 4511.01(LL))

### **2101.11 Emergency Vehicle**

"Emergency Vehicle" means emergency vehicles of municipal, township, or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, safety director, or other local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

### **2101.17 Intersection.**

"Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two streets or highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets or highways joining at any other angle may come in conflict;

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

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection. (ORC 4511.01(KK))

### **2101.19 Motorcycle**

"Motorcycle" means every motor vehicle other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including, but not limited to motor vehicles known as "motor-driven cycles," "motor scooter," or "motorcycle" without regard to weight or brake horsepower. (ORC 4511.01(C))

### **2101.20 Motor vehicle.**

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed of twenty-five (25) miles per hour or

less, threshing machinery, hay-baling machinery, agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural and vegetable products, and trailers designed and used exclusively to transport a boat between a place of storage and a marina when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less. (ORC 4511.01(B))

**2101.201 Operate.**

"Operate" means to cause or have caused movement of a vehicle on any public or private property used by the public for purposes of vehicular travel or parking. (ORC 4511.01(HHH))

**2101.251 Predicate motor vehicle offense or traffic offense.**

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

(1) A violation of any of the following provisions of the Ohio Revised Code:

(a) A violation of section 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 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, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code;

(b) 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;

(c) 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;

(2) A violation of any of the following provisions of the Columbus City Code:

(a) A violation of section 2109.06, 2109.08, 2113.01, 2113.04, 2113.041, 2113.07, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.20, 2131.215, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.271, 2131.28, 2131.29, 2131.30, 2131.31, 2131.34, 2131.40, 2131.42, 2131.43, 2133.01, 2133.02, 2133.04, 2133.05, 2133.071, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.08, 2173.02, 2173.03, 2173.04, 2173.05, 2173.07, 2173.08, or 2173.105;

(b) A violation of division (a)(2) of section 2113.08.

(3) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in paragraph (1)(a), (b) or (c) of this section. (ORC 4511.01(III))

**2101.27 Public safety vehicle.**

"Public safety vehicle" means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under Section 4503.49 of the Ohio Revised Code;

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

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

(4) Vehicles used by fire department, including motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

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

(5) Vehicles used by the commercial motor vehicle safety enforcement unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Section 5503.34 of the Ohio Revised Code. (ORC 4511.01(E))

#### **2101.311 Ridesharing arrangement.**

"Ridesharing arrangement" means the transportation of persons in a motor vehicle where the transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools, and buspools. (ORC 4511.01(EE))

#### **2101.32 Right of way.**

"Right of way" means either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch and slopes extending to the right-of-way limits under the control of the State or local authority. (ORC 4511.01(UU))

#### **2101.341 School**

"School" mean any school chartered under section 3301.16 of the Ohio Revised Code and any nonchartered school that during the preceding year filed with the department of education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupil certifying that the school meets Ohio minimum standards for nonchartered, nontaxsupported schools and presents evidence of this filing to the jurisdiction from which is it requesting the establishment of a school zone. (ORC 4511.21(B)(1)(b))

#### **2101.35 School bus.**

"School bus" means every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided

"school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the City, or within such limits and the territorial limits of municipal corporations immediately contiguous to the City, 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 and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time.

"Child day-care center" and "type A family day care home" have the same meaning as in Section 5104.01 of the Ohio Revised Code. (ORC 4511.01(F))

**2101.45 Traffic.**

"Traffic" means pedestrians, ridden or herded animals, vehicles, streetcars, trackless trolleys, and other devices either singly or together, while using any street or highway for purposes of travel. (ORC 4511.01(TT))

**2101.51 Vehicle.**

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

**2105.16 Individual parking spaces.**

The service director shall designate and mark off individual parking spaces at points or places to be approved by resolution of council in certain sections of the downtown area and outlying districts, such parking spaces to be established along the curb of streets in such sections and to be approximately twenty-three (23) feet in length along side curbs. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2107.01 Reasons for impounding.**

Any law enforcement officer as defined in Section 2301.01(K), is authorized to remove or cause removal from the streets, highways, sidewalks, or other property open to the public for the purpose of vehicular traffic or parking:

(a) Any vehicle parked, left standing or abandoned thereon in violation of any of the specific terms of this Traffic Code, subject to the provisions of Section 2150.02.

(b) Any vehicle that has been reported stolen.

(c) Any vehicle from which the driver has been arrested, or any vehicle operated by a person who refused to obey the instruction of any police officer after such person has been placed under arrest.

(d) Any vehicle from which the driver or operator has been removed due to illness or injury.

(e) Any vehicle which, in the impounding authorities opinion, creates a condition which presents a risk of physical harm to persons or property including vehicles which, without authorization, release, discharge, or leak substances into or upon the environment.

- (f) Any vehicle operated by a person while engaged in, or connected with, the commission of a crime.
- (g) Any vehicle operated by a person without an operator's license, or during period of suspension, cancellation, or revocation of such license.
- (h) Any vehicle that has been involved in an accident and the driver/operator has failed to stop after such accident.
- (i) Any vehicle that fails to comply with the provisions of this Traffic Code relative to equipment.
- (j) Any vehicle abandoned after an accident on public or private property away from the owner's residence.

**2107.04 Expense of removal, clean up and storage.**

The actual expense of removal or unloading of any vehicle including commercially registered vehicles, attached vehicle, or its load will be assessed the owner or agent of said vehicle or property. The city shall be reimbursed for all actual expense incurred for use of service for special equipment, labor, security, traffic direction and clean-up necessary for recovery of the vehicle or its load under Chapter 2107.01, 2107.02, and 2135.12 of Columbus City Codes, 1959.

Any law enforcement officer investigating an accident, a disabled vehicle or an unauthorized spill, release or discharge of material into or upon the environment may order the removal of the vehicle from the scene of the accident if such vehicle constitutes a hazard to traffic flow or to safety. The officer may order any appropriate equipment needed to move such vehicle or to remove its cargo or debris. The actual expense for the removal or unloading of any vehicle and/or load will be assessed to the owner or to the agent of the owner of said vehicle or property. The city shall be reimbursed for all actual expense incurred for special equipment, labor, security, traffic direction and clean-up necessary for recovery of the vehicle or its load under Chapters 2107.01, 2107.02, and 2135.12 of Columbus City Codes, 1959. Any person responsible for causing or allowing an unauthorized spill, release or discharge of material into or upon the environment shall reimburse the city for investigating, mitigating, minimizing, removing, or abating any unauthorized spill, release, or discharge of material into or upon the environment that requires emergency action to protect the public health or safety of the environment. The city shall keep a detailed record of its costs for investigating, mitigating, minimizing, removing, or abating the unauthorized spill, release or discharge.

**2107.06 Impounding fee and storage charge--Exceptions.**

(a) No vehicle impounded under the provisions of this chapter, except as provided in subsections (b) and (c) hereof, shall be removed from such vehicle pound except upon the payment by the owner, chauffeur, driver or other person in charge of such vehicle, of a service charge of seventy dollars (\$70.00) to the parking violations bureau of the city treasurer for any motor vehicle weighing not more than seven thousand (7,000) pounds. There is no additional fee charged if a dolly or rollback is required to tow said motor vehicle to the vehicle pound. A service charge of one hundred dollars (\$100.00) shall be paid to the parking violations bureau of the city treasurer for a motor vehicle weighing more than seven thousand (7,000) pounds but not more than ten thousand fifty (10,050) pounds. A service charge of one hundred forty-five dollars (\$145.00) shall be paid to the parking violations bureau of the city treasurer for any motor vehicle weighing more than ten thousand fifty (10,050) pounds.

In addition to the rate set forth above for all motor vehicles, an additional hourly fee may be charged for extra services that are required in connection with towing said motor vehicles such as to upright an overturned vehicle, clean excessive debris from the roadway, recover a vehicle not on the traveled portion or berm of a highway, or to separate vehicles or pull a vehicle from an obstruction. This additional charge will be at the following rates:

1. Seventy dollars (\$70.00) per hour for vehicles weighing seven thousand (7,000) pounds or less.
2. One hundred dollars (\$100.00) per hour for vehicles weighing more than seven thousand (7,000) pounds, but not more than ten thousand fifty (10,050) pounds.
3. One hundred forty-five dollars (\$145.00) per hour for vehicles weighing ten thousand fifty (10,050) pounds or more.
4. A fee of seventy dollars (\$70.00) may be added if a trailer dolly is required due to the trailer not being attached to a tractor.

A storage fee of ten dollars (\$10.00) per day for each twenty-four (24) hours, or fraction thereof, shall be charged for vehicles with a gross vehicle rating less than ten thousand fifty (10,050) pounds. A storage fee of fifteen dollars (\$15.00) per day for each twenty-four (24) hours, or fraction thereof shall be charged per vehicle and per trailer with a gross vehicle rating of ten thousand fifty (10,050) pounds or more.

(b) Any stolen vehicles that have been recovered and impounded by the police pending notification of the legal owner or agent shall be subject to the impounding fee or storage charge. However, the storage shall be charged beginning the fourth day after impoundment, provided the legal owner or agent has been notified, or notification has been sent to the last known address of the owner or agent.

(c) Any vehicle weighing less than seven thousand (7,000) pounds which has been impounded for the sole purpose of "safekeeping" and from which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charge. However, the storage fee shall be charged beginning the fourth day after the date of impoundment. Any vehicle weighing seven thousand (7,000) pounds or more and/or a commercially registered vehicle which has been impounded for the sole purpose of "safekeeping" which the driver or operator has been removed due to illness or injury shall be subject to the impounding fee and storage charges. Additional service fees incurred for all vehicles other than towing and storage will be assessed against the owner or agent thereof and shall be paid before the vehicle is released.

(d) The owner of a vehicle that has been removed from the streets, highways, sidewalks, or public grounds pursuant to Section 2107.01 and that has been determined by the violations clerk to be a victim of violent crime against person or other special circumstance shall not be held liable for the payment of any fees associated with the towing and/or impounding of said vehicle.

#### **2109.01 Failure to comply with order or signal of police officer**

(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 willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(C) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer, a misdemeanor of the first degree.

If the offender previously has been found guilty of an offense under division (B) of this section, division (B) of former section 4511.02 of the Ohio Revised Code, or division (B) of section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, then the court shall impose at least thirty (30) mandatory days imprisonment for violation of this section.

(D) This section shall not apply if:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;

(2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;

(3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property, as set forth in Section 2921.331 of the Ohio Revised Code.

(E) In addition to any other sanction imposed for a violation of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of section 4510.02 of the Ohio Revised Code. If the offender previously has been found guilty of an offense under section, former section 4511.02 of the Ohio Revised Code, or section 2921.331 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court shall impose a class one suspension as described in division (A)(1) of section 4510.02 of the Ohio Revised Code. The court shall not grant limited driving privileges to the offender. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.

(F) As used in this section:

(1) "Moving violation" has the same meaning as in section 2743.70 of the Ohio Revised Code.

(2) "Police officer" has the same meaning as in section 2101.25.

#### **2109.02 Traffic direction in emergencies--Obedience to school crossing guards.**

(a) It shall be the duty of the police department to enforce the provisions of this Traffic Code. Police officers are authorized to direct all traffic, either in person or by means of visible or audible signal in conformance with the provisions of this Traffic Code, provided that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire departments may direct traffic as conditions may require, notwithstanding the provisions of this Traffic Code. Police officers when directing traffic, either on foot or from any vehicle, shall station themselves wherever necessary to effectively regulate traffic upon the streets.

(b) The director of public safety or his designated representative is authorized to make temporary regulations because of emergencies, special conditions or special events which temporarily restrict access to certain designated sidewalks and streets or portions thereof, and which provide that the designated restricted area is to be conspicuously posted notifying the public that only authorized persons are permitted in the restricted area.

(c) No person shall fail to stop at a marked crosswalk in use by school children under the supervision of a trained crossing guard.

As used in this section, "trained crossing guard" is any person trained and certified by a school board of education in accordance with State regulations.

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

#### **2109.03 Resisting enforcing official.**

(a) No person shall resist, hinder, obstruct or abuse any official while such official is attempting to arrest offenders under this Traffic Code. No person shall interfere with any person charged under such sections with the enforcement of the law relative to public streets or highways.



(b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.36)

**2109.031 Providing false information during issuance of traffic citation.**

(a) No person shall knowingly present, display, or orally communicate a false name, social security number, or date of birth to a law enforcement officer who is in the process of issuing the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.361)

**2109.06 Freeway use prohibited by pedestrians, bicycles and animals.**

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

(1) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area, on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use, in the performance of public works or official duties, as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;

(2) Except in the performance of public works or official duty, occupy any space within the limits of the right of way of a freeway, with an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; or farm machinery;

(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. (ORC 4511.051)

**2109.08 Placing injurious material or obstruction in street.**

(a) No person shall place or knowingly drop upon any part of a street, highway, road, lane, or alley any tacks, bottles, wire, glass, nails, or other articles which may damage or injure any person, vehicle, or animal traveling along or upon such street, highway, road, lane, or alley, 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 street any noxious, destructive or injurious material shall immediately remove the same.

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

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

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

(c) No person shall recklessly drop or throw any object which may induce an operator of a vehicle on any part of any street, highway, road, lane, or alley to take evasive action to avoid striking such object whether or not such object is actually capable of causing damage or injury.

(d)(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.

(3) Whoever violates division (c) of this section is guilty of a misdemeanor of the second degree. (ORC 4511.74)

#### **2113.01 Obedience to traffic control devices.**

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device, unless at the time otherwise directed by a police officer, or school crossing guard stationed in the vicinity of school buildings. 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.

It is an affirmative defense to a charge under this section that the traffic control device was not placed in accordance with the provisions of this Traffic Code.

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

(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.  
(ORC 4511.12)

#### **2113.04 Signal to control lane direction of travel.**

(a) Whenever it is necessary to indicate and control the direction of travel in a traffic lane or lanes of a street or highway for the purpose of reversing the direction of traffic in the lane, rectangular signal units shall be placed over each reversible lane and shall apply to operators of vehicles as follows:

(1) Rectangular signal unit with downward pointing illuminated green arrow: Traffic facing such signal may travel in the lane over which the green arrow is shown.

(2) Rectangular signal unit with an illuminated red "X": Traffic facing such signal shall not enter or travel in any lane over which the grade crossings "X" signal is shown

(b) Failure to obey the requirement of this section constitutes a violations of section 2113.01. . (ORC 4511.131)

#### **2113.041 Driver's duties upon approaching intersection with ambiguous or non-working traffic signal.**

(a) The driver of a vehicle 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:

(1) 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;

(2) Yield the right-of-way to all vehicles, streetcars, or trackless trolleys in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways;

(3) Exercise ordinary care while proceeding through the intersection.

(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. (ORC 4511.132)

#### **2113.05 Pedestrian control signals.**

Whenever special pedestrian signals exhibiting the words "walk," "don't walk" 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 signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operator of all vehicles, streetcars, or trackless trolleys.

(b) "Don't walk" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal.

(c) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to the effective date of this ordinance.

(d) Failure to obey the requirements of this section constitutes a violation of Section 2113.01. (ORC 4511.14)

#### **2113.06 Flashing traffic signals.**

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

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

(2) Flashing yellow caution signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Sections 2131.38 and 2131.39.

(b) Failure to obey the requirements of this section constitutes a violation of section 2113.01. (ORC 4511.15)

**2113.07 Unauthorized signs and signals, hiding from view, advertising.**

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

Every such prohibited sign, signal, marking or device is a public nuisance, and the Service Director is authorized to remove the same or cause it to be removed.

(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. (ORC 4511.16)

**2113.08 Tampering with traffic control devices prohibited.**

(a) No person, without lawful authority, shall do any of the following:

(1) Knowingly move, deface, damage, destroy, or otherwise improperly tamper with any traffic control device; any railroad sign or signal; or any inscription, shield, or insignia on the device, sign or signal; or any part of the device, sign or signal;

(2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;

(3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b)(1) Except as otherwise provided in this division, whoever violates division (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If the violation of division (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. This section shall not apply if a violation of division (a)(1) or (3) causes serious physical harm to property that is owned, leased, or controlled by a state or local authority.

(2) Except as otherwise provided in this division, whoever violates division (a)(2) 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)(2) 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)(2) of this section is guilty of a misdemeanor of the third degree. (ORC 4511.17)

**2113.09 Possession or sale of traffic control devices prohibited.**

(a) As used in this section, "traffic control device" means any sign, traffic control signal, or other device conforming to any placed or erected in accordance with the manual adopted under Section 4511.09 of the

Ohio Revised Code by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess, or sell, a traffic control device, except when one of the following applies:

(1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving, or removing such a traffic control device;

(2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

(3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;

(4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;

(5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgement of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Section 2913.02 of the Ohio Revised Code or Section 2313.02 relating to theft, or for receiving stolen property in violation of Section 2913.51 of the Ohio Revised Code or Section 2313.51 relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.18)

#### **2131.01 Driving upon right side of roadway; exceptions.**

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

(1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;

(2) When an obstruction exists making it necessary to drive to the left of the center of the street or 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 street or highway within such distance as to constitute an immediate hazard;

(3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;

(4) When driving upon a roadway designated and posted with signs for one-way traffic;

(5) When otherwise directed by a police officer or traffic control device.

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

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the 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 centerline 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. (ORC 4511.25)

#### **2131.02 Passing to right when proceeding in opposite directions.**

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

(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. (ORC 4511.26)

#### **2131.03 Overtaking, passing to left; driver's duties.**

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

(1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in division (a)(3) of this section, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(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 the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.

(3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 2131.31, a limited access highway as defined in Section 5511.02 of the Ohio Revised Code or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle 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. (ORC 4511.27)

#### **2131.04 Overtaking, passing to right or left.**

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

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

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

(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. (ORC 4511.28)

#### **2131.05 Overtaking, passing to left of centerline.**

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet of any approaching 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. (ORC 4511.29)

#### **2131.06 Prohibitions against passing to left of centerline.**

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

(1) When approaching the crest of a grade or upon a curve in the street or highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;

(2) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel;

(3) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in division (a)(2) of Section 2131.01.

(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. (ORC 4511.30)

**2131.07 Hazardous or no passing zones.**

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

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions thereof, notwithstanding the distance set out in Section 2131.06.

(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. (ORC 4511.31)

**2131.08 Driving within lanes or continuous lines of traffic.**

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

(1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.

(3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(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. (ORC 4511.33)



**2131.09 Following too closely.**

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle, and the traffic upon and the condition of the street 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. (ORC 4511.34)

**2131.10 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 entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line 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 one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.

(b) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons, or signs.

(c) No operator shall turn a vehicle at any intersection where signs, signals or markings prohibit such turn and have been erected or placed at such location.

It is an affirmative defense to a charge under this section that the sign, signal or marking was not erected or placed in accordance with Chapter 2105.

(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. (ORC 4511.36)

**2131.11 Turning into private driveway, alley or building.**

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

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

(2) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.

(3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

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

(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.

#### **2131.12 "U" turns prohibited.**

(a) No vehicle shall be turned so as to proceed in the opposite direction upon any street or highway. Turns commonly known as "U" turns are hereby prohibited.

(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.

#### **2131.13 Starting and backing vehicles.**

(a) No person shall start a vehicle that is stopped, standing, or parked until such movement can be made with reasonable safety and so as to yield the right of way to moving vehicles.

Before backing, operators of vehicles shall not move unless such movement can be made with reasonable safety and without interfering with other traffic and shall give ample warning, and while backing they shall exercise vigilance not to injure persons or property on the street or highway.

(b) 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 as a result of a breakdown of a motor vehicle.

(c) No operator of a vehicle shall back such vehicle from any alley, private driveway, or building across the centerline of any street of sufficient width to allow two or more moving lanes of traffic in each direction.

(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. (ORC 4511.38)

#### **2131.14 Signals before changing course, turning, or stopping.**

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

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

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

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

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

(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. (ORC 4511.39)

#### **2131.15 Hand and arm signals.**

(a) Except as provided in division (b) of this section, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (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) As an alternative to division (a)(2) of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(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. (ORC 4511.40)

#### **2131.16 Right of way at intersections.**

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in division (a) of this section is modified at through highways, T-intersections, and otherwise as stated in this Traffic Code.

(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.

**2131.161 Right of way at T-intersections.**

(a) When two vehicles approach or enter a T-intersection from streets or highways at approximately the same time, the driver of the vehicle on the street or highway which dead-ends into the other street or highway shall yield the right of way to the vehicle on the other street or highway, unless a traffic control device is present at the T-intersection and otherwise as stated in this Traffic Code.

(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.

**2131.17 Right of way when turning left.**

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

(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. (ORC 4511.42)

**2131.18 Right of way at through streets; stop and yield right-of-way signs; merging into laned traffic.**

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

(b) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before

entering it. After slowing or stopping, the driver shall yield the right-of-way to any vehicle or pedestrian in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or pedestrian in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way.

(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. (ORC 4511.43)

#### **2131.20 Emergency or public safety vehicles at stop signals or signs.**

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

(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. (ORC 4511.03)

#### **2131.21 Right of way of public safety vehicle.**

(a) Upon the approach of a public safety vehicle or coroner's vehicle equipped with at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle, or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to, and as close as possible to, the right edge or curb of the street or highway clear of any intersection, and stop and remain in that position until the public safety vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street or highway.

(c) The section applies to a coroner's vehicle only when the vehicle is operated in accordance with Section 4513.171 of the Ohio Revised Code. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner, or coroner's investigator that is equipped with a flashing, oscillating, or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this division, whoever violates division (a) 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. (ORC 4511.45)

#### **2131.215 Pedestrian to yield to public safety vehicle.**

(a) Upon the immediate approach of a public safety vehicle, as stated in Section 2131.21, every pedestrian shall yield the right-of-way to the public safety vehicle.

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

(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. (ORC 4511.452)

**2131.216 Emergency vehicle and public safety vehicle exceptions.**

Sections 2113.01, 2113.03, 2113.04, 2113.041, 2113.06, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.17, 2131.18, 2131.21, 2131.22, 2131.225, 2131.29, 2131.30, 2131.31, 2131.33, 2131.38, 2131.39, 2133.04, 2133.05, 2151.01, 2151.03, 2151.04, 2151.06, 2151.10 and 2171.01(A) of the Columbus City Code do not apply to the driver of an emergency vehicle or public safety vehicle if 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 if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. 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 and property upon the highway. (ORC 4511.041)

**2131.22 Right-of-way at private driveway, alley or building.**

(a) The operator of a vehicle about to enter or cross a street or 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. (ORC 4511.44)

**2131.225 Emerging from private driveway, alley, or building; stop at sidewalk or sidewalk area.**

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

(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. (ORC 4511.431)

**2131.23 Emerging from private driveway, alley or building.**

(a) It shall be the duty of the driver of any vehicle emerging from a private road or driveway, alley, or building to yield the right of way to pedestrians using the sidewalk or sidewalk area extending across any

such private roadway or driveway, alleyway, or building exitway. When conditions restrict a clear view of any approaching pedestrians, the driver shall stop the vehicle immediately prior to driving onto such sidewalk or sidewalk area, sound an audible approach signal, and yield the right of way to pedestrians as may be required.

(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.

**2131.24 Right-of-way of funeral procession.**

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

(b) Excepting public safety vehicles proceeding in accordance with Section 2131.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right-of-way to each vehicle which is part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

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

No driver of any vehicle shall drive between the vehicles comprising a funeral procession while in motion.

(c) No funeral procession shall occupy High Street between Buttles Avenue and Mound Street, except to cross such street. However, Council may waive this prohibition by resolution.

(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. (ORC 4511.451)

**2131.25 Driver's view and control to be unobstructed by load, persons, or animals.**

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

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

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

(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. (ORC 4511.70)

**2131.26 Driving upon street posted as closed for repair.**

(a) No person shall drive upon, along, or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction, or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(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. (ORC 4511.71)

**2131.27 Following and parking near emergency or safety vehicles.**

(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 (500) feet.

(b) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(c) 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 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.

(d) A violation of division (b) of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150. (ORC 4511.72)

**2131.271 Duties upon approaching stationary public safety vehicle displaying emergency light.**

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a street or 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 street or highway of a type described in division (a)(1) of this section, or if the driver is traveling on a street or 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 from the duty to drive with due regard for the safety of all persons and property upon the street or 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 2929.21 of the Ohio 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 Chapter 2101.

#### **2131.28 Driving over fire hose.**

(a) No vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of the fire department that is laid down on any street or private driveway 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. (ORC 4511.73)

#### **2131.29 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, 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. (ORC 4511.60)

#### **2131.30 One-way streets and rotary traffic islands.**

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island. No operator shall drive on a roadway in a direction of travel in violation of signs, markings, or barriers erected or placed at such location.

(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) It is an affirmative defense to a charge under this section that the sign, marking, or barrier was not erected or placed in accordance with Chapter 2105. (ORC 4511.32)

#### **2131.31 Driving upon divided roadways.**

(a) Whenever any street or highway has been divided into two (2) 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 median section, except through an opening, crossover, or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier, or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(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. (ORC 4511.35)

#### **2131.32 Unnecessary sounding of horns.**

(a) No person shall sound any horn or other signal device on any motor vehicle or motorcycle except as a warning of danger.

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

#### **2131.33 Failure to control.**

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

(b) Whoever violates this section is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor. (ORC 4511.202)

#### **2131.34 Driving over sidewalks or curbs.**

(a) No driver of any vehicle shall drive over or across any curb, upon a sidewalk, or within any sidewalk area except upon a permanent or duly authorized temporary driveway.

(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. (ORC 4511.711)

#### **2131.36 Stopping for school bus; signals on bus**

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child

attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this division that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by division (b) of this section.

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

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

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

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and county boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child's or person's residence side of the road.

(f)(1) Whoever violates division (a) of this section may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (a) of this section is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.

(2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Ohio Revised Code. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action.

(g) As used in this section:

(1) "Head start agency" has the same meaning as in section 3301.31 of the Ohio Revised Code.

(2) "School bus," as used in relation to children who attend a program offered by a head start agency,

means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the state board of education, is painted the color and displays the markings described in section 4511.77 of the Ohio Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Ohio Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

### **2131.38 Driving across grade crossings.**

(A)(1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet, from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train.

(d) There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.

(e) An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.

(2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (A)(1)(a) to (e) of this section exist at the crossing.

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

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

### **2131.39 Stopping at grade crossings.**

(a) The operator of any motor vehicle carrying passengers for hire, or of any school bus, or of any vehicle carrying explosives or flammable liquids as cargo, or as such part of a cargo as to constitute a hazard, before crossing at grade any track of a railroad, shall stop such vehicle, and while so stopped 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. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.

This section does not apply to any of the following: street railway grade crossings, or to abandoned tracks, spur tracks, side tracks and industrial tracks when the Ohio Public Utilities Commission has authorized and approved the crossing of such tracks without making the stop required by this section. (ORC 4511.63)

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

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations

of this section or sections 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Ohio Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.61, 4511.63)

**2131.40 Entering into intersection or marked crosswalk; entering onto railroad 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, crosswalks or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, 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. (ORC 4511.712)

**2131.41 Motor vehicle bumper regulations.**

(A) As used in this section:

(1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.

(2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.

(3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of ten thousand pounds or less.

(4) "Manufacturer" has the same meaning as in Section 4501.01 of the Ohio Revised Code.

(B) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section or to any applicable rule adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code or rules promulgated pursuant to Chapter 119 of the Ohio Revised Code.

(C) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system.

(D) Nothing contained in this section or in the rules adopted pursuant to this section, or Section 4513.021 of the Ohio Revised Code, shall be construed to prohibit either of the following:

(1) The installation upon a passenger car, multipurpose passenger vehicle, or truck registered in this State of heavy-duty equipment, including shock absorbers and overload springs;

(2) The operation on a street or highway of a passenger car, multipurpose passenger vehicle, or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.

(E) This section and the rules adopted pursuant to it or Section 4513.021 of the Ohio Revised Code, do not apply to any specially designed or modified passenger car, multipurpose vehicle, or truck when operated off a street or highway in races and similar events.

(G) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense such person is guilty of a misdemeanor of the third degree. (ORC 4513.021)

#### **2131.42 Occupancy of a travel trailer.**

(a) No person shall occupy any travel trailer or manufactured or mobile home 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. (ORC 4511.701)

#### **2131.43 Prohibitions against earphones.**

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player, or other similar device that provides the listener with radio programs, music, or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire Department personnel and emergency medical service personnel while on duty;
- (4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;
- (5) Any person engaged in the operation of refuse collection equipment.

(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. (ORC 4511.84)

#### **2133.01 Operating a vehicle under the influence.**

(A) No person shall operate any vehicle within this City, 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 of 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 within this City, if, at the time of the operation, any of the following apply:

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

(2) The person has a concentration of at least three-hundredths of one 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 criminal prosecution or juvenile court proceeding 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 4511.191 of the Ohio Revised Code, 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 Ohio Director of Health by an individual possessing a valid permit issued by the Director pursuant to section 3701.143 of the Ohio Revised Code.

(2) In a criminal prosecution or juvenile court proceeding for a violation of division (A) of this section, if there was at the time the bodily substance was withdrawn 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 criminal prosecution or juvenile court proceeding 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 4511.192 of the Ohio Revised 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 criminal prosecution or juvenile court proceeding 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 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 criminal prosecution or juvenile court proceeding 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 or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any forensic laboratory certified by the Ohio 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 the 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 Ohio 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 or a grand jury proceeding, 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 judge in the case may extend the seven-day time 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 on probation 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 on probation 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 probation 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 Ohio 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 driver's 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, as a condition of probation, 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 Ohio 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 three hundred and not more than one thousand dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, 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 Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(b) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. 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 ten consecutive days. The court shall impose the ten-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(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 twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of

electronically monitored house arrest. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of electronically monitored house arrest and jail term, the court may require the offender to attend a driver's intervention program that is certified pursuant to section 3793.10 of the Ohio Revised Code. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to division (I) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than four hundred and not more than one thousand five hundred dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class four license 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. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name immobilization of the vehicle involved in the offense for ninety days in accordance with section 4503.233 of the Ohio Revised Code and impoundment of the license plates of that vehicle for ninety days.

(c) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to two violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. 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 thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8) or (9) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred fifty and not more than two thousand five hundred dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of this section or other equivalent offenses is guilty of a misdemeanor. 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 sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(ii) If the sentence is being imposed for a violation of division (A)(6), (7), (8), or (9) of this section, a mandatory term jail term of one hundred twenty consecutive days. The court shall impose the one hundred twenty day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of electronically monitored house arrest. The court may impose a jail term in addition to the one hundred twenty day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Chapter 2929. of the Ohio Revised Code, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than eight hundred nor more than ten thousand dollars;

(iv) In all cases, pursuant to section 4510.07 of the Ohio Revised Code, a class three license 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)(3) of section 4510.02 of the Ohio Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Ohio Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Ohio Revised Code.

(vi) In all cases, participation in an alcohol and drug addiction program authorized by section 3793.02 of the Ohio Revised Code, subject to division (I) of this section.

(e) (i) If, within six years of the instant offense, the offender has been convicted of or pleaded guilty to three or more violations of divisions (A) or (B) of this section or other equivalent offenses, the offender is guilty of a felony to be prosecuted under appropriate state law.

(ii) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Ohio Revised Code under circumstances in which the violation was a felony, regardless of when the prior violation and the prior conviction or guilty plea occurred, the offender is guilty of a felony to be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of section 4511.191 of the Ohio Revised Code.

(3) If an offender is sentenced to a jail term under division (G)(1)(b)(i) or (ii), (G)(1)(c)(i) or (ii), or (G)(1)(d)(i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a

written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this division that includes a term of electronically monitored house arrest, as defined in section 2929.23 of the Ohio Revised Code.

As an alternative to a mandatory jail term of ten consecutive days required by division (G)(1)(b)(i) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of electronically monitored house arrest. The cumulative total of the five consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by division (G)(1)(b)(ii) of this section, the court, under this division, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of electronically monitored house arrest. The cumulative total of the ten consecutive days in jail and the period of electronically monitored house arrest shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by division (G)(1)(c)(i) of this section, the court, under this division, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of electronically monitored house arrest. The cumulative total of the fifteen consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by division (G)(1)(c)(ii) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of sixty consecutive days required by division (G)(1)(d)(i) of this section, the court, under this division, may sentence the offender to thirty consecutive days in jail and not less than seventy consecutive days of electronically monitored house arrest. The cumulative total of the thirty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of one hundred twenty consecutive days required by division (G)(1)(d)(ii) of this section, the court, under this division, may sentence the offender to sixty consecutive days in jail and not less than one hundred seventy consecutive days of electronically monitored house arrest. The cumulative total of the sixty consecutive days in jail and the period of electronically monitored house arrest shall not exceed one year. The sixty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

(4) 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 Ohio 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 provided in division (B) of that section.

(5) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G)(1)(c) or (d) of this section is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio 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 auto dealers association.

(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, 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)(1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Chapter 3793. of the Ohio Revised Code by the Ohio Director of Alcohol and Drug Addiction Services.

(2) An offender who stays in a drivers' intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(J) If a person whose driver's or commercial driver's 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.

(K) 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.

### **2133.011 Definitions.**

As used in Chapter 2133:

(A) "Equivalent offense" means any of the following:

(1) A violation of division (A) or (B) of section 4511.19 of the Ohio Revised Code;

(2) A violation of any municipal OVI ordinance, including divisions (A) or (B) of 2133.01 of the Columbus City Code;

(3) A violation of section 2903.04 of the Ohio Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;

(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Ohio Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of division (A)(2), (3), or (4) of section 2903.06 of the Ohio Revised Code, division (A)(2) of section 2903.08 of the Ohio Revised Code, or former section 2903.07 of the Ohio Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;

(6) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code;

(7) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of section 4511.19 of the Ohio Revised Code.

(B) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, sixty, or one hundred twenty days that must be imposed under division (G)(1)(a), (b), (c) or (d) of section 2133.01 upon an offender convicted of a violation of division (A) of that section and in relation to which all of the following apply:

(1) Except as specifically authorized under section 2133.01, the term must be served in a jail.

(2) Except as specifically authorized under section 2133.01, the term cannot be suspended, reduced, or otherwise modified pursuant to sections 2929.51, 2951.02, or any other provision of the Ohio Revised Code.

(C) "Municipal OVI ordinance" and "municipal OVI offense" mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine.

(D) "Community residential sanction," "jail," "mandatory prison term," "mandatory term of local incarceration," "sanction," and "prison term" have the same meanings as in section 2929.01 of the Ohio Revised Code.

#### **2133.012 Physical control.**

(A) As used in this section, "physical control" means being in the driver's position of the front seat of a vehicle or in the driver's position of a trackless trolley and having possession of the vehicle's or trackless trolley's ignition key or other ignition device.

(B) No person shall be in physical control of a vehicle 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 2133.01.

(C) 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 Ohio Revised Code.

#### **2133.02 Reckless operation on streets, public or private property.**

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

(b) No person shall operate a vehicle on any street, highway, or on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

(c) Except as otherwise provided in this division, 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 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 third degree. Except as provided in this division, whoever violates division (b) of this section is guilty of a misdemeanor of the third degree. 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 (b) of this section is guilty of a misdemeanor of the second degree.

(d) This section does not apply to the competitive operation of vehicles or public or private property, other than streets or highways, when the owner of such property knowingly permits such operation thereon. (ORC 4511.20)

**2133.03 Maximum speed limits--assured clear distance ahead -- reasonable for conditions -- per se violation.**

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

(B) It is prima facie lawful, in the absence of a lower limit declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities, for the operator of a motor vehicle to operate at a speed not exceeding the following:

(1) Fifteen (15) miles per hour on all alleys within the city;

(2) Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty (20) miles per hour school speed limit signs are erected; except that, on controlled access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by division (B)(5) 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 (B)(6) of this section. The end of every school zone may be marked by a sign indicating the end of the zone. Nothing in this section or in the manual and specifications for a uniform system of traffic control devices shall be construed to require school zones to be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed is in effect;

(3) Twenty-five (25) miles per hour in all other portions of the city, except on state routes outside business districts, through streets outside business districts, and through highways outside business districts;

(4) Thirty-five (35) miles per hour on all state routes or through streets and through highways within the city outside business districts, except as provided in division (B)(5) of this section;

(5) Fifty (50) miles per hour on controlled-access highways and expressways within the city, and on state routes outside urban districts unless a lower prima facie speed is established as provided by section 4511.21 of the Ohio Revised Code;

(6) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside the city, other than freeways as provided in division (B)(7) of this section; and

(7) Sixty-five (65) miles per hour for operators of any motor vehicle weighing eight thousand (8,000) pounds or less empty weight and any commercial bus at all times on all portions of the following:



(a) Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995.

(b) Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under division (L) of section 4511.21 of the Ohio Revised Code.

(c) Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995," 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under division (M) of section 4511.21 of the Ohio Revised Code.

(C) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (B)(1)-(7) of this section, or any declared pursuant to section 4511.21 of the Ohio Revised Code by the Ohio Director of Transportation or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

(D) No person shall operate a motor vehicle upon a street or highway as follows:

(1) At a speed exceeding fifty-five (55) miles per hour, except upon a freeway as provided in division (B)(7) of this section.

(2) At a speed exceeding sixty-five (65) miles per hour upon a freeway as provided in division (B)(7) of this section.

(3) At a speed exceeding the posted speed limit upon a freeway for which the director of transportation has determined and declared a speed limit pursuant to division (I)(2), (L)(2) or (M) of section 4511.21 of the Ohio Revised Code.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B)(1), (2), (3), (4), or (5) of, or a limit declared pursuant to, this section declares is prima facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead, the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(F) Notwithstanding the above provisions, should the Ohio Director of Transportation or council under the authority of section 4511.21 of the Ohio Revised Code determine and declare a reasonable and safe prima facie speed limit different than those stated above, and appropriate signs giving notice thereof are erected in accordance with section 4511.21 of the Ohio Revised Code, it shall be prima facie lawful for the operator of a motor vehicle to operate the same at a speed not in excess of such designated speed, and it shall be prima facie unlawful for any person to exceed such speed.

(G) Except as provided in this division, a violation of any provision of this section is a minor misdemeanor

(1)(a) 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, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) 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, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to any provision of this section, a violation of any provision of this section is a misdemeanor of the third degree.

(2)(a) If the offender has not been previously convicted of or pleaded guilty to a violation of any provision of this section, Section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles in other portions of the city, 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, a violation of any provision of this section is a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of a provision of this section, section 4511.21 of the Ohio Revised Code, or any provision of a municipal ordinance that is substantially similar to this section and operated a motor vehicle faster than thirty-five miles an hour in a business district, faster than fifty miles an hour in other portions of the city, 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, a violation of any provision of this section is a misdemeanor of the third degree.

(3) Notwithstanding any other provision of division (G) 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 Ohio 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. (ORC 4511.21)

#### **2133.04 Slow speed; posted minimum speeds.**

(a) No person shall stop or operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever it is determined by the Ohio Director of Transportation or City authorities on the basis of an engineering and traffic investigation that slow speeds on any part of a controlled access highway, expressway, or freeway consistently impede the normal and reasonable movement of traffic, the Ohio Director of Transportation or City authorities may declare a minimum speed limit below which no person shall operate a motor vehicle, except when necessary for safe operation or in compliance with law. No minimum speed limit established hereunder shall be less than thirty miles per hour, greater than fifty miles per hour, nor effective until the provisions of Ohio section 4511.21 of the Ohio Revised Code, relative to appropriate signs, have been fulfilled and City authorities have obtained the approval of the Ohio Director of Transportation.

(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. (ORC 4511.22)

#### **2133.05 Speed limitations over bridges.**

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street or 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 Ohio Department of Transportation upon request from any local authority 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 Ohio 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 Ohio Department of Transportation and existence of said signs shall constitute prima-facie evidence of the maximum speed that 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. (ORC 4511.23)

#### **2133.06 Speed exceptions for emergency or safety vehicles.**

The prima-facie speed limitations set forth in Section 2133.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls, and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

#### **2133.07 Street racing prohibited.**

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

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 2133.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b) No person shall participate in a street race upon any public road, street, or highway in this City.

(c) 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 one year. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this division. (ORC 4511.251)

#### **2133.071 Unnecessary squealing of tires.**

(a) No person shall operate any motor vehicle or motorcycle unless necessary for safe operation or in compliance with the law, in such a manner as to cause a rapid acceleration, or a rapid deceleration, or an abrupt turn, resulting in unnecessary squealing of tires.

(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.

**2135.06 Operation or sale of motor vehicle without certificate of title.**

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

(1) Operate in this City a motor vehicle for which a certificate of title is required without having such certificate in accordance with Chapter 4505. of the Ohio Revised Code or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this city knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

(2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, or a certificate of title, or an assignment of a certificate of title for it as provided in Chapter 4505 of the Ohio Revised Code;

(3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice of the cancellation as prescribed in Chapter 4505. of the Ohio Revised Code;

(4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Chapter 4505. of the Ohio Revised Code, in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;

(5) Violate any rules promulgated pursuant to Chapter 4505. of the Ohio Revised Code;

(6) Except as otherwise provided in Chapters 4505. and 4517. of the Ohio Revised Code, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Section 4505.06 of the Ohio Revised Code and subchapter IV of the "Motor Vehicle Information and Cost Savings Act," 86 Stat. 961 (1972), 15 U.S.C. 1981.

(7) Operate in this City a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been cancelled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars, imprisoned not more than ninety days, or both. (ORC 4505.18)

**2135.07 Registration marks, placards and stickers; display in plain view.**

(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 of the Ohio Revised Code, furnished by the Ohio 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 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 of the Ohio 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 in 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. (ORC 4503.21)

#### **2135.08 Use of unauthorized plates.**

(a) No person shall operate or drive a motor vehicle upon the streets and highways of this City 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 motor vehicle that is operated on the streets and highways in this City when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets and highways in this City, during the thirty-day period described in division (A)(4) of Section 4503.12 of the Ohio Revised Code;

(b) A person who fails to comply with the transfer of registration provisions of Section 4503.12 of the Ohio Revised Code and is charged with a violation of that section shall not be charged with a violation of this section.

(c) Whoever violates this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense; on each subsequent offense the offender is guilty of a misdemeanor of the third degree. (ORC 4549.08)

#### **2135.09 Operating without 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 the vehicle carries and displays two placards, except as provided in Section 4503.21 of the Ohio Revised Code, issued by the Ohio Director of Public Safety, that bear the registration number of its manufacturer or dealer.

(b) Whoever violates this section is guilty of illegal operation of a manufacturer's or dealer's motor vehicle, a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.10)

**2135.10 Operating with number of former owner.**

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

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.11)

**2135.11 Resident operating with number issued by foreign state.**

(a) No person who is the owner of a motor vehicle and a resident of this state shall operate or drive the motor vehicle upon the streets or highways of this City, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of this State relating to the registration and identification of motor vehicles.

(b) Whoever violates this section is guilty of a minor misdemeanor on the first offense; on each subsequent offense the offender is guilty of a misdemeanor of the fourth degree. (ORC 4549.12)

**2135.12 Failure to stop after an accident or collision.**

(a) Whenever a vehicle is involved in an accident or collision with either persons or property (including personal or real property) upon any public street or highway, or upon any public or private property, the operator of any such vehicle who has knowledge of the accident or collision shall do all of the following:

(1) Immediately stop the motor vehicle at the scene of the accident or collision.

(2) Remain at the scene of the accident or collision, until all requirements of this section have been met.

(3) Provide the operator's name and address to all other persons or operators involved in the accident or collision.

(4) If the operator of the vehicle involved in the accident or collision is not the owner of that vehicle, then the operator shall provide the name and address of the owner of the vehicle to all other persons or operators involved in the accident or collision.

(5) Upon request, the operator of the vehicle involved in the accident or collision shall exhibit or display the operator's driver's license or commercial drivers license to all other persons or operators involved in the accident or collision.

(6) The operator of the motor vehicle involved in the accident or collision shall provide the registration number of the operated vehicle involved in the accident or collision to all other persons or operators involved in the accident or collision.

(7) If any other person or operator involved in the accident or collision is unable to comprehend and record the information required to be provided by this section, then the other person or operator involved in the accident or collision shall immediately notify the Columbus Division of Police, or the nearest police authority, concerning the fact and location of the accident or collision, and such other person or operator making the notification shall remain at the scene of the accident or collision until a law enforcement officer arrives at the scene, unless the person or operator notifying the appropriate law enforcement agency is

removed from the scene of the accident or collision by an emergency vehicle operated by a political subdivision.

(8) Upon request, provide the name and address of any business entity that provides an insurance liability policy or bond for the operator to be in compliance with the State Financial Responsibility law.

(9) The operator of a motor vehicle involved in an accident or collision shall provide all of the information required by this section to any law enforcement officer at the scene of such accident or collision.

(10) If the accident or collision is with an unoccupied or unattended vehicle, then the operator of the vehicle that was involved in the accident or collision shall remain at the scene of such accident or collision until the operator has securely attached the information required to be provided by this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle, and if available, a telephone number where the operator may be reached.

(11) If the damaged property involved in the accident or collision is not another vehicle, then the operator shall take all reasonable steps to locate the owner or person in charge of such property, including remaining at the scene of the accident or collision for a minimum of 30 minutes, unless transported for medical treatment. Once the owner or person in charge of such property is located, the operator shall provide the owner/person in charge with the information required in paragraphs (3), (4), (6), and (8) of division (a) of this section. If the owner or person in charge of such property is not present and cannot be located to provide the information required by this section, then the operator of the vehicle involved in such accident or collision shall notify the Columbus Division of Police, Accident Investigation Squad, within 24 hours, and in writing, of all information required by this section to be provided to the owner or person in control of the damaged property, together with the date, time, and location of the accident or collision.

(b) (1) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privileges from the range specified in division (A)(5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of the offender's license, permit, or privilege required by this division.

(2) If accident or collision in violation of this section results in serious physical harm or death to a person, failure to stop after an accident is a felony to be prosecuted under applicable state law. (ORC 4549.02, 4549.021, 4549.03)

#### **2137.01 Driving unsafe vehicles; application.**

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

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

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.

(d) 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, section 4513.02 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.02)

### **2137.02 Lighted lights; measurement of distance and heights.**

(a) Every vehicle upon a street or highway during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles, and substantial objects on the street at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Section 4511.521(A) of the Ohio Revised Code. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.

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

Whenever in this Chapter 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.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.03 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.03)

### **2137.03 Headlights on motor vehicles and motorcycles.**

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

Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.04 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.04)

### **2137.04 Tail light; illumination of rear license plate.**

(a) Every motor vehicle, trailer, semitrailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which when lighted, shall emit a red light visible from a distance of five hundred (500) 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.

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 (50) 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.



(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.05 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.05)

**2137.05 Rear red reflectors.**

(a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than a commercial tractor, to which a trailer or semitrailer is attached shall carry at the rear, either as a part of the tail lights or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in section 2137.06 shall be equipped with reflectors as required by the regulations provided for in said section

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

(b) On every trailer or semitrailer, when operated upon the streets or highways of the city during the time specified in Section 2137.02, there shall be carried on each side thereof a red reflector located at or near the rear thereof so fixed as to be plainly visible to other drivers or pedestrians.

(c) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.06 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.06)

**2137.06 Safety lighting on commercial vehicles.**

(a) Buses, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any street or highway, shall be equipped with clearance lights, marker lights, reflectors, and stop lights as required by rules promulgated by the Ohio Director of Public Safety. Such equipment shall be lighted at all times mentioned in Section 2137.02 except that clearance lights and side marker lights need not be lighted on any such vehicle operated where there is sufficient light to reveal any person or substantial object on the street or highway at a distance of five hundred (500) feet.

Such equipment shall be in addition to all other lights specifically required by Sections 2137.02 to 2137.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.07 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.07)

**2137.08 Red light or red flag on extended loads.**

(a) Whenever the load upon any vehicle extends to the rear four (4) 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 2137.02, a red light or lantern plainly visible from a distance of at least five hundred (500) 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 (16) inches square.

No person shall operate any vehicle under conditions described herein, without displaying the red light or red flag on the extending load.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.09 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.09)

#### **2137.09 Lights on parked or stopped vehicles.**

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended, during the times mentioned in Section 2137.02, such vehicle shall be equipped with one (1) or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle, and a red light visible from a distance of five hundred (500) feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of five hundred (500) feet upon such street or highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150. (ORC 4513.10)

#### **2137.10 Lights on slow-moving vehicles; emblem; animal-drawn vehicle**

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (c) of section 2137.01, not specifically required to be equipped with lamps or other lighting devices by sections 2137.02 to 2137.09, shall, at the times specified in section 2137.02, be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of the vehicle, and also shall be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of the vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred feet to one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery, and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the director and the manual of uniform traffic control devices, as set forth in section 4511.09 of the Ohio Revised Code, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American society of agricultural engineers.

As used in this division, "machinery" does not include any vehicle designed to be drawn by an animal.

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

(d) No person shall sell, lease, rent, or operate any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (B) of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in division (b) of this section.

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (b) of this section, in addition to the use of the slow-moving vehicle emblem, may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in section 2137.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by section 2137.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

(f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:

- (1) With a slow-moving vehicle emblem complying with division (b) of this section;
- (2) With alternate reflective material complying with rules adopted under division (F) of section 4513.11 of the Ohio Revised Code;
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The alternate reflective material referenced in division (2) may be black, gray, or silver in color, as determined by division (F) of section 4513.11 of the Ohio Revised Code. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible, at all times specified in section 2137.02, from a distance of not less than five hundred feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.11)

(h) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

#### **2137.11 Spotlight and auxiliary lights.**

(a) Any motor vehicle may be equipped with not more than one (1) 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 (100) feet ahead of the vehicle.

Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle.

No person shall operate a vehicle with greater number of spotlights or auxiliary lights than is permitted under this section nor with a spotlight or auxiliary light focused or used in a manner prohibited by this section.

The Ohio Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.12 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.12)

#### **2137.12 Cowl, fender and back-up lights.**

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

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

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.13 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.13)

#### **2137.13 Two lights displayed.**

(a) At all times mentioned in Section 2137.02 at least two (2) lighted lights shall be displayed, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

The Ohio Director of Public 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.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.14 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.14)

#### **2137.14 Use of headlight beams.**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 2137.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles, and substantial objects at a safe distance in advance of the vehicle subject to the following requirements:

(1) 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.

(2) Every new motor vehicle registered in this state, which has multiple-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.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.15 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.15 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.15)

#### **2137.15 Lights of less intensity on slow-moving vehicles.**

(a) Any motor vehicle may be operated under the conditions specified in Section 2137.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 2137.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.16)

#### **2137.16 Number of lights permitted; limitations on red and flashing lights**

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

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, that 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)(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in section 4513.182 of the Ohio Revised Code, department of transportation maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by section 2137.10 to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in

division (c)(1) of this section does not apply to such machinery or vehicles. Farm machinery also may display the lights described in section 2137.10.

(d) Except a person operating a public safety vehicle, as defined in section 2101.07, or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) No person shall drive or move any vehicle upon any street or highway with any light or device thereon displaying a blue light, or alternate red and blue flashing light mounted on such vehicle. This subsection does not apply to police public safety vehicles.

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

(g) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.17 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.17 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.17)

#### **2137.17 Focus and aim of headlights.**

(a) No person shall use any lights mentioned in Sections 2137.02 to 2137.16, inclusive, upon any motor vehicle, trailer, or semitrailer unless said lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the Ohio Director of Public Safety.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.19 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.19 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.19)

#### **2137.18 Brake equipment**

(A) The following requirements govern as to brake equipment on vehicles:

(1) Every vehicle, other than a motorcycle, when operated upon a street or highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the vehicle without brakes on at least two wheels.

(2) Every motorcycle, when operated upon a street or highway shall be equipped with at least one adequate brake, which may be operated by hand or by foot.

(3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under section 4511.521 of the Ohio Revised Code.

(4) When operated upon the streets or highways of this state, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:

(a) Every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;

(b) Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.

(5) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.

(6) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than two thousand pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

(7) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(8) Every vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

(a) Vehicles or combinations of vehicles having brakes on all wheels shall come to a stop in thirty feet or less from a speed of twenty miles per hour.

(b) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty feet or less from a speed of twenty miles per hour.

(9) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the trackless trolley or vehicle.

(B) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender

previously has been convicted of a violation of this section, section 4513.20 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.20 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.20)

#### **2137.19 Horn, siren and theft alarm signal.**

(a) Every motor vehicle when operated upon a street or 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 200 feet.

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

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.21 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.21 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.21)

#### **2137.20 Mufflers; excessive smoke or gas**

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

No person shall own, operate, or have in the person's possession any vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or motorcycle, 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.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.22 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.22 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.22)

#### **2137.21 Rear-view mirror; clear view to front, both sides and rear.**

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



(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.23 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.23 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.23)

**2137.22 Sign or poster upon windshield; windshield wiper; vision clearance.**

(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 nontransparent material upon the front windshield, sidewings, side, or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left hand or right and corner of the windshield a sign, poster or decal not to exceed four (4) inches in height by six (6) inches in width. No sign, poster, or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when, in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

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

(d) No person shall drive any motor vehicle, or bus, whether or not equipped as required in subsection (b) hereof, where the vision through the front windshield is obscured by dirt, rain, frost, snow or other moisture.

(e) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.24 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.24 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.24)

**2137.221 Restrictions on the use of tinted glass and other obscuring material**

(a) Pursuant to Chapter 119. and Section 4513.241 of the Ohio Revised Code, the Ohio Director of Public Safety has adopted rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(b) The rules adopted under section 4513.241 of the Ohio Revised Code may provide for persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of any rule adopted under section 4513.241 of the Ohio Revised Code, own a motor vehicle that does not conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code or any rule adopted under that section;

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

(c) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor

vehicle conforms to any requirements of, or rule adopted under, section 4513.241 of the Ohio Revised Code.

(d) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

(e) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to any requirements of, or rules adopted under, section 4513.241 of the Ohio Revised Code.

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

(g) This section does not apply to 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 two hundred five.

(h) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a handicapped child pursuant to a special education program under Chapter 3323. of the Ohio Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "handicapped child" and "special education program" have the same meanings as in section 3323.01 of the Ohio Revised Code.

(i) This section does not apply to any school bus that is to be sold and operated outside this state.

(j) Whoever violates division (c), (d), (e), or (f) of this section is guilty of a minor misdemeanor. (ORC 4513.241)

#### **2137.23 Limited load extension on sides of passenger vehicle.**

(a) No passenger-type vehicle shall be operated on a street or highway with any load carried on such vehicle which extends more than six (6) inches beyond the line of the fenders on the vehicle's left side nor more than twelve (12) inches beyond the line of the fenders on the vehicle's right side.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.30 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.30 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.30)

#### **2137.24 Motor vehicle stop lights.**

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street, highway or alley 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 which shall be actuated upon application of the service brake, and which may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

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

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

Historical motor vehicles as defined in section 4503.181 of the Ohio Revised Code, not originally manufactured with stoplights, are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor. If, within one year, the offender previously has been convicted of a violation of this section, section 4513.071 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year, the offender previously has been convicted of two or more violations of this section, section 4513.071 of the Ohio Revised Code, or a substantially similar municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.071)

**2137.25 Tire protrusions; chains and studs permitted.**

(a) No tire on a vehicle moved on a street or highway shall have on its periphery any block, flange, stud, cleat or spike or any other protrusion of any material other than rubber which projects beyond the tread of the traction surface of the tire. This section does not prohibit farm machinery with tires having protrusions which will not injure the street, the use of tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, or the use of snow tires which have metal studs inserted in the tires.

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

**2137.26 Use of studded tires.**

(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 service of the tire.

(b) No person shall operate any motor vehicle, other than a public safety vehicle, emergency vehicle, or school bus, that is equipped with studded tires on any street or highway in this city, except, during the period extending from November 1 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 streets or highways where such chains are being used, or the immediate vicinity thereof.

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

**2137.27 Loud sound amplification systems prohibited.**

(a) No operator or passenger of a motor vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from fifty (50) or more feet when the vehicle is being operated upon a street, highway, or other property open to the public for the purpose of vehicular travel or parking.

(b) "Sound amplification system" shall include any radio, tape player, compact disc player, loud speaker, or other electronic device used for the amplification of the human voice, music, or any other noise or sound.

(c) It is an affirmative defense to a charge under this section that the operator was not otherwise prohibited by law from operating the sound amplification system, and that any of the following apply:

(1) The system was being operated to request medical or vehicular assistance or to warn of a hazardous road condition;

- (2) The vehicle was an emergency or public safety vehicle;
- (3) The vehicle was owned and operated by the city or a gas, electric, communications, refuse, or water utility company;
- (4) The vehicle was being used in a parade, as defined in Section 2111.01, and the person or organization conducting the parade had obtained a parade permit from the appropriate City agency.

(d) Except as otherwise provided in this division, a violation of this section is a minor misdemeanor. If the offender persists in operating or permitting the operation of a sound amplification system in contravention of this section after reasonable warning to desist within a 12-hour period, a violation of this section is a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to a violation of this section, a violation of this section is a misdemeanor of the fourth degree.

### **2139.01 Definitions.**

(a) As used in Chapter 2139:

- (1) "Axle" means one or more load-carrying wheels mounted in a single transverse vertical plane.
- (2) "Spacing between axles" means the distance between any two successive such planes.
- (3) "Maximum axle load" means the gross weight of vehicle and load imposed by any axle upon the road surface.
- (4) "Maximum wheel load" means the proportionate gross weight of vehicle and load imposed by any wheel upon the road surface.
- (5) "Automobile transporter" means any vehicle combination designed and used expressly for the transport of assembled motor vehicles.
- (6) "Stinger-steered automobile transporter" means any automobile transporter configured as a semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.
- (7) "Boat transporter" means any vehicle combination, including a straight truck towing a trailer typically using a ball and socket connection, designed and used specifically for the transport of boat hulls and boats, whether the hulls or boats are assembled or partially disassembled to facilitate transportation.
- (8) "Stinger-steered boat transporter" means a boat transporter configured as a semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit.
- (9) "Assembled" means, in regard to motor vehicles, capable of being driven.
- (10) "B-train assembly" means any rigid frame extension that is attached to the rear frame of one (1) semitrailer and provides a fifth wheel connection point for a second semitrailer.
- (11) "Saddlemount vehicle transporter combination" means any combination of vehicle in which a straight truck or commercial tractor tows one (1) or more straight trucks or commercial tractors, each connected by a saddle to the frame or fifth wheel of the straight truck or commercial tractor in front of it. Such a combination may include a fullmount, in which a smaller vehicle is mounted completely on the frame of either the first or last straight truck or commercial tractor in the saddlemount combination.

(b) "Vehicle" as used in Chapter 2139, means any single vehicle when not in combination, or any combination of vehicles as defined in section 4501.01 of the Ohio Revised Code. (ORC 5577.01)

**2139.02 Operation of vehicle on highways in excess of prescribed weights forbidden.**

(a) No trackless trolley, traction engine, steam roller, or other vehicle, load, object, or structure, whether propelled by muscular or motor power, not including vehicles run upon stationary rails or tracks, fire engines, fire trucks, or other vehicles or apparatus belonging to or used by any municipal or volunteer fire department in the discharge of its functions, shall be operated or moved over or upon the improved public streets, highways, bridges or culverts in this city, upon wheels, rollers, or otherwise, weighing in excess of the weights prescribed in Sections 2139.03 to 2139.11, inclusive, including the weight of vehicle, object, structure, or contrivance and load, except under special permission, granted as provided by Section 4513.34 of the Ohio Revised Code.

(b) Whoever violates this section shall be punished as provided in division (a) of section 2139.99. (ORC 5577.02)

**2139.03 Weight of load; width of tire.**

(A) No person, firm, or corporation shall transport over the improved public streets, alleys, intercounty highways, state highways, bridges, or culverts, in any vehicle propelled by muscular, motor, or other power, any burden, including weight of vehicle and load, greater than the following:

(1)(a) In vehicles having metal tires three (3) inches or less in width, a load of five hundred (500) pounds for each inch of the total width of tire on all wheels;

(b) When the tires on such vehicles exceed three (3) inches in width, an additional load of eight hundred (800) pounds shall be permitted for each inch by which the total width of the tires on all wheels exceeds twelve (12) inches.

(2) In vehicles having tires of rubber or other similar substances, for each inch of the total width of tires on all wheels, as follows:

(a) For tires three (3) inches in width, a load of four hundred fifty (450) pounds;

(b) For tires three and one half (3 1/2) inches in width, a load of four hundred fifty (450) pounds;

(c) For tires four (4) inches in width, a load of five hundred (500) pounds;

(d) For tires five (5) inches in width, a load of six hundred (600) pounds;

(e) For tires six (6) inches and over in width, a load of six hundred fifty (650) pounds.

The total width of tires on all wheels shall be, in case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds (2/3) the width so measured between the flanges.

In the case of pneumatic tires, of rubber or other similar substance, the total width of tires on all wheels shall be the actual width of all such tires, measured at the widest portion thereof when inflated and not bearing a load.

In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed six hundred fifty (650) pounds to each inch in width of the tread as defined in this section for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load. (ORC 5577.03)

(B) Whoever violates this section shall be punished as provided in division (a) of section 2139.99.

#### **2139.04 Vehicles with pneumatic tires--Load limits.**

(a) The maximum wheel load of any one (1) wheel of any vehicle, load, object, or structure operated or moved upon improved public highways, streets, bridges or culverts shall not exceed six hundred fifty (650) pounds per inch width of pneumatic tire, measured as prescribed by Section 2139.03.

(b) The weight of vehicle and load imposed upon the road surface that is part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

- (1) On any one (1) axle, twenty thousand (20,000) pounds;
- (2) On any tandem axle, thirty-four thousand (34,000) pounds;
- (3) On any two (2) or more consecutive axles, the maximum weight as determined by application of the formula provided in division (c) of this section.

(c) For purposes of division (b)(3) of this section, the maximum gross weight on any two (2) or more consecutive axles shall be determined by application of the following formula:

$$W = 500 ((LN/N-1) + 12N + 36).$$

In this formula, W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in rounded whole feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration. However, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, provided the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more.

(d) Except as provided in division (i) of this section, the weight of vehicle and load imposed upon a road surface that is not part of the interstate system by vehicles with pneumatic tires shall not exceed any of the following weight limitations:

(1) On any one (1) axle, twenty thousand (20,000) pounds;

(2) On any two (2) successive axles:

A. Spaced four (4) feet or less apart, and weighed simultaneously, twenty-four thousand (24,000) pounds;

B. Spaced more than four (4) feet apart, and weighed simultaneously, thirty-four thousand (34,000) pounds, plus one thousand (1,000) pounds per foot, or fraction thereof, over four (4) feet, not to exceed forty thousand (40,000) pounds.

(3) On any three (3) successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three (3) -axle group is more than four (4) feet from the next axle in the three (3) -axle group and so that the spacing between the first axle and the third axle of the three (3) -axle group is no more than nine (9) feet, and with such load-bearing three (3) -axle group weighed simultaneously as a unit:

A. Forty-eight thousand (48,000) pounds, with the total weight of vehicle and load not exceeding thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle;

B. As an alternative to division (d)(3)(A) of this section, forty-two thousand five hundred (42,500) pounds, if part of a six-axle vehicle combination, with at least twenty (20) feet of spacing between the front axle and rearmost axle, with the total weight of vehicle and load not exceeding fifty-four thousand (54,000) pounds plus an additional six hundred (600) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle.

(4) The total weight of vehicle and load utilizing any combination of axles, other than as provided for three (3)- axle groups in division (d) of this section, shall not exceed thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and rearmost axle of the vehicle.

(e) Notwithstanding divisions (b) and (d) of this section, the maximum overall gross weight of vehicle and load imposed upon the road surface shall not exceed eighty thousand (80,000) pounds.

(f) Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve (12) feet and six (6) inches.

(g) As used in division (b) of this section, "tandem axle" means two (2) or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty (40) inches but no more than ninety-six (96) inches apart, extending across the full width of the vehicle.

(h) This section does not apply to passenger bus type vehicles operated by a regional transit authority pursuant to Sections 306.30 to 306.54 of the Ohio Revised Code.

(i) Either division (b) or (d) of this section applies to the weight of a vehicle and its load imposed upon any road surface that is not a part of the interstate system by vehicles with pneumatic tires. As between divisions (b) and (d) of this section, only the division that yields the highest total gross vehicle weight limit shall be applied to any such vehicle. Once that division is determined, only the limits contained in the subdivisions of that division shall apply to that vehicle. (ORC 5577.04)

(j) Whoever violates this provision shall be punished as provided in division (a) of section 2139.99.

**2139.041 Maximum axle load, wheel load, and gross weights and towing connection length for solid rubber tires.**

(a) No vehicle, trackless trolley, load, object, or structure having a maximum axle load greater than sixteen thousand pounds when such vehicle is equipped with solid rubber tires shall be operated or moved upon the improved public highways, streets, bridges, or culverts. The maximum wheel load of any one wheel of any such vehicle shall not exceed six hundred fifty pounds per inch width of tire, measured as prescribed by Section 2139.03, nor shall any solid tire of rubber or other resilient material, on any wheel of any such vehicle, be less than one inch thick when measured from the top of the flanges of the tire channel.

The weight of vehicle and load imposed upon the road surface by any two successive axles, spaced four feet or less apart, shall not exceed nineteen thousand pounds for solid tires; or by any two successive axles spaced more than four feet but less than eight feet apart shall not exceed twenty-four thousand pounds for solid tires; or by any two successive axles, spaced eight feet or more apart, shall not exceed twenty-eight thousand pounds for solid tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, twenty-eight thousand pounds plus an additional six hundred pounds for each foot or fraction thereof of spacing between the front axle and the rearmost axle of the vehicle; nor shall the weight of vehicle and load imposed upon the road surface by any vehicle equipped with solid rubber tires, exceed eighty percent of the permissible weight of vehicle and load as provided for pneumatic tires.

Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve feet and six inches. If the provisions of this section are held to exceed the weight limitations or other provisions set forth in the "Federal Aid Highway Act of 1958," 72 Stat. 902, 23 U.S.C. 127, this section shall become null and void to the extent of such inconsistency. (ORC 5577.041)

(b) Whoever violates the weight provision of this section shall be punished as provided in division (a) of section 2139.99. All other violations of this section shall be punished as provided in division (d) of section 2139.99.

**2139.05 Maximum width, height and length.**

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

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

- (1) One hundred four inches for passenger bus type vehicles operated exclusively within municipal corporations;
- (2) One hundred two 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 one hundred two-inch buses is prohibited by order of the Ohio Director of Transportation;
- (3) One hundred thirty-two inches for traction engines;
- (4) One hundred two inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Ohio Director of Transportation may prohibit the operation of one hundred two inch recreational vehicles on designated state highways or portions of highways;
- (5) One hundred two inches, including load, for all other vehicles, except that the Ohio Director of Transportation may prohibit the operation of one hundred two-inch vehicles on such State highways or portions thereof as the Director designates.

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

- (1) Forty-eight feet for passenger bus type vehicles operated exclusively within municipal corporations;
- (2) Forty feet for all other passenger bus type vehicles;
- (3) Fifty-three feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor-semitrailer combination on such state highways or portions thereof as the Director designates;
- (4) Twenty-eight and one-half feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Ohio Director of Transportation may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such state highways or portions thereof as the Director designates;
- (5) Seventy-five feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, not to exceed three saddlemounted vehicles, but which may include one fullmount;
- (6) Sixty-five feet for any other combination of vehicles coupled together, with or without load, except as provided in divisions (b)(3) and (4), and in division (d) of this section;
- (7) Forty-five feet for recreational vehicles;



(8) Forty 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 Ohio Director of Transportation may prohibit the operation of any stinger-steered automobile transporter, stinger-steered boat transporter, or a b-train assembly on any state highway or portion thereof that the Director designates.

The width prescribed in division (a)(5) of this section shall not include automatic covering devices used by a vehicle hauling solid waste.

The lengths prescribed in divisions (b)(2) to (7) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, b-train assembly used between 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.

(e) 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, when operating the same on the highways and streets of this State, shall comply with the rules of the Ohio Director of Transportation governing such movement, which rules the Director may adopt.

This section does not require the State, a municipal corporation, 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 this City.

(f) As used in this section, "recreational vehicle" has the same meaning as in section 4501.01 of the Ohio Revised Code. (ORC 5577.05)

#### **2139.07 Reduction of weight and speed during times of thaws and moisture.**

(a) When thaws or excessive moisture render the streets or highways of this City or any sections of them insufficient to bear the traffic thereon, or when such streets or 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, in accordance with the provisions of section 5577.01(A) of the Ohio Revised Code;

(2) On City streets, the Director of Public Service shall prescribe such reduction which shall not be more than twenty-five percent;

The Director, at least one day before such reduction becomes effective, shall cause to be placed and retained on such City streets, 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 will conspicuously indicate the limitations of weight and speed, which are allowed on the streets and the date on which such limitations shall go into effect.

(b) No person shall operate upon any such street or highway, a motor vehicle whose maximum weight or speed is in excess of the limitations prescribed. The expense of the purchase and erection of signs, provided for in this section, shall be paid from funds for the maintenance and repair of roads.

(c) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 5577.07)

#### **2139.10 Statement of gross vehicle weight.**

(a) No person shall issue or aid in issuing any bill of lading or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semitrailer, commercial tractor, or any other commercial vehicle used for the transportation of property, the gross weight of which, with load, exceeds three tons, with intent to defraud by misrepresenting thereon the weight of such goods or property to be so transported.

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 City 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 City. 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 shall be punished as provided in division (b) of section 2139.99. (ORC 5577.10)

#### **2139.11 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 public highways, streets, bridges and culverts within this City unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-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 punished as provided in division (c) of section 2139.99. (ORC 5577.11)

#### **2139.27 Requirements for extra signal equipment.**

(a) No person shall operate any motor truck, trackless trolley, bus, or commercial tractor upon any City street, alley or highway at any time from a half hour after sunset to a half hour before sunrise unless there is carried in such vehicle and trackless trolley, except as provided in division (b) of this section, the following equipment which shall be of the types approved by the Ohio Director of Transportation:

(1) At least three flares or three red reflectors or three red electric lanterns, each of which is capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at night time;

(2) At least three red-burning fuses, unless red reflectors or red electric lanterns are carried;

(3) At least two red cloth flags, not less than twelve inches square, with standards to support them;

(4) The type of red reflectors shall comply with standards and specifications in effect on September 16, 1963 or later established by the interstate commerce commission and must be certified as meeting such standards by underwriter's laboratories.

(b) No person shall operate at the time and under the conditions stated in this section any motor vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, unless there is carried in such vehicle three red electric lanterns or three red reflectors meeting the requirements stated in division (a) of this section. There shall not be carried in any such vehicle any flare, fuse, or signal produced by a flame.

(c) This section does not apply to any person who operates any motor vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Ohio Department of Transportation under Section 4511.09 of the Ohio Revised Code.

(d) Whoever violates this section shall be punished as provided in division (c) of section 2139.99. (ORC 4513.27)

#### **2139.28 Display of warning devices on disabled vehicles.**

(a) Whenever any motor truck, trackless trolley, bus, commercial tractor, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any street or highway or the shoulder thereof, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within the municipality, at any time when lighted lamps are required on vehicles and trackless trolleys, the operator of such vehicle or trackless trolley shall display the following warning devices upon the street or highway during the time the vehicle or trackless trolley is so disabled on the street or highway except as provided in division (b) of this section:

(1) A lighted fuses shall be immediately placed on the roadway at the traffic side of such vehicle or trackless trolley, unless red electric lanterns or red reflectors are displayed.

(2) Within the burning period of the fuses and as promptly as possible, three lighted flares or pot torches, or three red reflectors or three red electric lanterns shall be placed on the roadway as follows:

(A) One at a distance of forty paces or approximately one hundred feet in advance of the vehicle;

(B) One at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle or trackless trolley;

(C) One at the traffic side of the vehicle or trackless trolley.

(b) Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a street or highway at any time or place mentioned in division (a) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

(1) One red electric lantern or one red reflector shall be immediately placed on the roadway at the traffic side of the vehicle;

(2) Two other red electric lanterns or two other red reflectors shall be placed to the front and rear of the vehicle in the same manner prescribed for flares in division (a) of this section.

(c) When a vehicle of a type specified in division (b) of this section is disabled, the use of flares, fuses, or any signal produced by flame as warning signals is prohibited.

(d) Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a street or highway or the shoulder thereof, or upon any freeway, expressway, thruway and connecting, entering or exiting ramps within the municipality, at any time when the display of fuses, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle or trackless trolley, one at a distance of forty paces or approximately one hundred feet in advance of the vehicle or trackless trolley, and one at a distance of forty paces or approximately one hundred feet to the rear of the vehicle or trackless trolley, except as provided in this section.

(e) The flares, fuses, lanterns, red reflectors, and flags to be displayed as required in this section shall conform with the requirements of Section 4513.27 of the Ohio Revised Code applicable thereto.

(f) In the event the vehicle or trackless trolley is disabled near a curve, crest of a hill, or other obstruction of view, the flare, flag, reflector, or lantern in that direction shall be placed as to afford ample warning to other users of the highway, but in no case shall it be placed less than forty paces or approximately one hundred feet nor more than one hundred twenty paces or approximately three hundred feet from the disabled vehicle or trackless trolley.

(g) This section does not apply to the operator of any vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Ohio Department of Transportation under Section 4511.09 of the Ohio Revised Code.

(h) Whoever violates this section shall be punished as provided in division (c) of section 2139.99. (ORC 4513.28)

#### **2139.29 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 flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.

(2) Said 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 shall be punished as provided in division (d) of section 2139.99. (ORC 4513.29)

#### **2139.31 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 the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping there from, except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(b) No person shall operate on any street or highway any vehicle with any load unless the load and covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached, or in any manner a hazard to other users of the street.

(c) No person shall operate any vehicle so as to track mud on the public streets, highways, or alleys.

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

(e) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 4513.31)

### **2139.32 Towing requirements.**

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

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.

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.

Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in section 5727.01 of the Ohio Revised Code, 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 street 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. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

(1) An agricultural tractor may tow or draw more than one such vehicle

(2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. (ORC 4513.32)

**2139.34 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 sections 4513.01 to 4513.37, inclusive, of the Ohio Revised Code, upon any State route within the City, except pursuant to special written permit issued by the Ohio Director of Transportation. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99. . (ORC 4513.34)

**2139.35 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.

No person shall operate any through truck in violation of markings, signs, barriers, or other devices placed pursuant to the provisions of Chapter 2105 except while receiving goods or making deliveries along the street, and then only when entering and leaving such street by the nearest intersecting street not so marked.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99.

**2139.36 Commercial vehicle in unauthorized area.**

(a) No person shall operate a commercial ground transportation vehicle as defined in Section 1713.0111(G) for the purpose of picking up and loading persons, baggage or freight items in an area at Port Columbus International Airport which is not designated as a commercial vehicle area.

(b) Whoever violates this section shall be punished as provided in division (d) of section 2139.99.

**2139.99 Penalties.**

(a) Whoever violates the weight provisions of Sections 2139.02, 2139.03, 2139.04 and 2139.041 of the City Code shall be fined eighty dollars for the first two thousand pounds, or fraction thereof, of overload; for overloads in excess of two thousand pounds, but not in excess of five thousand pounds, such person shall be fined one hundred dollars, and in addition thereto one dollar per one hundred pounds of overload; for overloads in excess of five thousand pounds, but not in excess of ten thousand pounds, such person shall be fined one hundred thirty dollars and in addition thereto two dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. For all overloads in excess of ten thousand pounds such person shall be fined one hundred sixty dollars, and in addition thereto three dollars per one hundred pounds of overload, or imprisoned not more than thirty days, or both. Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than one hundred dollars. No penalty prescribed in this division shall be imposed on any vehicle combination if the overload on any axle does not exceed one thousand pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this division, two axles on one vehicle less than eight feet apart shall be considered as one axle.

(b) Whoever violates Section 2139.10 of the City Code shall be fined not more than five thousand dollars or imprisoned for not less than thirty days nor more than six months, or both.

(c) Whoever violates Section 2139.11, 2139.27, or 2139.28 of the City Code shall be fined not more than one hundred dollars.

(d) Whoever violates the sections of this chapter that are specifically required to be punished under this division is guilty of a minor misdemeanor on a first offense; on a second offense with one year after the first offense, the person is guilty of a misdemeanor of the fourth degree and shall be fined not less than one hundred dollars nor more than two hundred fifty dollar, or imprisoned not more than thirty days, or both; on each subsequent offense within one year after the first offense, the person shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned not more than sixty days or both.

### **2141.01 Definitions**

As used in the Traffic Code:

(a) "Cancel" or "cancellation" means the annulment or termination by the bureau of motor vehicles of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege because it was obtained unlawfully, issued in error, altered, or willfully destroyed, or because the holder no longer is entitled to the license, permit, or privilege.

(b) "Drug abuse offense" has the same meaning as in section 2925.01 of the Ohio Revised Code.

(c) "Ignition interlock device" has the same meaning as in section 4510.01 of the Ohio Revised Code.

(d) "Immobilizing or disabling device" has the same meaning as in section 4510.01 of the Ohio Revised Code.

(e) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of section 4513.263 of the Ohio Revised Code or a substantially equivalent municipal ordinance, a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(f) "Prototype device" means any testing device to monitor limited driving privileges that has not yet been approved or disapproved by the Ohio director of public safety.

(g) "Suspend" or "suspension" means the permanent or temporary withdrawal, by action of a court or the bureau of motor vehicles, of a driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of the suspension or the permanent or temporary withdrawal of the privilege to obtain a license, permit, or privilege of that type for the period of the suspension.

### **2141.02 Temporary instruction permit.**

(a) No person who holds a temporary instruction permit and temporary instruction permit identification card issued under division (A) of section 4507.05 of the Ohio Revised Code shall operate a motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City in violation of the conditions established under division (A) of section 4507.05 of the Ohio Revised Code.

(b) No person who holds a temporary instruction permit and temporary instruction permit identification card to operate a motorcycle or motorized bicycle shall operate a motorcycle or motorized bicycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or

parking in this City in violation of the conditions established by the registrar of the bureau of motor vehicles and as established under division (B) of section 4507.05 of the Ohio Revised Code.

(c) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4507.05)

#### **2141.03 Driving under a repeat offender points suspension**

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under section 4510.037 of the Ohio Revised Code shall operate any motor vehicle upon any street or highway during the period of the suspension.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to a minimum term of three days in jail. No court shall suspend the first three days of jail time imposed pursuant to this division. (ORC 4510.037(J))

#### **2141.04 Wrongful Entrustment**

(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 Ohio 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 Ohio 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 Ohio Revised Code or any substantially equivalent municipal ordinance.

(B) Without limiting or precluding the consideration of any other evidence in determining whether a violation of division (A)(1), (2), (3), or (4) 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), or (4) of this section if any of the following applies:

(1) Regarding an operator allegedly in the category described in division (A)(1) or (3) 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 is guilty of wrongful entrustment of a motor vehicle, a misdemeanor of the first degree. In addition to the penalties imposed under Chapter 2929. of the Ohio Revised Code, the court shall 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 Ohio Revised Code, and, if the vehicle involved in the offense is registered in the name of the offender, the court shall order one of the following:

(1) Except as otherwise provided in division (C)(2) or (3) of this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Ohio Revised Code.

(2) If the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4511.203 of the Ohio Revised Code, or a substantially equivalent municipal ordinance, the court shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under section 4503.233 of the Ohio Revised Code.

(3) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4511.203 of the Ohio Revised Code, or a substantially equivalent municipal ordinance, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under section 4503.234 of the Ohio Revised Code.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio 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 auto dealer's 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 Ohio Revised Code.

(D) If a court orders the immobilization of a vehicle under division (C) 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) 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 Ohio 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) As used in 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. (ORC 4511.203)

#### **2141.05 Display of a license**

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under

Chapter 4507. of the Ohio Revised Code when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 4507.35)

#### **2141.06 Certain acts prohibited.**

No person shall do any of the following:

(a) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended, or altered;

(b) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;

(c) Display, or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit not issued to the person so displaying the same;

(d) Fail to surrender to the registrar of motor vehicles, upon the registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;

(e) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit, or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Section 4507.08 or 4507.081 of the Ohio Revised Code when knowing the same to be false or fictitious.

(f) Whoever violates any division of this section is guilty of a misdemeanor of the first degree. (ORC 4507.30)

#### **2141.11 Driving under suspension or in violation of license restriction**

(A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Chapter 4509. of the Ohio Revised Code, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the streets or highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this City during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(B) No person shall operate any motor vehicle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of section 4506.10 or under section 4507.14 of the Ohio Revised Code.

(C)(1) Whoever violates this section is guilty of driving under suspension or in violation of a license restriction, a misdemeanor of the first degree. The court shall impose upon 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 Ohio Revised Code.

(2) Except as provided in division (C)(3) or (4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the

immobilization of the vehicle involved in the offense for thirty days in accordance with section 4503.233 of the Ohio Revised Code and the impoundment of that vehicle's license plates for thirty days.

(3) If the offender has been convicted of or pleaded guilty to one violation of this section, section 4510.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with section 4503.233 of the Ohio Revised Code and the impoundment of that vehicle's license plates for sixty days.

(4) If the offender has been convicted of or pleaded guilty to two or more violations of this section, section 4510.11 of the Ohio Revised Code, or a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the state.

(D) Any order for immobilization and impoundment under this section shall be issued and enforced under section 4503.233 of the Ohio Revised Code. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(E) Any order of criminal forfeiture under this section shall be issued and enforced under section 4503.234 of the Ohio Revised Code. Upon receipt of the copy of the order from the court, neither the registrar of motor vehicles nor a 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 declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the registrar of the termination. The registrar then shall take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle. (ORC 4510.11)

#### **2141.12 Operating a motor vehicle without a valid license**

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

(2) No person, except a person expressly exempted under sections 4507.03, 4507.04, and 4507.05 of the Ohio Revised Code, shall operate any motorcycle upon a street or highway or any public or private property used by the public for purposes of vehicular travel or parking in this City 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 Ohio 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 Ohio Revised Code, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

(B) Whoever violates this section is guilty of operating a motor vehicle without a valid license, and shall be punished as follows:

(1) If the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offender is guilty of a minor misdemeanor.

(2) If at the time of the offense the offender's driver's or commercial driver's license or permit was expired for more than six months; the offender's driver's or commercial driver's license or permit privileges were cancelled for reasons other than pursuant to Chapter 4509 of the Ohio Revised Code; or the offender never has held a valid driver's or commercial driver's license or permit, the offender is guilty of a misdemeanor of the first degree.

(C) 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.

(D) If the offender was convicted of or pleaded guilty to one or more violations of this section, section 4510.12 of the Ohio Revised Code, or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver 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 Ohio Revised Code. (ORC 4510.12)

#### **2141.14 Driving under OVI suspension**

(A) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under section 4511.19, 4511.191, or 4511.196 of the Ohio Revised Code or under section 4510.07 of the Ohio Revised Code for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the streets or highways within this City during the period of the suspension.

(B) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Chapter 2929. of the Ohio Revised Code, subject to the differences authorized or required by this section.

(1) Except as otherwise provided in division (B)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to division (C) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this division shall not exceed six months. If the court imposes a mandatory three-day jail term under this division, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.

(b) A fine of not less than two hundred fifty and not more than one thousand dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization for thirty days of the offender's vehicle and impoundment for thirty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Ohio Revised Code.

(2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4510.14 of the Ohio Revised Code, or equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in sections 2929.21 to 2929.28 of the Ohio Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to division (C) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.

(b) Notwithstanding the fines provided for in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, immobilization of the offender's vehicle for sixty days and the impoundment for sixty days of the identification license plates of that vehicle. The order for immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Ohio Revised Code.

(3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4510.14 of the Ohio Revised Code, or equivalent offenses, driving under OVI suspension is a misdemeanor. The court shall sentence the offender to all of the following:

(a) A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in sections 2929.21 to 2929.28 of the Ohio Revised Code, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.

(b) Notwithstanding the fines set forth in Chapter 2929. of the Ohio Revised Code, a fine of not less than five hundred and not more than two thousand five hundred dollars;

(c) A license suspension under division (E) of this section;

(d) If the vehicle the offender was operating at the time of the offense is registered in the offender's name, criminal forfeiture to the state of the offender's vehicle. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Ohio Revised Code. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio Revised Code applies, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of section 4503.234 of the Ohio Revised Code.

(C) No court shall impose an alternative sentence of house arrest with electronic monitoring under division (B)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(D) Fifty per cent of any fine imposed by a court under division (B)(1), (2), or (3) of this section shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court, as created by the City pursuant to division (H) of section 4511.191 of the Ohio Revised Code.

(E) In addition to or independent of all other penalties provided by law or ordinance, the trial judge shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven 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)(7) of section 4510.02 of the Ohio Revised Code.

When permitted as specified in section 4510.021 of the Ohio Revised Code, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under section 4503.231 of the Ohio Revised Code, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under section 3123.58 or 4506.16 of the Ohio Revised Code. No person who

is disqualified for life from holding a commercial driver's license under section 4506.16 of the Ohio Revised Code shall be issued a driver's license under Chapter 4507. of the Ohio Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Ohio Revised Code during the period of the suspension.

(F) As used in this section:

(1) "Electronic monitoring" has the same meaning as in section 2929.01 of the Ohio Revised Code.

(2) "Equivalent offense" means any of the following:

(a) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;

(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.

(3) "Jail" has the same meaning as in section 2929.01 of the Ohio Revised Code.

(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under division (B)(1), (2), or (3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:

(a) Except as specifically authorized under this section, the term must be served in a jail.

(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code. (ORC 4510.14)

#### **2141.16 Driving under financial responsibility law suspension or cancellation**

(A) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Chapter 4509. of the Ohio Revised Code, shall operate any motor vehicle within the City, or knowingly permit any motor vehicle owned by the person to be operated by another person in the City, during the period of the suspension or cancellation, except as specifically authorized by Chapter 4509. of the Ohio Revised Code. No person shall operate a motor vehicle within the City, or knowingly permit any motor vehicle owned by the person to be operated by another person in the City, during the period in which the person is required by section 4509.45 of the Ohio Revised Code to file and maintain proof of financial responsibility for a violation of section 4509.101 of the Ohio Revised Code, unless proof of financial responsibility is maintained with respect to that vehicle.

(B)(1) Whoever violates this section is guilty of driving under financial responsibility law suspension or cancellation, a misdemeanor of the first degree. The court shall impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for the period of time specified in division (A)(7) of section 4510.02 of the Ohio Revised Code.

(2) If the vehicle is registered in the offender's name, the court, in addition to or independent of any other sentence that it imposes upon the offender, shall do one of the following:

(a) Except as otherwise provided in division (B)(2)(b) or (c) of this section, order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle;

(b) If the offender previously has been convicted of or pleaded guilty to one violation of this section, section 4510.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, order the

immobilization for sixty days of the vehicle involved in the offense and impoundment for sixty days of the license plates of that vehicle;

(c) If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, section 4510.16 of the Ohio Revised Code, or a substantially similar municipal ordinance, order the criminal forfeiture to the state of the vehicle involved in the offense. If title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and division (B)(2) or (3) of section 4503.234 of the Ohio 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 auto dealers association. The proceeds from any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(C) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with sections 4503.233 and 4507.02 of the Ohio Revised Code, as applicable. Any order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Ohio Revised Code. The court shall not release a vehicle from immobilization orders under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle. (ORC 4510.16)

#### **2141.18 Affirmative Defenses**

(a) It is an affirmative defense to any prosecution brought under section 2141.11, 2141.14, 2141.16 or 2141.21 that the alleged offender drove under suspension, without a valid permit or driver's or commercial driver's license, or in violation of a restriction because of a substantial emergency, and because no other person was reasonably available to drive in response to the emergency.

(b) It is an affirmative defense to any prosecution brought under section 2141.16 that the order of suspension resulted from the failure of the alleged offender to respond to a financial responsibility random verification request under division (A)(3)(c) of section 4509.101 of the Ohio Revised Code as shown by proof of financial responsibility that was in effect at the time of that request. (ORC 4510.04)

#### **2141.21 Failure to reinstate a license**

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a street or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the bureau of motor vehicles, or another provision of the Ohio Revised Code.

(b) Whoever violates this section is guilty of failure to reinstate a license, a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Ohio Revised Code. (ORC 4510.21)

#### **2150.01 Definitions.**

(A) "Parking Infractions" means a violation of Section 919.23(C), Section 2105.16, Division (B) of 2131.27, Sections 2137.09, 2151.01, 2151.03, 2151.04, 2151.06, 2151.08, 2151.09, 2151.10, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2155.02, 2155.05, 2155.06, or 2157.04.

(B) "Vehicle" has the same meaning as in Section 2101.51.

(C) "Court" or "Municipal Court" means the Franklin County Municipal Court, unless specifically identified as another court, in which case it means the specifically identified court.

(D) "Bureau" means the City of Columbus, Ohio, Parking Violations Bureau, unless specifically identified as another bureau, in which case it means the specifically identified bureau.

(E) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this State.

#### **2150.03 Parking ticket, service and liability.**

(A) The parking ticket adopted in Section 2150.09 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City of Columbus. The parking ticket shall be the summons and complaint for purposes of this Chapter.

(B) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the parking infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the parking infraction charged. The officer shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer also shall record on the ticket the name of the operator in a space provided on the ticket for identification of the offender, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and then shall constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this Division, or by the procedure described in Division (D) of this Section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(C) The original of a parking ticket issued pursuant to this Section or any true copy of it shall be considered a record kept in the ordinary course of business of the City of Columbus and of the law enforcement agency whose officer issued it, and shall be prima-facie evidence of the facts it contains.

(D) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this Section and personal service of a parking ticket upon the operator in accordance with this Section constitutes constructive service upon the owner for purposes of this Chapter. The operator of a rented or leased vehicle whose act or omission results in an alleged parking infraction shall not be considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in Section 2150.08.

(E) Except as provided in Section 2150.08, when a parking ticket is issued for a parking infraction and is served pursuant to this Section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee and cost imposed for a parking infraction pursuant to this Chapter may recover the amount paid from the operator of the vehicle whose act or omission resulted in the parking infraction.

(F) No person upon whom a parking ticket charging a parking infraction is personally or constructively served pursuant to this Section shall be arrested as a result of the commission of the parking infraction.

#### **2150.04 Parking Violation Bureau.**



(A) The City of Columbus Parking Violations Bureau is hereby established pursuant to Section 4521.04 of the Ohio Revised Code. The Parking Violations Bureau shall be a Division within the office of the Treasurer for the City of Columbus. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City of Columbus. Notwithstanding any other provision of law to the contrary, each parking infraction that occurs within the jurisdiction of the Bureau and the enforcement of each such parking infraction shall be handled pursuant to and be governed by the provisions of Chapter 4521 of the Ohio Revised Code as outlined in Chapter 2150.

(B) The operating costs of the Parking Violations Bureau shall be paid by the City of Columbus. The City Treasurer shall appoint a violations clerk, hearing examiners, and the necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this State or formerly was employed as a law enforcement officer.

(C) The fines, penalties, fees and costs established for a parking infraction shall be collected, retained, and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees and costs arose occurred within the Jurisdiction of the Bureau. The violations clerk shall issue tickets for parking infractions to law enforcement officers for the City of Columbus, and prescribe conditions for issuance and accountability. The fine, penalties, fees and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the City of Columbus.

(D) The City Treasurer shall have authority to contract with any non-governmental entity to provide services in processing, collecting and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this Chapter. No contract shall affect the responsibilities of hearing examiners as prescribed in this Chapter, or the ultimate responsibility of the violations clerk to collect, retain and disburse fines, penalties, fees and costs for parking infractions and monies paid in satisfaction of judgments and default judgment entered pursuant to this Chapter. All contracts entered into by the violations clerk shall be subject to approval of City Council and the Mayor.

#### **2150.05 Answers, procedure.**

(A) A person who is personally or constructively served with a parking ticket charging the commission of a parking infraction may answer the charge by appearing personally before the parking violations bureau or by mail. An answer shall be made within ten days from the date of the infraction, and shall be in one of the following forms:

(1) An admission that the person committed the parking infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the parking infraction, with an explanation of the circumstances surrounding the parking infraction;

(3) A denial that the person committed the parking infraction and a request for a hearing relative to the infraction. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(B) (1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when the person makes an answer, pay the fine arising out of the infraction admitted to the violations clerk of the bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The bureau, when it receives an answer admitting that the person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the bureau shall eliminate or reduce the amount of the fine arising out of the parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the bureau determines that the explanation does not mitigate the fact that the person committed the parking infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits to committing a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the bureau's determination, unless the amount due has previously been paid, the bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to Division (B) of Section 2150.07.

(3) A person who denies the commission of a parking infraction shall be granted a hearing concerning the infraction. The bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the parking violations bureau in accordance with Section 2150.07.

(C) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (A) of this section, the parking violations bureau shall issue the proper notifications of infraction pursuant to Section 2150.06, and proceed according to that section. Failure to timely answer a charge may result in the imposition of an additional penalty of ten dollars (\$10.00).

(D) The issuance of a parking ticket, the filing of or failure to file answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee and cost, and any other relevant information shall be entered in the records of the bureau.

#### **2150.06 Failure to answer; procedures**

(A) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction in accordance with section 2150.03 of the Revised Code and the person fails to answer the charge within the time specified by the local authority pursuant to section 2150.05 of the Revised Code, the parking violations bureau, joint parking violations bureau shall send notifications of infraction as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally if such person is not the owner of the vehicle, as determined from the records of the bureau of motor vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the bureau of motor vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time specified by the local authority pursuant to section 2150.05 for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the parking infraction, which identification may be a copy of the parking ticket charging the parking infraction that was personally or constructively served upon the person;

(2) An identification of the amount of the fine, penalties, and costs arising out of the parking infraction that are due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the bureau or juvenile court if he denies in his answer that he committed the parking infraction;

(5) An identification of the manners in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person;

(7) A warning that the registration of the vehicle involved in the parking infraction, if the vehicle is registered in this state, may not be renewed or transferred if a civil judgment or a default civil judgment is entered against the person until the judgment is paid or until it is otherwise finally disposed of in a manner specified in this chapter.

(C) A person who receives a notification of infraction pursuant to this section may answer the parking infraction with which he is charged that is identified in the notification of infraction in any of the manners provided in division (A) of section 2150.05 for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (A)(1), (2), and (3) of section 2150.05 for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty arising out of such infraction also shall be paid. The answer shall be governed by the provisions of division (B) of section 2150.05 for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty arising out of such infraction.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment, in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of fifteen dollars (\$15.00).

(E) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, and any other relevant information shall be entered in the records of the particular bureau or juvenile court.

#### **2150.10 Parking infraction fines.**

The following fines for parking infractions are hereby established:

919.23(C)

Parking on Grass in City Park

\$20.00

2105.16

Individual Parking Spaces

\$33.00

2131.27(B)  
Parking Near Emergency Vehicle  
\$46.00

2137.09  
Lights on Parked Vehicle  
\$33.00

2151.01A  
Parking prohibited on sidewalk except bicycle  
\$40.00

2151.01B  
Parking - prohibited within 5 ft. of drive  
\$40.00

2151.01C  
Parking - within an intersection  
\$40.00

2151.01D  
Parking - prohibited within 10 ft. of fire hydrant  
\$40.00

2151.01E  
Parking - prohibited on crosswalk  
\$40.00

2151.01F  
Parking - prohibited within 20 ft. of crosswalk  
\$27.00

2151.01G  
Parking - prohibited within 30 ft. of stop sign  
\$27.00

2151.01H  
Parking in or near a safety zone  
\$40.00

2151.01I  
Parking within 50 feet of railroad crossing  
\$40.00

2151.01J  
Parking near fire station entrance  
\$40.00

2151.01K  
Parking near street excavation or obstruction  
\$40.00

2151.01L  
Double Parking, Standing or Stopping  
\$40.00

2151.01M  
Parking - prohibited, bridge, viaduct or tunnel  
\$40.00

2151.01N  
Parking - prohibited within one foot of another auto  
\$16.00

2151.01O1  
Parking - prohibited, signs, no parking  
\$20.00

2151.01O2  
Parking - prohibited, signs, no stopping  
\$40.00

2151.01P  
Parking - prohibited in front of schools  
\$46.00

2151.01Q  
Parking - prohibited in front of theaters  
\$13.00

2151.01R  
Parking - prohibited in street or alley twenty-three (23) feet or less in width  
\$46.00

2151.01S  
Parking - prohibited in front of church  
\$13.00

2151.01T  
Parking - prohibited in parkway  
\$16.00

2151.01U  
Parking - prohibited in front of auto mail box  
\$16.00

2151.01V  
Parking - prohibited on expressway  
\$20.00

2151.01W  
Parking - prohibited on service road  
\$40.00

2151.01X  
Parking - prohibited 20 ft. of junction of alley & street  
\$40.00

2151.01Y  
Parking - prohibited within 10 ft. of bulk refuse container  
\$40.00

2151.01Z  
Parking prohibited in handicap space  
\$250.00

2151.01AA  
Parking - prohibited within 1 ft. of wheelchair ramp  
\$40.00

2151.01BB  
Obstructing bus loading area  
\$46.00

2151.01CC  
Parking in a loading zone  
\$20.00

2151.03  
Parking without 10 ft. clearance  
\$16.00

2151.04  
Stopping not to obstruct street or crossing  
\$27.00

2151.06A  
More than 12 inches from curb  
\$13.00

2151.06B  
Parking facing wrong direction  
\$16.00

2151.08  
Motor running or brakes not set  
\$33.00

2151.09  
Parking more than 72 hours  
\$20.00

2151.10B  
Parking on public property  
\$16.00

2151.10C  
Parking on private property  
\$13.00

2151.11  
Parking near railroad spur tract  
\$13.00

2151.12  
Blocking driveway or garage  
\$46.00

2151.13  
Funeral service parking in front of church or funeral home  
\$16.00

2151.14  
Parking prohibited for displaying vehicle for sale  
\$16.00

2151.15  
Parking limited for displaying advertising  
\$13.00

2151.16  
Parking limited while offering materials for sale  
\$16.00

2151.17  
Parking for washing, greasing or repairing  
\$16.00

2151.18  
Parking in residential permit districts  
\$33.00

2151.19  
Moving vehicle when loading space requested  
\$16.00

2151.20  
Overtime, truck, bus or house vehicle  
\$20.00

2151.21  
Fail to register or display  
\$40.00

2151.22  
Junk motor vehicles  
\$67.00

2151.23  
Junk motor vehicles on private property  
\$33.00

2155.02  
Meter spaces limited to vehicles only  
\$27.00

2155.05  
Overtime, meter  
\$20.00

2155.06  
Illegal Parking  
\$20.00

2157.04

Parking, standing of vehicles prohibited - snow emergency  
\$46.00

**2151.01 Parking prohibitions in specified places.**

(1) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with any other traffic or to comply with the directions of a police officer or a traffic control device in any of the following places:

- (a) On a sidewalk, except a bicycle;
- (b) In front of or within five feet of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection, or, if there is no crosswalk, within twenty feet of an intersection;
- (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty 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 the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five feet of such entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street or within a street tunnel unless such bridge or tunnel is properly posted with a sign to allow parking;
- (n) Within one foot of another parked vehicle;
- (o) At any place in violation of rules and regulations promulgated by the Director of Public Service under the authority provided in Chapter 2105;
- (p) In front of all schools as defined in section 2101.341, for a distance of seventy-five feet in each direction from the main entrance to the school when properly posted with signs;
- (q) In front of all theaters for a distance of twenty-five feet in each direction from the center of the main entrance when it is properly posted with signs;
- (r) Upon any street or alley twenty-three feet or less in width when it is properly posted with signs;
- (s) In front of any church where conditions are such that they warrant a parking prohibition and for the distance that the Traffic Engineer deems advisable when it is properly posted with signs;



- (t) Upon any traffic control island or median that separates traffic on a street, highway, roadway, or boulevard;
  - (u) In front of any auto-mail box for a distance of twenty feet in each direction from the auto-mail box, when it is properly posted with signs;
  - (v) Within the right-of-way line of a controlled-access highway, freeway, expressway or thruway, except for emergency purposes;
  - (w) Upon a service road or upon the public property alongside a service road;
  - (x) Within twenty feet of the junction of an alley and a street;
  - (y) In a public right-of-way, within ten feet of a bulk refuse container;
  - (z) In a handicapped designated parking space as defined in Section 2155.01(h) unless the vehicle is a handicapped designated vehicle as defined in Section 2155.01(g) or a handicapped designated vehicle from a state other than Ohio entitled to reciprocity pursuant to section 5502.03 of the Ohio Revised Code;
  - (aa) In front of, or within one foot of, a wheelchair ramp;
  - (bb) Other than a motor bus, in a bus loading area, when such area has been officially designated and appropriately posted with a sign, except the driver of a passenger vehicle may stop temporarily therein for the purpose of, and while actually engaged in, loading or unloading passengers, when such stopping does not interfere with any motor bus entering or leaving such bus loading area;
  - (cc) Any place marked as a loading zone for any period of time longer than is necessary for the expeditious loading or unloading of passengers or merchandise.
- (2) A violation of any provision of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

**2151.02 Sunday and holiday exemptions.**

Any provision of this Traffic Code or any ordinance or regulation of the City which limits parking, standing or stopping, shall not be construed to limit parking, standing or stopping on Sundays and holidays, unless the provision, ordinance or regulation specifically limits parking, standing or stopping on such days or entirely prohibits parking, standing or stopping at all times.

**2151.03 Obstructing roadway.**

- (a) No driver shall stop, stand or park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic.
- (b) A violation of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

**2151.04 Obstructing street or crosswalk.**

- (a) No person shall stop a vehicle in such a way as to obstruct any street, highway, or crosswalk except in case of accident or other emergency or when directed to stop by a police officer. In such cases, the operator shall move on again as soon as possible.

(b) A violation of this section constitutes the commission of a parking infraction pursuant to and governed by the provisions of Chapter 2150.

**2151.06 Manner of parallel or angle parking.**

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

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

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

(d) Notwithstanding the preceding provisions of this section, lawful angle parking shall be permitted in officially designated angle parking areas.

(e) Upon streets where angle parking is permitted, no person shall stop, stand or park a vehicle other than entirely within the limits of the space and at the angle to the curb or edge of the roadway as is indicated by appropriate markings on the pavement.

(f) A violation of any provision of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.07 Owner responsibility for violations.**

(a) If any vehicle is found upon a street, park, or other public property of the City or on private property in violation of any provision of this Traffic Code, or of any ordinance or regulation of this City that regulates the stopping, standing, or parking of vehicles, and the identity of the driver of such vehicle cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima-facie responsible for such violation.

(b) Notwithstanding division (a), the owner of a vehicle shall be entitled to establish nonliability for a violation of any provision of the Traffic Code by proof of lease of vehicle pursuant to the requirements of section 4511.071 of the Ohio Revised Code.

(c) The terms of divisions (a) and (b) of this Section do not apply if the violated provision of this Traffic Code is a parking infraction as defined in section 2150.01(A), in which case the terms of Chapter 2150 concerning owner and operator joint liability shall apply.

**2151.08 Unattended vehicles; setting brakes and key removal.**

(a) No person having control or in charge of a motor vehicle shall permit it to stand on any street unattended without first setting the brakes thereon, stopping the motor of such vehicle, locking the ignition, and removing the key, and, when standing upon a perceptible grade, turning the wheels of such vehicle to the curb or the side of the street.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.09 Maximum continuous street parking in same location.**

(a) No person who is the owner, agent, operator, or other person in charge of any vehicle shall permit such vehicle to remain parked, standing, or abandoned upon any street for a continuous period longer than seventy-two (72) hours. This section shall not be construed as affecting any other parking regulation now in effect or that may hereafter become effective but shall be construed as an additional parking limitation. Likewise, the impounding procedures of vehicles on any freeway, expressway or accessway are not affected by this section. The purpose of this section is to prohibit continuous long-time parking and the storage of vehicles on City streets.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.10 Parking on public or private property.**

(a) The parking of vehicles on public or private property, excluding dedicated streets and ways set out for public travel and heretofore regulated, shall be prohibited without the consent of the owner of private property or the proper governmental agencies in charge of public property.

(b) No vehicles shall be parked on public property in violation of rules and regulations set out by the governmental agencies controlling the public property.

(c) No vehicle shall be parked on any private property in violation of any regulations set down by the owner of the private property.

(d) The provisions of divisions (a) through (c) hereof shall not be applicable unless the private or public property is posted in a conspicuous manner setting forth the prohibition of parking or the conditions and regulations under which parking is permitted.

(e) Except as provided in sections 2151.22 and 2151.23 and subject to the requirements of this section, an owner of private property or his authorized agent may remove, or cause to be removed, vehicles parked upon his property in violation of the posted parking regulations. Any vehicle being removed under this section will be released to the owner of the vehicle if such vehicle is still on the private property, such owner offers proof of identification and complies with posted regulations, and if such vehicle's owner or agent pays a service fee equal to one-half of the impounding fee set by section 2107.06(a). Said vehicle shall be released under the stated conditions.

(f) An owner of private property may create a "PRIVATE TOW-AWAY ZONE" by posting thereon a sign, no smaller than 18" x 24" and visible from all entrances to the private property, which contains at least the following information:

(1) A designation that the area is a "PRIVATE TOW-AWAY ZONE, UNAUTHORIZED VEHICLES WILL BE TOWED AWAY," and

(2) The telephone number or numbers of the person or persons from whom the vehicle can be recovered; and

(3) A statement that "VEHICLE MAY BE RECOVERED AT ANYTIME UPON PROOF OF OWNERSHIP AND PAYMENT OF TOWING CHARGE AND STORAGE. PASSENGER CAR MAXIMUM IS TOWING AND STORAGE PER 24 HOUR PERIOD. VEHICLE HOOKED BUT NOT TOWED SUBJECT TO ONE-HALF TOWING FEE TO DROP." The maximum prices stated for towing and storage in division (h) of this section shall be inserted in their respective blanks.

(g) By parking on properly posted private property without the consent of the owner of the property, the owner and operator of a vehicle shall be deemed to have consented to the removal and storage and the payment of the costs of removing and storage in an amount not to exceed the rates established by the

Director of Public Safety under the provisions of division (h) of this section. No vehicle parked on the property at the time of the posting of the sign shall be towed until a period of seventy-two (72) hours has passed.

(h) The Director of Public Safety, upon the recommendation of the Wrecker Advisory Board established pursuant to Chapter 549, may promulgate and publish a set of rules and regulations to implement this Section as the Director deems proper. The maximum rates for the removal and storage of any vehicle removed from private property shall be the same rates as established in Section 2107.06. The rates established pursuant to this section shall be posted as provided in division (f)(3) of this section.

(i) The removal of vehicles under this Section shall only be performed by tow trucks and tow truck operators duly licensed under Chapter 549.

(j) A violation of divisions (a) through (c) of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

#### **2151.105 Unauthorized towing.**

(a) Except as provided in sections 2151.22 and 2151.23, no person shall remove or cause to be removed any vehicle from private property unless in conformance with Section 2151.10 with respect to removing, or causing to be removed, motor vehicles from private 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 or more prior violations of this section or a substantially equivalent municipal ordinance, whoever violates this section is guilty of a misdemeanor of the third degree.

#### **2151.11 Parking near railroad spur track.**

(a) No person shall park in any portion of a street in which there is a railroad spur track when such street has proper signs posted prohibiting parking.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

#### **2151.12 Obstructing garage entrances or driveways.**

(a) No person shall park or stand any vehicle on any street in such a manner as to interfere with the free ingress and egress to any public or private garage or driveway.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

#### **2151.13 Funeral service parking in front of church or funeral home.**

(a) No person shall park or stand any vehicle in front of any church, funeral home, residence or other building where, and during the time, a funeral is being conducted therein, or for a period of one hour before such funeral services are to begin, provided standards or signs are placed on the sidewalk or curb during the time such funeral services are being conducted indicating the space to be kept free from parking. It shall be the duty of the funeral director having charge of or conducting the funeral to furnish the necessary standards or signs so to be used, which shall meet with the approval of the Safety Director. The hearse and such necessary vehicles for the conveyance of the family, relatives and friends of the deceased, as designated by the funeral director in charge, may park in such space during such funeral services.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.14 Parking prohibited for displaying vehicle for sale.**

(a) No dealer in vehicles or any agent or employee thereof shall park any vehicle on any street for the purpose of displaying same for sale.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.15 Parking limited for displaying advertising.**

(a) No person shall park any vehicle, to which is attached any advertising sign or placard not painted on the body thereof, on any street for a period exceeding thirty minutes.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.16 Parking limited while offering materials for sale.**

(a) No person shall park or stand any vehicle from which anything is offered for sale on any street for a period exceeding fifteen minutes, except when special permission of the Safety Director has been granted.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.17 Parking for washing, greasing or repairing.**

(a) No person shall park a vehicle upon any roadway for the purpose of washing, greasing, or repairing such vehicle for compensation except repairs necessitated by an emergency.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.18 Parking in residential permit districts.**

(a) No person shall park a vehicle beyond the posted time in a residential district authorized by the Service Director as a Residential Permit Parking District area except vehicles displaying valid permits for that area, handicapped designated vehicles, non-residential commercial vehicles and delivery vehicles providing services to residents of that area.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.19 Use of loading zones.**

(a) All Loading Zones shall be for the use of the general public, except that the owner or person in charge of any vehicle stopping or parking in such loading zone shall move such vehicle at the direction of a police officer. Such officer's request must be for the purpose of loading or unloading trucks, trailers, semitrailers or commercial vehicles. Any person who fails to move such vehicles after being so requested is subject to prosecution under section 2109.01(A) for failure to obey the order of a traffic control officer.

(b) In addition to being subject to prosecution under section 2109.01(A) for failure to obey the order of a traffic control officer, a violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.20 Limitations on truck, bus and trailer parking.**

(a) No owner or driver of a truck, bus, tractor, trailer, semitrailer or house vehicle shall park or stand such vehicle on any street for a period longer than one hour. However, this section shall not apply to trucks or trailers used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the actual time of parking such trucks or trailers, nor to motor trucks or buses conveying passengers to any public meeting, assembly, church, convention or entertainment during the actual session of any such public meeting, assembly, church, convention or entertainment, nor to the actual time during which a motor truck, motor truck tractor, trailer or semitrailer is being loaded or unloaded or used to deliver or hoist property or merchandise for completion of delivery.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.21 Failure to register or display.**

(a) No person shall park any vehicle upon the public streets or highways when any of the following apply:

(1) The owner has failed to annually file the application for registration or to pay the tax therefore, as required by Chapter 4503 of the Ohio Revised Code.

(2) The vehicle was acquired from a former owner who has registered the same in Ohio, while the vehicle displays the distinctive number or identification mark assigned to it upon its former registration.

(3) The vehicle displays a distinctive number or identification mark issued by or under the authority of another state without complying with the laws of Ohio relating to the registration and identification of motor vehicles.

(4) The vehicle displays license plates, including a validation sticker issued pursuant to Chapter 4503 of the Ohio Revised Code and license plates issued in another state, for any period of time which has expired, or any license plates issued in another state for which the period of reciprocal agreement with the state of issue has expired.

(5) The vehicle displays a license plate not legally registered and issued for such vehicle.

(b) A violation of any provision of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provision of Chapter 2150.

**2151.22 Prohibition against leaving abandoned junk motor vehicles on public property.**

(a) No person shall leave an abandoned junk motor vehicle as defined in section 2101.55 on a public street or other property open to the public for the purpose of vehicular travel or parking, or upon the right-of-way of any road or highway, for forty-eight (48) hours or longer without notification to the department of public safety, division of police of the reasons for leaving the motor vehicle in such place.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2151.23 Prohibition against leaving abandoned junk motor vehicles on private property.**

(a) No person shall leave an abandoned motor vehicle as defined in section 2101.55 on private property for more than seventy-two (72) hours without the permission of the person having right of possession to the property.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

## **2155.01 Definitions.**

The following definitions shall apply to terms used in this chapter:

(a) "Individual street parking space" means a portion of the paved surface of the street approximately twenty-three feet in length extending from the sidewalk curb into the street a sufficient distance to accommodate a vehicle when the same is parked parallel to the curb with the right wheels thereof not more than four inches from such curb or on a one-way street where parking is permitted on the left side of the street, when a vehicle shall be parked parallel to the curb with the left wheels thereof not more than four inches from such curb.

(b) "Parking" means the standing of a vehicle upon a street, or off-street parking lot, whether such vehicle is occupied or not and whether such vehicle is accompanied or not by an operator for a period of time in excess of two minutes.

(c) "Parking meters" means a device which indicates thereon the length of time during which a vehicle may be parked in a particular place, which has as a part thereof a receptacle or chamber for receiving and storing required coins of United States money, a slot or place in which such coin can be deposited, a time mechanism to indicate the passage of an interval of time during which parking is permissible, and which also displays an appropriate signal when the aforesaid interval of time has elapsed.

(d) "Vehicle" means any device in, upon, or by which any person or property is or may be transported upon a public street, except such devices as are used exclusively upon stationary rails or tracks and such devices as are propelled exclusively by human power.

(e) "Off-street parking lot" means any lot, piece, or parcel of land owned by the City and designated by Council for the purpose of metered, time-regulated storing or parking of vehicles.

(f) "Individual off-street parking space" means a portion of the paved surface of the off-street parking lot approximately twenty feet in length and nine feet in width.

(g) "Handicapped designated vehicle" means a motor vehicle that displays either (1) a parking card issued under section 4503.44 of the Ohio Revised Code or (2) a special license plate issued under section 4503.44 of the Ohio Revised Code and is being operated by or for the transport of a handicapped person. For purposes of this section "handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind or deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. When a motor vehicle displays a temporary parking pass, disabled veteran plate, permanent parking card from the appropriate State agency, or special license plate, that is being operated by or transporting a disabled or handicapped person, the motor vehicle shall have the decal or parking card clearly displayed on the left dashboard or in the left front windshield of enclosed vehicles so that the parking privilege information is on the front side of the card and is readily readable from outside the windshield. (ORC 4503.44)

(h) "Handicapped designated parking space" means a clearly marked public or private parking space that displays the international wheelchair symbol as follows:

which shall mean that the space is designated for the exclusive use of a handicapped designated vehicle.

(i) "Meter day" means any day that parking meters are enforced.

**2155.02 Meter spaces limited to vehicles only.**

(a) Nothing shall be parked or stored in an individual street or off-street parking space where a parking meter is installed other than a vehicle as defined in section 2155.01(d).

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2155.04 Powers and duties of Service Director.**

The Service Director is authorized and directed to make, modify, change from time to time and promulgate such administrative rules as in the Director's discretion shall be deemed necessary to effectuate the provisions of this chapter.

The Service Director is hereby authorized to establish, modify, and change from time to time, regulations which set forth the days of the week, hours of the day, and the intervals of time for which parking is permissible, and the coin or coins of United States money required for parking in individual parking spaces so designated and marked as provided for in Section 2155.01.

Such regulations shall be signed by the Service Director, filed with the Clerk of the City, and published in the City Bulletin.

The maintenance and repair of parking meters shall be under the supervision and direction of the Service Director.

The Service Director is further authorized to establish the rates for fees to be charged in the event that parking meters are temporarily removed for construction or other purposes as described in Section 2155.055, in accordance with the guidelines stated therein.

**2155.05 Deposit of coin required; overtime parking.**

(a) Whenever a vehicle shall be parked in an individual street or off-street parking space where a parking meter has been installed, during the days of the week and during the hours of the day for which the Service Director has established regulations as provided for in Section 2155.04, the person parking such vehicle shall immediately deposit or cause to be deposited the required coin or coins of United States money in such parking meter. Upon the deposit of such coin or coins, and the placing of such parking meter in operation, the parking space may be lawfully occupied by such vehicle during the period indicated on the meter. Any vehicle which remains in an individual street or off-street parking space after the prescribed time for parking is determined to be illegally parked and in violation of the provisions of this chapter. When a handicapped designated vehicle is parked in a handicapped designated space or any legal available parking space the vehicle shall be permitted to park two hours beyond the legal limits on the meter or applicable parking space but not beyond the designated parking hours or other restricted hours that may apply.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

**2155.055 Fees for parking meters out of service.**

Whenever a parking meter is temporarily removed from service by hooding or by actual removal for later replacement, due to sidewalk repair, construction or other reason, the person or entity requesting such removal shall be required to pay a fee for each meter day that the parking meter is out of service. Such fee is to be determined by and shall not exceed the actual revenue loss to the City. Such actual revenue loss shall be determined by the parking meter rate in effect on the day that the meter is removed from service



and shall be equivalent to the revenue amount that the parking meter would generate if used continuously during the hours of enforcement for every meter day that the parking meter is out of service. A waiver of the above-noted requirement shall be granted to downtown special events by the Service Director upon his/her receipt of satisfactory proof that the following conditions are met: (1) that the sponsoring organization of a downtown special event be not-for-profit, (2) that the function be not-for-profit, (3) that the function be open to the public and (4) that the function be held without admission charge. Should it be necessary to remove and reinstall a parking meter post or otherwise remove a parking meter from service by hooding or by other means and restore the same, an additional fee shall be charged which reflects the cost entailed by the City for such removal and restoration or reinstallation. These fees shall be established by the Service Director, collected by the Director's designee, and deposited to the General Fund.

#### **2155.06 Illegal parking.**

(a) All parking is prohibited in any individual street or off-street parking space where a parking meter is installed unless a deposit of the required coin or coins of United States money is made as provided in this Chapter. Any vehicle parked in contravention of this section shall be deemed to be illegally parked under the provisions of this chapter. It shall be illegal for any vehicle other than a handicapped designated vehicle to park in a handicapped designated space during the hours when the meter regulations are in effect. The fact that a vehicle is in an individual street or off-street parking space when the time on the parking meter for the same shows no parking permitted unless a deposit of the required coin or coins of United States money is immediately made as herein provided shall be deemed prima-facie evidence of the unlawful parking of such vehicle by its owner.

(b) A violation of this section constitutes the commission of a parking infraction to be handled pursuant to and governed by the provisions of Chapter 2150.

#### **2155.07 Use of slugs; defacing or tampering with meter.**

(a) No person shall deposit in any street or off-street parking meter in the City any slug, device, or substitute for a required coin of United States money or deface, injure, damage, tamper with or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this chapter.

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

#### **2155.08 Collection of coins.**

The City Treasurer is authorized to appoint, in addition to other employees in the Treasurer's office, "collectors and accountants of parking meter coins." It shall be the duty of such collectors, under the direction of the City Treasurer, to collect coins deposited in street and off-street parking meters. In collecting such coins, they shall remove the sealed coin chamber or compartment from each parking meter and deliver the same, with the seals unbroken, to the office of the City Treasurer. Under the direction of the City Treasurer and with the assistance of other employees in the Treasurer's office, they shall count the coins so delivered. On removing the sealed coin compartment from each parking meter, the collector so removing shall replace the same by inserting in such meter an empty sealed coin chamber or compartment.

#### **2157.01 Snow emergency defined.**

"Snow emergency" means a period of time declared by the Mayor when the United States Weather Bureau forecasts two (2) inches of snow in a short period of time and there is the prospect of additional snow, or when ice has accumulated to the extent that it is impairing the safe movement of vehicular traffic within the City. Special parking restrictions become effective when these weather conditions exist.

#### **2157.02 Power to declare a snow emergency.**

The Mayor is authorized to declare a "snow emergency" whenever the United States Weather Bureau forecasts two (2) inches of snow in a short period of time and there is the prospect of additional snow, or

when ice has accumulated to the extent that it is impairing the safe movement of vehicular traffic within the City. The emergency shall exist from the time it is formally announced until the time it is formally cancelled.

**2157.04 Stopping of vehicles prohibited.**

(a) Whenever a snow emergency is in effect, no person shall stop or allow to be stopped, abandon, or leave unattended any motor vehicle on a public street in the City that is either designated for snow removal or posted as a "no stopping" zone in accordance with section 2157.05.

(b) The owner or operator of a motor vehicle found in violation of this section shall be deemed to have committed a parking infraction, pursuant to Chapter 2150 and shall be responsible for all towing and storage costs for such vehicle towed during the snow emergency.

(c) Any motor vehicle found stopping in a prohibited area during a snow emergency may be removed by order of the police.

**2157.05 Designation of streets where stopping is prohibited.**

The director of public service shall designate streets or parts of streets by administrative regulation for which stopping shall be prohibited during the snow emergency time. The director shall designate major arterial streets for the posting of "No Stopping During Snow Emergency" Signs.

The director of public service may designate other areas or districts of the city for snow removal from streets not posted with "No Stopping During Snow Emergency" signs. Within these not posted designated areas or districts, stopping shall be prohibited during the snow emergency on those streets so designated by the director of public service.

**2171.01 Right-of-way of pedestrian in crosswalk.**

(a) It shall be the duty of the operator of any vehicle to yield the right-of-way to a pedestrian upon the sidewalk or lawfully crossing the roadway within any marked or unmarked crosswalk, as defined in Section 2101.09.

(b) Subsection (a) of this section does not apply under the conditions stated in subsection (b) of Section 2171.03.

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

(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. (ORC 4511.46)

**2171.02 Right-of-way of blind person.**

(a) As used in this section, "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees.

The driver of every vehicle shall yield the right-of-way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white or metallic cane, with or without a red tip.

(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. (ORC 4511.47)

#### **2171.03 Right-of-way yielded by pedestrian.**

(a) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk, in accordance with Section 2101.09, shall yield the right-of-way to all traffic operating lawfully upon the street.

(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 crosswalk, in accordance with Section 2101.09.

(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) This section does not relieve the operator of a vehicle 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. (ORC 4511.46)

#### **2171.035 Pedestrian under the influence.**

(a) A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be 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. (ORC 4511.481)

#### **2171.04 Moving in crosswalk--Stepping into street.**

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

(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. (ORC 4511.46)

**2171.05 Walking on path or street, jaywalking.**

(a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

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

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

(d) No pedestrian shall cross a roadway at a place other than a crosswalk except in cases where crosswalks are an unreasonable distance apart.

(e) Except as otherwise provided in Sections 2113.08 and 2171.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the 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. (ORC 4511.50)

**2171.055 Pedestrian bridge and/or railroad grade crossing.**

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

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

(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. (ORC 4511.511)

**2171.06 Soliciting rides--Riding on outside of vehicle.**

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

(b) No person shall stand on a freeway, street, highway or roadway for the purpose of soliciting employment, business, or contributions from the driver or occupants of any vehicle. The prohibition contained in this paragraph does not apply if the person is soliciting contributions as a designated agent on

behalf of an organization that has been issued a permit pursuant to Section 525.23 and that person has a copy of that permit in their possession.

(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 freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a freeway, street, highway or roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(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. (ORC 4511.51)

#### **2171.07 Riding on parts of vehicles not intended for passengers.**

(A) No driver of a truck, trailer, or semitrailer shall knowingly permit any person who has not attained the age of sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with Federal standards for an occupant restraining device as defined in Division (A)(2) of Section 4513.263 of the Ohio Revised Code, the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(B) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(C) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.51)

#### **2171.08 Boarding or leaving from vehicles; opening doors.**

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

(b) No operator or passenger of any motor vehicle shall leave or enter such vehicle or open any door of the same on the side next to a moving lane of traffic, unless such movement can be made in such manner as to yield the right of way to all vehicular traffic in the lawful use of the street.

(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.

**2171.09 Coasters, skates and similar devices restricted.**

(a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway, except while crossing a street on a crosswalk.

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

**2171.10 Sidewalk restrictions.**

(a) No person shall use any public sidewalk or alley closed to motor vehicles to sell, barter, offer or expose for sale any items or services. This section shall not apply to persons selling, bartering, offering or exposing for sale items or services physically carried continuously by the person or from pushcarts properly licensed under Chapter 573, merchants who normally sell, barter, offer or expose for sale items or services inside a building, room or structure as long as the items or services sold, battered, offered or exposed for sale on a sidewalk by such merchants leave at least five (5) feet of sidewalk or alley space available for pedestrian traffic, and only occupy sidewalk or alley space fronting on the building, rooms, or structure where such merchant normally does business. In addition, individuals confined to wheelchairs, or who have a physical disability which makes it impractical to physically carry items for sale or barter continuously may sell or barter such items from a maximum of two (2) containers not larger than twelve (12) inches in diameter which rest on the ground.

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

**2173.01 Code application to bicycles.**

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

The provisions of this Traffic Code, except those that by their nature are inapplicable shall apply to bicycles except those which by their nature are not applicable, and any person operating a bicycle on a street shall comply with all operational rules and traffic control devices applicable to vehicular traffic. (ORC 4511.52)

**2173.02 Riding upon seats; motorcycle handlebars; helmets and glasses.**

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

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 handle bars.

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 street or 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 snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in Section 4507.13 of the Ohio Revised Code shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety

glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

(b) For purposes of this section "snowmobile" means any self propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners, or caterpillar treads.

(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. (ORC 4511.53)

### **2173.03 Attaching bicycle or sled to vehicle.**

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

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicles to attach the same or the operator to any 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. (ORC 4511.54)

### **2173.04 Riding bicycles and motorcycles abreast.**

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

(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 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. (ORC 4511.55(B))

### **2173.05 Signal devices on bicycle.**

(A) Every bicycle when in use at the times specified in section 2137.02 of the Columbus City Code, shall be equipped with the following:

(1) A lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front;

(2) A red reflector on the rear of a type approved by the Ohio Director of Public Safety 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 a red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector;

(4) An essentially colorless reflector on the front of a type approved by the Ohio Director;

(5) Either with tires with retroreflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retroreflective tires or reflectors shall be of a type approved by the Ohio Director.

(B) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

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

(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. (ORC 4511.56)

**2173.07 Riding bicycle on right side of roadway; traffic control devices; hand and arm signals; yield right of way.**

(a) Any person operating a bicycle shall:

(1) Ride as near to the right-hand side of the roadway as practicable, obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Yield the right of way to a pedestrian upon a sidewalk or a crosswalk;

(3) Give timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.

(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. (ORC 4511.55)

**2173.08 Reckless operation; control, course and speed.**

(a) No person shall operate a bicycle:

(1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

(2) Without exercising reasonable and ordinary control over such bicycle;

(3) In a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law;

(4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals;



(5) At a speed greater than is reasonable and prudent under the conditions then existing.

(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.

**2173.09 Parking of bicycle.**

(a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

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

**2173.10 Riding bicycles on sidewalks.**

(a) No person shall operate a bicycle upon a sidewalk, except, at locations that the Columbus City Council designates as bikeways or paths.

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

**2173.105 Driving motor vehicles and riding motorcycles on sidewalks, bike paths or bike lanes.**

(a) No person shall operate a motor vehicle or motorcycle upon a sidewalk, bike path or in a bike lane.

(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. (ORC 4511.711)

**2173.12 Right-of-way bike crossings.**

(a) If neither vehicular traffic nor bicycle traffic at a "bike crossing" is controlled by a stop or yield sign, or a traffic signal, the operator of a bicycle shall yield the right-of-way at bike crossings to all vehicles on the road or street unless otherwise directed by a police officer.

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

**2173.13 Motorized bicycle operation, equipment and license.**

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all the following conditions are met:

(1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in section 4511.521 of the Ohio Revised Code, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Chapter 4506 of the Ohio Revised Code, or a driver's license issued under Chapter 4507. of the Ohio Revised Code or a valid motorized bicycle license issued after the person has passed the test provided for in section 4511.521 of the Ohio Revised Code, except that if a person is sixteen years of age, has a valid

probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in section 4511.521 of the Ohio Revised Code;

(2) The motorized bicycle is equipped in accordance with the rules adopted under division (B) of section 4511.521 of the Ohio Revised Code and is in proper working order;

(3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened and the motorized bicycle is equipped with a rear-view mirror.

(4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) The protective helmet and rear-view mirror required by division (a)(3) of this section shall conform to the rules adopted by the Ohio Director of Public Safety under division (b) of section 4511.521 of the Ohio Revised Code.

(d) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4511.521)

#### **2301.02 Classification of offenses.**

As used in the Columbus City Codes:

(A) All offenses are misdemeanors, and include misdemeanors of the first, second, third, and fourth degree, minor misdemeanors, and misdemeanors not specifically classified.

(B) Any misdemeanor not specifically classified is a minor misdemeanor if the only penalty which may be imposed is a fine not exceeding one hundred fifty dollars.

#### **2301.25 Penalties for misdemeanor; restitution.**

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

(B) Terms of imprisonment for violations of the Columbus City Codes shall be imposed as follows:

(1) For a misdemeanor of the first degree, not more than one hundred eighty days;

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

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

(4) For a misdemeanor of the fourth degree, not more than thirty days.

(C) Fines for violations of the Columbus City Codes:

(1) For a misdemeanor of the first degree, not more than one thousand dollars;

(2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars;

(3) For a misdemeanor of the third degree, not more than five hundred dollars;

(4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars.

(D) Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than one hundred fifty dollars.

(E) In addition to imposing any penalty in divisions (B), (C), and (D) of this section, the court may order any financial sanction authorized under section 2929.28 of the Ohio Revised Code, except that the court may not impose a fine under division (A)(2)(a) of section 2929.28 of the Ohio Revised Code if a fine is imposed under division (C) or (D) of this section.

(F) Whoever violates any provision of this General Offense Code for which another penalty is not provided, is guilty of a minor misdemeanor.

(G) Whoever commits an offense not specifically classified under any provision of the Columbus City Codes shall be fined or imprisoned or both according to the penalty provided for violation of that section.

### **2303.06 Vehicular homicide; vehicular manslaughter.**

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) Negligently;

(2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.

(B)(1) Except as otherwise provided in this division, whoever violates division (A)(1) of this section is guilty of vehicular homicide, a misdemeanor of the first degree.

If, at the time of the offense, the offender was driving under a suspension or revocation imposed under Chapter 4507. or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, vehicular homicide is a felony to be prosecuted under applicable state law.

In addition to any other sanctions imposed, the court shall impose upon the offender 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.

(2) Except as otherwise provided in this division, whoever violates division (A)(2) of this section is guilty of vehicular manslaughter, a misdemeanor of the second degree.

Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

In addition to any other sanctions imposed, the court shall impose upon the offender 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 or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, 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.

(C)(1) As used in this section, "Traffic-related homicide, manslaughter, or assault offense" means a violation of section 2903.04 of the Ohio Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Ohio Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Ohio Revised Code as they existed prior to March 23, 2000.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

### **2307.01 Definitions.**

As used in Title 23 of the Columbus City Codes:

(A) "Sexual conduct" means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

(B) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

(C) "Sexual activity" means sexual conduct or sexual contact, or both.

(D) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

(E) "Harmful to juveniles" means that the quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

(1) The material or performance, when considered as a whole, appeals to the prurient interest in sex of juveniles;

(2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.

(3) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

(F) When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is "obscene" if any of the following apply:

(1) Its dominant appeal is to prurient interest;

(2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;

(3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;

(4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;

(5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

(G) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(H) "Nudity" means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

(I) "Juvenile" means an unmarried person under the age of eighteen.

(J) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape, or similar data storage device.

(K) "Performance" means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

(L) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

(1) When the parties have entered into a written separation agreement authorized by Section 3103.06 of the Ohio Revised Code;

(2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage, or legal separation;

(3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(M) "Minor" means a person under the age of eighteen.

(N) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained. (ORC 2907.01)

#### **2307.24 Soliciting.**

(A) No person shall solicit another to engage with such other person in sexual activity for hire.

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

(C) If a person is convicted of or pleads guilty to a violation of this section or an attempt to commit a violation of this section and if the person in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person'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. (ORC 2907.24)

**Section 2. That existing Sections 2101.05, 2101.09, 2101.11, 2101.17, 2101.19, 2101.20, 2101.27, 2101.32, 2101.35, 2101.45, 2101.51, 2105.16, 2107.01, 2107.04, 2107.06, 2109.01, 2109.02, 2109.03, 2109.06, 2109.08, 2109.99, 2113.01, 2113.04, 2113.041, 2113.05, 2113.06, 2113.07, 2113.08, 2113.09, 2113.99, 2131.01, 2131.02, 2131.03, 2131.04, 2131.05, 2131.06, 2131.07, 2131.08, 2131.09, 2131.10, 2131.11, 2131.12, 2131.13, 2131.14, 2131.15, 2131.16, 2131.161, 2131.17, 2131.18, 2131.19, 2131.20, 2131.21, 2131.215, 2131.216, 2131.22, 2131.225, 2131.23, 2131.24, 2131.25, 2131.26, 2131.27, 2131.28, 2131.29, 2131.30, 2131.31, 2131.32, 2131.33, 2131.34, 2131.35, 2131.36, 2131.37, 2131.38, 2131.39, 2131.40, 2131.41, 2131.42, 2131.43, 2133.01, 2133.02, 2133.03, 2133.04, 2133.05, 2133.06, 2133.07, 2133.071, 2133.08, 2133.99, 2135.01, 2135.02, 2135.03, 2135.04, 2135.05, 2135.06, 2135.07, 2135.08, 2135.09, 2135.10, 2135.11, 2135.12, 2135.13, 2135.14, 2135.99, 2137.01, 2137.02, 2137.03, 2137.04, 2137.05, 2137.06, 2137.08, 2137.09, 2137.10, 2137.11, 2137.12, 2137.13, 2137.14, 2137.15, 2137.16, 2137.17, 2137.18, 2137.19, 2137.20, 2137.21, 2137.22, 2137.23, 2137.24, 2137.25, 2137.26, 2137.27, 2139.01, 2139.02, 2139.03, 2139.04, 2139.041, 2139.05, 2139.07, 2139.10, 2139.11, 2139.27, 2139.28, 2139.29, 2139.31, 2139.32, 2139.34, 2139.35, 2139.36, 2139.99, 2150.01, 2150.03, 2150.04, 2150.05, 2150.06, 2150.10, 2151.01, 2151.02, 2151.03, 2151.04, 2151.05, 2151.06, 2151.07, 2151.08, 2151.09, 2151.10, 2151.105, 2151.11, 2151.12, 2151.13, 2151.14, 2151.15, 2151.16, 2151.17, 2151.18, 2151.19, 2151.20, 2151.21, 2151.22, 2151.23, 2151.99, 2155.01, 2155.02, 2155.04, 2155.05, 2155.055, 2155.06, 2155.07, 2155.08, 2157.01, 2157.02, 2157.04, 2157.05, 2157.99, 2171.01, 2171.02, 2171.03, 2171.035, 2171.04, 2171.05, 2171.055, 2171.06, 2171.07, 2171.08, 2171.09, 2171.10, 2173.01, 2173.02, 2173.03, 2173.04, 2173.05, 2173.06, 2173.07, 2173.08, 2173.09, 2173.10, 2173.105, 2173.12, 2173.13, 2301.02, 2301.25, 2303.06, 2307.01, and 2307.24. are hereby repealed.**

**Section 3. That this ordinance shall be effective and be in force on January 1, 2004.**