

ORDINANCE 26-2024

AN ORDINANCE AMENDING THE VILLAGE OF MINERVA PARK CODIFIED ORDINANCES TO PROVIDE UPDATES TO SECTIONS 402.01, 434.09, 434.10, 436.14, 452.05 OF THE VILLAGE CODE, TO PROVIDE FOR PENALTIES, TO PROVIDE FOR CODIFICATION, TO PROVIDE FOR SEVERABILITY, AND TO REPEAL CONFLICTING ORDINANCES.

WHEREAS, the Village Council of the Village of Minerva Park is authorized by Ohio Rev. Code § 715.01 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, there have been several amendments to provisions of Ohio state law that are codified in Village Codified Ordinances that require updates to the Village Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MINERVA PARK, COUNTY OF FRANKLIN, STATE OF OHIO:

Section 1. That Codified Ordinances of the Village of Minerva Park shall be amended as shown in Exhibit A, which is attached hereto and incorporated herein.

Section 2. That the addition, amendment, or removal of Village of Minerva Park Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Minerva Park, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals.

Section 3. The Village's codifier is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4. Supplementation of Code.

(a) In preparing a supplement to the Village's Codified Ordinances, all portions of this ordinance which have been repealed shall be excluded from the Village's Codified Ordinances by the omission thereof from reprinted pages.

(b) When preparing a supplement to the Village's Codified Ordinances, the codifier may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Village's Codified Ordinances printed in the supplement, and make changes in such catchlines, headings, and titles;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Village's Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Village's Codified

Ordinances which embody the substantive sections, or the ordinance incorporated into the Code); and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Village's Codified Ordinances; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Village's Codified Ordinances.

(c) In preparing a supplement to the Village's Codified Ordinances, the pages of a supplement shall be so numbered that they will fit properly into the Village's Codified Ordinances and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Village's Codified Ordinances will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. That it is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code

Section 7. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Minerva Park, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 8. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 9. The adoption date of this ordinance is November 21, 2024 and the effective date of this ordinance shall be December 21, 2024

Passed this 21st day of November, 2024.

First Reading: October 24, 2024
Second Reading: November 14, 2024
Third Reading: November 21, 2024
Passed: November 21, 2024

Tiffany Southard, Mayor

ATTESTS

APPROVED AS TO FORM

Jeffrey Wilcheck, Fiscal Officer

Jesse Shamp, Solicitor

402.01 Meaning of words and phrases.

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this traffic code and the penal laws of the municipality. Except as otherwise provided, the following words and phrases, when used in this traffic code, shall have the meanings respectively ascribed to them in this chapter.

Agricultural tractor means every self-propelled vehicle designed or used for drawing other vehicles or wheeled machinery, but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

Alley means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts, and not intended for the purpose of through vehicular traffic, and any street or highway that has been declared an "alley" by the legislative authority of the municipality in which the street or highway is located.

Arterial street means any United States or state numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

Beacon means a highway traffic signal with one (1) or more signal sections that operate in a flashing mode.

Bicycle means every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two (2) or more wheels, any of which is more than 14 inches in diameter.

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.

Business district means the territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality, where 50 percent or more of the frontage between successive intersections is occupied by buildings in use for business, or within or outside the municipality where 50 percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

Chauffeured limousine means a motor vehicle that is designed to carry nine (9) or fewer passengers and is operated for hire pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an agreement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.

Child care center and *type A family care home* means these terms shall have the same meanings as set forth in R.C. § 5104.01.

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

Controlled-access highway means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at certain points

only and in a manner as may be determined by the public authority having jurisdiction over the street or highway.

Crosswalk means:

- (1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
- (2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
- (3) Notwithstanding the foregoing provisions of this definition, there shall not be a "crosswalk" where the legislative authority has placed signs indicating no crossing.

Driver or operator Any person who drives or is in actual physical control of a vehicle.

Electric bicycle means a "class 1 electric bicycle," a "class 2 electric bicycle," or a "class 3 electric bicycle" as defined below.

- (1) "Class 1 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (2) "Class 2 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (3) "Class 3 electric bicycle" means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

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

Explosives means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, such that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be "explosives" when the individual units contain explosives in limited quantities of a nature or in such packing that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb or property by fire, friction, concussion, percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches.

Expressway means a divided arterial highway for through traffic with full or partial control of access with an excess of 50 percent of all crossroads separated in grade.

Flammable liquid means any liquid which has a flash point of 70 degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed cup test device.

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

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

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

Highway maintenance vehicle means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

Highway traffic signal means a power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

Hybrid beacon means a type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

Intersection means:

- (1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two (2) highways that join one (1) another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.
- (2) If a highway includes two (2) roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two (2) roadways 30 feet or more apart, then every crossing of any two (2) roadways of such highways constitutes a separate intersection.
- (3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:
 - A. If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two (2) intersections and the roadway and median constitute one (1) intersection.
 - B. Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.
 - C. Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

Laned highway means a highway the roadway of which is divided into two (2) or more clearly marked lanes for vehicular traffic.

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

Low-speed micromobility device means a device weighing less than 100 pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than 20 miles per hour when propelled by the electric motor.

Median means the area between two (2) roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

Motor vehicle means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, electric 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, and trailers 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 (10) miles and at a speed of 25 miles per hour or less.

Motorcycle means every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground, including, but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle," or "motorcycle" without regard to weight or brake horsepower.

Motorized bicycle or moped means any vehicle having either two (2) tandem wheels or one (1) wheel in the front and two (2) wheels in the rear, that may be capable of being pedaled, and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one (1) brake horsepower, and is capable of propelling the vehicle at a speed of not greater than 20 miles per hour on a level surface. The terms do not include an electric bicycle.

Motorized wheelchair means any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight (8) miles per hour.

Multi-wheel agricultural tractor means a type of agricultural tractor that has two (2) or more wheels or tires on each side of one (1) axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

Operate means to cause or have caused movement of a vehicle.

Parking or parked means the standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

Pedestrian means any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

Person means every natural person, firm, partnership, association or corporation.

Pole trailer means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

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

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

- (1) A violation of R.C. §§ 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;
- (2) A violation of R.C. §§ 4511.17(A)(2), 4511.51(A) through (D) or 4511.74(A);

- (3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (4) A violation of R.C. § 4511.214;
- (5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

Private road open to public travel means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

Private road or driveway means every way or place in private ownership used for vehicular travel by the owner, and those having express or implied permission from the owner, but not by other persons.

Public safety vehicle means any of the following:

- (1) Ambulances, including private ambulance companies under contract to a municipality, township or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49;
- (2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state;
- (3) Any motor vehicle when properly identified as required by the director of 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 director of public safety as the certifying agency for all public safety vehicles described herein;
- (4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighters responding to emergency calls in the fire department service when identified as required by the director of public safety;
- (5) 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 such a vehicle when transporting an ill or injured person to a hospital, regardless of whether the vehicle has already passed a hospital;
- (6) Vehicles used by the motor carrier enforcement unit for the enforcement of orders and rules of the public utilities commission as specified in R.C. § 5503.34.

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

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

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

Residence district means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

Ridesharing arrangement includes 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.

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, he or she is moving, in preference to another vehicle or pedestrian approaching from a different direction into its, his or her 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.

Road service vehicle means wreckers, utility repair vehicles and state, county and municipal service vehicles equipped with visual signals by means of flashing, rotating or oscillating lights.

Roadway means that portion of a highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two (2) or more separate roadways, the term "roadway" means any roadway separately, but not all the roadways collectively.

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

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians, and protected or marked or indicated by adequate signs so as to be plainly visible at all times.

School bus means every bus designed for carrying more than nine (9) passengers which is owned by a public, private or governmental agency or institution of learning, and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided, "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipality, or within those limits and the territorial limits of municipalities immediately contiguous to the municipality, nor a common passenger carrier certified by the public utilities commission unless the 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 care center or type A family child care home to transport children from the child care center or type A family child care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

Semitrailer means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

Shared-use path means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

Sidewalk means that portion of a street between the curb lines, or the lateral line of a roadway, and the adjacent property lines, intended for the use of pedestrians.

State highway means a highway under the jurisdiction of the department of transportation, outside the limits of municipalities, provided that the authority conferred upon the director of transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

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

Stop, when required, means a complete cessation of movement.

Stop intersection means any intersection at one (1) or more entrances of which stop signs are erected.

Stopping or standing when prohibited, means any halting of a vehicle, even momentarily, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

Street or highway means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

Through highway means every street or highway as provided in R.C. § 4511.65, or a substantially equivalent municipal ordinance.

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

Traffic means pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

Traffic control device means a flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

Traffic control signal means any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

Trailer means every vehicle designed or used for carrying persons or property wholly on its own structure, and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than 25 miles per hour and a 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 more than ten (10) miles or at a speed of more than 25 miles per hour.

Truck means every motor vehicle, except trailers and semitrailers, designed and used to carry property.

Urban district means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of one-quarter (¼) of a mile or more, and the character of the territory is indicated by official traffic-control devices.

Vehicle means every device, including a motorized bicycle and an electric bicycle, in, upon or by which any person or property may be transported or drawn upon a highway, except that "vehicle" does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved

by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks or any device, other than a bicycle, that is moved by human power.

Waste collection vehicle means a vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

Natural resources officer means an officer appointed pursuant to R.C. § 1501.24.

Wildlife officer means an officer designated pursuant to R.C. § 1531.13.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4501.01(LL), 4511.01

434.09 Street racing prohibited.

(a) As used in this section and R.C. § 4510.036,

- (1) ~~"street~~ Street racing" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) 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 (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by R.C. §§ 4511.21(B)(1)(a) through (B)(9) or a substantially equivalent municipal ordinance, or rapidly accelerating from a common starting point to a speed in excess of the prima facie lawful speeds shall be prima facie evidence of street racing.
 - (2) "Burnout" means a maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.
 - (3) "Doughnut" means a maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.
 - (4) "Drifting" means a maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.
 - (5) "Wheelie" means a maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.
 - (6) "Stunt driving" means performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.
 - (7) "Street takeover" means blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.
- (b) No person shall knowingly participate in street racing, student driving, or street takeover upon any public road, street or highway in this municipality, or on private property that is open to the public.

- (c) Whoever violates this section is guilty of street racing, stunt racing, or street takeover, 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 privileges for not less than 30 days or more than three (3) years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit or privilege imposed under this division.
- (d) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.
- (e) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

State Law reference— R.C. § 4511.251

434.10 Vehicular homicide; vehicular manslaughter; vehicular assault.

- (a) No person, while operating or participating in the operation of a motor vehicle, utility truck, mini-truck, 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) A. As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;
 - B. As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance;
 - C. As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.
- (2) In one (1) of the following ways:
 - A. Recklessly;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle utility truck, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the reckless operation offense in the construction zone and does not apply as described in division (d) of this section.
- (3) In one of the following ways:
 - A. Negligently;
 - B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle utility truck, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (d) of this section.
- (4) As the proximate result of committing a violation of any provision of any section contained in R.C. Tit. 45 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 R.C. Tit. 45 that is a minor misdemeanor.

- (b) (1) Whoever violates division (a)(1) or (a)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.
- (2) A. Whoever violates division (a)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (a)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Ch. 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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.
- B. In addition to any other sanctions imposed pursuant to this division, 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 R.C. § 4510.02(A)(4).
- (3) A. Whoever violates division (a)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, vehicular manslaughter is 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 or cancellation imposed under R.C. Ch. 4510 or any other provision of the Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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.
- B. In addition to any other sanctions imposed pursuant to this division, 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 R.C. § 4510.02(A)(6); or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter or assault offense, or a traffic-related murder, felonious assault or attempted murder 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 R.C. § 4510.02(A)(4).
- (c) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (a)(3)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.
- (d) Divisions (a)(2)B. and (a)(3)B. of this section do not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under R.C. § 5501.27. The failure to erect signs of the type described in R.C. § 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (a)(1), (a)(2)A., (a)(3)A. or (a)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

- (e) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Construction zone has the same meaning as in R.C. § 5501.27.

Mandatory prison term and *mandatory jail term* have the same meanings as in R.C. § 2929.01.

Motor vehicle *utility truck, mini-truck* ~~has~~ have the same meanings as in R.C. § 4501.01.

Reckless operation offense means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

Speeding offense means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

Traffic-related homicide, manslaughter or assault offense means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06 or 2903.08 as they existed prior to March 23, 2000.

Traffic-related murder, felonious assault or attempted murder offense means a violation of R.C. § 2903.01 or 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

- (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 this or another state or the United States.

(f) *Vehicular assault.*

- (1) No person, while operating or participating in the operation of a motor vehicle or motorcycle, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this division applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in division (f)(4) of this section.
- (2) A. Except as otherwise provided in this division, vehicular assault committed in violation of division (f)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (f)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Ch. 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 division (f)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.
- B. 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 R.C. § 4510.02(A)(4).

- (3) The court shall impose a mandatory jail term of at least seven (7) days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (f)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.
- (4) Division (f)(1) of this section does not apply in a particular construction zone unless signs of the type described in R.C. § 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under R.C. § 5501.27.
- (5) As used in this division (f):
 - A. *Construction zone* has the same meaning as in R.C. § 5501.27.
 - B. *Mandatory jail term* has the same meaning as in R.C. § 2929.01.
 - C. *Speeding offense* has the same meaning as in R.C. § 2903.06.
 - D. *Traffic-related homicide, manslaughter, or assault offense* has the same meaning as in R.C. § 2903.06.
- (6) For the purposes of this division (f), 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.

State Law reference— Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08; Trial court to suspend driver's license, see R.C. §§ 4510.05, 4510.10; R.C. 2903.08(A)(3), (C)(3), (D)(3), (E)—(G); R.C. § 2903.06

436.14 Removal of vehicles after accidents.

- (a) If a motor vehicle accident occurs on any highway, public street, or other property open to the public for purposes of vehicular travel and if any motor vehicle, cargo, or personal property that has been damaged or spilled as a result of the motor vehicle accident is blocking the highway, street, or other property or is otherwise endangering public safety, a public safety official may do either of the following without the consent of the owner but with the approval of the law enforcement agency conducting any investigation of the accident:
 - (1) Remove, or order the removal of, the motor vehicle if the motor vehicle is unoccupied, cargo, or personal property from the portion of the highway, public street, or property ordinarily used for vehicular travel on the highway, public street, or other property open to the public for purposes of vehicular travel.
 - (2) If the motor vehicle is a commercial motor vehicle, allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the public safety official. If the public safety official determines that the motor vehicle cannot be removed within the specified period of time, the public safety official shall remove or order the removal of the motor vehicle.
- (b) (1) Except as provided in division (b)(2) of this section, the department of transportation, any employee of the department of transportation, or a public safety official who authorizes or participates in the removal of any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, regardless of whether the removal is executed by a private towing service, is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property. Further,

except as provided in division (b)(2) of this section, if a public safety official authorizes, employs, or arranges to have a private towing service remove any unoccupied motor vehicle, cargo, or personal property as authorized by division (a) of this section, that private towing service is not liable for civil damages for any injury, death, or loss to person or property that results from the removal of that unoccupied motor vehicle, cargo, or personal property.

(2) Division (b)(1) of this section does not apply to any of the following:

- A. Any person or entity involved in the removal of an unoccupied motor vehicle, cargo, or personal property pursuant to division (a) of this section if that removal causes or contributes to the release of a hazardous material or to structural damage to the roadway;
- B. A private towing service that was not authorized, employed, or arranged by a public safety official to remove an unoccupied motor vehicle, cargo, or personal property under this section;
- C. Except as provided in division (b)(2)D. of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;
- D. A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(c) As used in divisions (a) and (b) of this section:

(1) *Hazardous material* has the same meaning as in R.C. § 2305.232.

(2) *Public safety official* means any of the following:

- A. The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, or township, port authority, conservancy district, university campus police department, park district police force, or joint police district, in which the accident occurred;
- B. A state highway patrol trooper;
- C. The chief of the fire department having jurisdiction where the accident occurred;
- D. A duly authorized subordinate acting on behalf of an official specified in divisions A. to C. of this definition;
- E. A natural resource officer or a wildlife officer.

- (d) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.
- (e) The towing service shall ensure that any estimate provided under division (d) of this section includes the fees, services to be rendered, and destination of the vehicle.
- (f) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25 percent of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25 percent of the fees established by the municipal corporation.

- (g) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (f) of this section.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4513.66, 4513.68

452.05 Willfully leaving vehicles on private or public property.

- (a) The county sheriff or chief of a law enforcement agency, within the sheriff's or chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the sheriff or chief of police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:
- (1) Has come into the possession of the sheriff, chief, or state highway patrol trooper, or officer as a result of the performance of the sheriff's, chief's, officer's, or trooper's duties; or
 - (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the sheriff, department, or chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:
 - A. The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;
 - B. The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the sheriff, chief, officer, or ~~state highway patrol~~ trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the sheriff, chief, officer, or ~~state highway patrol~~ trooper. If the sheriff, chief officer, or ~~state highway patrol~~ trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief, officer, or ~~state highway patrol~~ trooper shall order the removal of the vehicle.
 - (3) Subject to division (c) of this section, the sheriff, department, or chief shall designate the place of storage of any motor vehicle so ordered removed.
- (b) If the sheriff, chief, officer, or ~~a state highway patrol~~ trooper issues an order under division (a) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the sheriff or chief of police not more than two (2) hours after the time it is removed.
- (c) (1) The sheriff or chief shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the sheriff or chief, officer, or ~~state highway patrol~~ trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the sheriff or chief shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten (10) days of the date of the sending of the notice.

- (2) A. The owner or lienholder of the motor vehicle ~~may reclaim the motor vehicle upon~~ is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the public utilities commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:
1. Retrieve any personal item that has been determined by the sheriff, chief of police, officer, or ~~a state highway patrol~~ trooper, as applicable, to be necessary to a criminal investigation;
 2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.
- B. For purposes of division (c)(2) of this section, "personal items" do not include any items that are attached to the vehicle.
- (3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner ~~or~~ and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25.00, in addition to any expenses or charges incurred in the removal and storage of the vehicle.
- (d) If the owner or lienholder makes no claim to the motor vehicle within ten (10) days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the sheriff or chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the sheriff or chief shall execute in triplicate an affidavit, as prescribed by the registrar of motor vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The sheriff or chief shall retain the original of the affidavit for the sheriff's or chief's records, and shall furnish two (2) copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.
- (e) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer's or facility's own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the clerk of courts.
- (f) No towing service or storage facility shall fail to comply with this section.
- (g) *Abandonment of junk motor vehicle prohibited.*

- (1) A. No person shall willfully leave an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private property for more than 72 hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway for 48 hours or longer without notification to the chief of a law enforcement agency of the reason for leaving the motor vehicle in that place.
- B. For purposes of this division (g)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.
- C. Nothing contained in this section and R.C. §§ 4513.60, 4513.61 and 4513.63 shall invalidate or prevent the enactment of further provisions of municipal ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the municipality.
- (2) Whoever violates this division (g) is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the municipality in disposing of the abandoned junk motor vehicle, less any money accruing to the municipality from the disposal.

(Ord. No. 01-2024, § 6, 1-11-2024)

State Law reference— R.C. §§ 4513.61, 4513.64