ORDINANCE 2026-13

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE VILLAGE OF MINERVA PARK, OHIO TO PROVIDE AMENDMENTS TO TRAFFIC OFFENSES MINERVA PARK VILLAGE CODE SECTIONS 402.01, 414.02, 414.03, 414.04, 414.09, 414.10, 416.01, 416.03, 416.11, 416.12, 432.16, 432.22, 432.32, 432.33, 432.34, 432.35, 432.36, 434.01, 434.03, 434.04, 434.10, 434.11, 436.04, 436.071, 436.074, 436.09, 436.14, 438.24, 438.26, 438.29, 440.08, 442.01, 452.03, 452.05, 452.06; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

WHEREAS, the State of Ohio has adopted various new laws and amended existing laws and the Village desires to mirror its code to the Ohio Revised Code to the extent set forth in this document.

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

Section 1. That the Code of Ordinances of the Village of Minerva Park, Ohio (meaning Village Municipal Code) is hereby amended by adding the provisions as provided in **Exhibit A**, which is adopted and incorporated by reference herein.

Section 2. The addition, amendment, or removal of Minerva Park Village Code Sections when passed in such form as to indicate the intention of the governing authority of the Village 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 codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the Village of Minerva Park, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the Village's Municipal Code.

Section 4. 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 5. 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 Village 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 6. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 7. That it is found that all formal actions of 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 8. That this ordinance shall be in full force and effect from the earliest period allowed by law.

First Reading: September 10, 2026
Second Reading: September 24, 2026
Third Reading: October 8, 2026
Passed: October 8, 2026

_____
Tiffany Southard, Mayor

ATTEST

_____
Jeffrey Wilcheck, Fiscal Officer

APPROVED AS TO FORM

_____
Jesse Shamp, Solicitor

Exhibit A

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 and traction engine mean~~s~~ 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 or *highway* means ~~any United States or State numbered route, controlled access highway~~ a street or highway primarily used by through traffic, ~~or other major radial or circumferential~~ usually on a continuous route or a street or highway designated ~~by local authorities within their respective jurisdictions~~ as part of an ~~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~~ a pedal-powered vehicle upon which a human operator sits, including an electric bicycle.

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.

***Cross references**—Blind person defined, see section 416.02; Commercial car defined, see section 442.01; Funeral procession defined, see section 432.23; Snowmobile, off-highway motorcycle and all-purpose vehicle defined, see section 446.01; Street racing defined, see section 434.09

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~~ an intersection included within the ~~real or projected prolongation of property lines and curb lines~~ connections of the lateral lines of the sidewalk on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the traversable roadway, and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at the right angles to the center line;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface, which might be supplemented by contrasting pavement texture, style, or color;

(3) Notwithstanding the foregoing provisions of this definition, ~~there shall not be a crosswalk~~ *crosswalk* does not include an area where authorized signs have been 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 street or 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 include a beacon, an in-road warning light, a lane-use control signal, and a traffic control signal. The term does not include a power-operated sign, steadily illuminated pavement markers, gate, flashing light signal, warning light, or steady burning electric lamp.

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

(1) An emergency-vehicle hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist authorized emergency vehicles in entering or crossing a street or highway;

(2) A pedestrian hybrid beacon used to warn and control traffic at an otherwise unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk.

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, site roadway open to public travel with a public roadway or highway does not constitute an intersection, unless the public 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~~ separated by a median, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection if the opposing left-turn paths cross and there is sufficient interior storage for the design vehicle. ~~If both intersecting highways include two (2) roadways 30 feet or more apart, then every crossing of any two (2) roadways of such~~ As used in this division, "design vehicle" means the longest vehicle authorized under section 5577.05 of the Revised Code to operate on that roadway without a permit. ~~highways constitutes a separate intersection.~~

(3) At a location controlled by a highway 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 portion of a highway separating opposing directions of the traveled way or the area between two (2) roadways of a divided highway, measured from edge of traveled way to edge of traveled way~~, but excluding~~ . The median excludes 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.

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

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~~ <u>on foot, in a motorized or non-motorized wheelchair, or using another equivalent device, such as skates or a skateboard</u>. 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*~~ *Site roadway open to public travel* means a ~~private toll road or road, including any adjacent sidewalks that generally run parallel to the road,~~ roadway or bikeway on site of a shopping center, office part, airport, school, university ~~within a shopping center, airport~~, sports arena, recreational park or other similar business, government, or recreation facility that is publicly or privately owned but where the public is allowed to travel without full-time access restrictions. The term ~~includes a gated toll road but~~ does not include a ~~road within a private gated property~~ roadway where access is restricted at all times by gates or guards to residents, employees, or other specifically authorized persons, a parking area, a driving aisle within a parking area, or a private highway-rail 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 or tracks 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*~~ *Train* means a ~~steam engine or an electric or other motor,~~ one or more locomotives couples, with or without cars ~~coupled thereto, operated by a railroad~~ that operates on rails or tracks and to which all other traffic is required by law to yield the right-of-way at highway-rail grade crossings.

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 and parking lanes, ~~except~~ not including the berm, sidewalk, or shoulder, even if the berm, sidewalk, or shoulder is used by a person operating a bicycle or other human-powered vehicle. 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~~ . "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.~~ any of the following:

(1) A bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of a municipal corporation, or within such limits and the territorial limits of municipal corporations immediately contiguous to such municipal corporation, nor a common passenger carrier certified by the public utilities commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function;

(2) 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 fifteen children in the van or bus at any time;

(3) An alternative vehicle as defined in R.C. § 4511.76.

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 trial 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~~
a general term for denoting a public way for purposes of travel by vehicles, streetcars, trackless trolleys, and vulnerable road the entire area within the right-of-way.

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~~ site road open to public travel.

Traffic control device means a flagger, sign, signal, marking, channelization device, 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~~ that uses colors, shapes, symbols, words, sounds, or tactile information for the primary purpose of communicating a regulatory, warning, or guidance message to road users on a street, highway site roadway open to public travel, ~~by authority of the private owner or private official having jurisdiction~~ pedestrian facility, bikeway, or pathway.

Traffic control signal means any highway traffic signal ~~by which~~ placed at an intersection, movable bridge, fire station, midblock crosswalk, alternating one-way sections of a single lane road, private driveway, or other location that requires conflicting traffic ~~is alternately~~ to be directed to stop and permitted to proceed in an orderly manner. "Traffic control signal" includes a vehicular signal indication, a pedestrian signal indication, and a bicycle symbol signal indication. "Traffic control signal" does not include an emergency-vehicle hybrid beacon or a pedestrian hybrid beacon.

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 bicycle, 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"~~ . "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.

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

In-road warning light means a special type of highway traffic signal that is installed in the roadway surface to warn road users that they are approaching a condition on or adjacent to the roadway that

might not be readily apparent and might require the road users to reduce speed or come to a complete stop.

Lane-use control signal means a signal face or comparable display on a full-matrix changeable message sign that displays indications to permit or prohibit the use of specific lanes of a roadway or a shoulder where driving is sometimes authorized or to indicate the impending prohibition of such use.

Bicycle box means a designated area on the approach to a signalized intersection, between an advance motorist stop line and the crosswalk or intersection, that is intended to provide bicyclists a visible location to wait in front of stopped motorists during the red signal phase.

Two-stage bicycle turn box means a designated area at an intersection that is intended to provide bicyclists a place to wait for traffic to clear before proceeding in a different direction of travel.

Bicycle lane means a portion of a roadway that has been designated for preferential or exclusive use by bicyclists and is often delineated from the adjacent general-purpose lanes by longitudinal pavement markings and either a bicycle lane symbol, words, or signs. “Bicycle lane” includes all of the following:

(1) A buffer-separated bicycle lane, which is separated from the adjacent general-purpose lanes by a pattern of standard longitudinal pavement markings that are wider than a normal or wide-lane pavement marking;

(2) A counter-flow bicycle lane, which is a one-directional bicycle lane that provides a lawful path of travel for bicycles in the opposite direction from the general traffic on a roadway that otherwise requires the general traffic to travel in only one direction. A counter-flow bicycle lane is designated by the traffic control devices used for other bicycle lanes;

(3) A separated bicycle lane, which is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from the motor vehicle traffic with a vertical element.

Bicycle signal face means a signal face that displays only bicycle symbol signal indications in accordance with R.C. § 4511.15, that exclusively controls a bicyclist's movement from a designated bicycle lane or from a separate facility, and that displays signal indications that are applicable only to a bicyclist's movement.

Bicycle signal sign means a sign meant to inform road users that the signal indications in the bicycle signal face are intended only for bicyclists, and to inform bicyclists which bicyclist movements are controlled by that bicycle signal face.

Bikeway means any road, street, path, or way that in some manner is specifically designated for bicycle travel, regardless of whether the facility is designated for the exclusive use of bicycles or if it is shared with other modes of transportation.

Busway means a traveled way that is used exclusively by buses.

Driveway means an access from a roadway to a building, site, or abutting property.

Roundabout means a circular intersection with a yield control at each entry, which permits a vehicle on the circulatory roadway to proceed, with deflection of the approaching vehicles counter-clockwise around a central island.

Shoulder means a longitudinal area contiguous with the traveled way that is used for accommodating vehicles that are stopped for an emergency and for lateral support of base and surface courses; graded for emergency stopping; either paved or unpaved; and when paved, may be open for part-time travel by some or all vehicles or may also be available for use by pedestrians or bicycles in the absence of other pedestrian or bicycle facilities.

Autocycle, cab-enclosed motorcycle, electronic, farm machinery, motor-driven cycle or motor scooter, limited driving privileges, and state have the same meanings as in R.C. § 4501.01.

Multifunction school activity bus means a school bus whose purposes do not include transporting children to and from home or school bus stops.

(Ord. No. 01-2024, § 6, 1-11-2024; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

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

CHAPTER 406. TRAFFIC CONTROL.*

CHAPTER 408. PENALTIES*

TITLE FOUR. PUBLIC WAYS AND TRAFFIC-CONTROL DEVICES

CHAPTER 412. OBSTRUCTION AND SPECIAL USES OF PUBLIC WAYS*

414.02 Through streets; stop and yield right-of-way signs.

(a) All state routes are hereby designated as through highways, provided that stop signs, yield signs or highway traffic~~-control~~ signals shall be erected at all intersections with such through highways by the department of transportation as to highways under its jurisdiction and by local authorities as to highways under their jurisdiction, except as otherwise provided in this section. Where two (2) or more state routes that are through highways intersect, and no highway traffic~~-control~~ signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section. Whenever the director of transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent the installations. When circumstances warrant, the director also may omit stop signs on roadways intersecting through highways under his or her jurisdiction. Before the director either installs or removes a stop sign under this division, he or she shall give notice, in writing, of that proposed action to the affected local authority at least 30 days before installing or removing the stop sign.

(b) Other streets or highways, or portions thereof, are hereby designated as through highways if they are within the municipality, if they have a continuous length of more than one (1) mile between the limits of the street or highway or portion thereof, and if they have stop or yield signs or highway traffic~~-control~~ signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of the street or highway, or portion thereof, shall be the municipal corporation line,

the physical terminus of the street or highway, or any point on the streets or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided, that in residence districts, the municipality may by ordinance designate the street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic-control devices. Where two (2) or more through highways designated under this division intersect and no highway traffic ~~control~~ signal is in operation, stop signs or yield signs shall be erected at one (1) or more entrances thereto by the department or by local authorities having jurisdiction, except as otherwise provided in this section.

(c) The department or local authorities having jurisdiction need not erect stop signs at intersections they find to be so constructed as to permit traffic to safely enter a through highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right-of-way to or merge with all traffic proceeding on the through highway.

(d) Local authorities, with reference to highways under their jurisdiction, may designate additional through highways, and shall erect stop signs, yield signs or highway traffic ~~control~~ signals at all streets and highways intersecting the through highways, or may designate any intersection as a stop or yield intersection, and shall erect like signs at one (1) or more entrances to the intersection.

State law reference—R.C. § 4511.65

414.03 Traffic-control signal terms and lights.

Highway traffic signal indications for vehicles and pedestrians shall have the following meanings:

(a) *Steady green signal indication.*

(1) A. Vehicular traffic facing a circular green signal indication are permitted to proceed straight through or turn right or left or make a U-turn movement except as such movement is modified by a lane-use sign, turn prohibition sign, lane marking, roadway design, separate turn signal indication, or other traffic control device. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, are permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

A. Pedestrians lawfully within an associated crosswalk;

B. Other traffic lawfully using the intersection.

(3) A. Unless otherwise directed by a pedestrian signal indication, as provided in R.C. § 4511.14, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of- way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.

B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.

(b) *Steady yellow signal indication.*

(1) Vehicular traffic facing a steady circular yellow signal indication are thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.

(2) vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.

(3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in R.C.

§ 4511.14 or other traffic control device, shall not start to cross the roadway.

(c) *Steady red signal indication.*

(1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by an-other signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in divisions (c)(1), (c)(2), and (c)(3) of this section.

B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by an-other signal indication, shall stop at a clearly marked stop line; but if there is no stop

line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.

B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted, after stopping, to enter the intersection to turn right, or to turn left from a one-way street into a one-way street. The right to proceed with the turn shall be limited to the direction indicated by the arrow and shall be subject to the provisions that are applicable after making a stop at a stop sign.

(3) Unless otherwise directed by a pedestrian signal indication as provided in R.C. § 4511.14 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.

(4) Local authorities by ordinance, or the director of transportation on state highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.

(d) *Flashing green signal indication.* A flashing green signal indication has no meaning and shall not be used.

(e) *Flashing yellow signal indication.*

(1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a U-turn movement except as such movement is modified by lane- use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a U-turn movement, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a U-turn, shall yield the right-of-way to both of the following:

1. Pedestrians lawfully within an associated crosswalk;

2. Other vehicles lawfully within the intersection.

B. In addition, vehicular traffic turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

(3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.

(4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.

(f) *Flashing red signal indication.*

(1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.

(2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.

(3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

(4) <u>Vehicular traffic, on an approach to an intersection, facing a flashing red arrow signal indication and if intending to turn in the direction indicated by the arrow, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.</u>

(g) <u>Transit vehicle signal indication:</u>

(1) Light rail and mass transit system bus traffic, on an approach to an intersection from a designated busway or other designated transit vehicle lane or tracks shall do all of the following:

(A) Stop when facing a steady horizontal white line;

(B) Proceed straight ahead when facing a steady vertical white line;

(C) Only turn or proceed left when facing a steady diagonal white line that begins in the lower right corner and angles up and to the left;

(D) Only turn or proceed right when facing a steady diagonal white line that begins in the lower left corner and angles up and to the right;

(E) Prepare to stop when facing a flashing vertical white line.

(2) As used in division (g)(1) of this section, “mass transit system” and “bus” have the same meanings as in R.C. § 4511.78.

(h) In the event an official highway ~~traffic~~ control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(i) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by R.C. §§ 4511.61 and 4511.62.

State law reference—R.C. § 4511.13

414.04 Signal to control lane direction of travel.

The meanings of lane-use control signal indications are as follows:

(a) *A steady downward green arrow*~~.~~ ~~A road user is permitted to drive in~~ means that the lane over which the arrow signal indication is located is open to vehicle travel in that direction.

(b) *A steady yellow "X*~~.~~*"* ~~A road user is to prepare to vacate~~ means that the lane over which the signal indication is located ~~because a lane control change is being made to~~ is about to be closed to vehicle traffic in that direction and will be followed by a steady red "X" signal indication, either within the same signal face or in a downstream signal face.

(c) *A steady white two-way left-turn arrow*~~.~~ ~~A road user is permitted to use a~~ means that lane over which the signal indication is located ~~for~~ is open to traffic making a left turn in that direction, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.

(d) *A steady white one-way left-turn arrow*~~.~~ ~~A road user is permitted to use a~~ means that lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.

(e) *A steady red "X*~~.~~*"* ~~A road user is not permitted to use~~ means that the lane over which the signal indication is located ~~and that this signal indication shall modify accordingly the meaning of other traffic controls present~~ is closed to vehicle traffic in the direction viewed by the road user.

State law reference—R.C. § 4511.131

414.09 Unauthorized possession or sale of devices.

(a) As used in this section, "highway ~~traffic~~ control device" means any sign, traffic-control signal or other device conforming to and placed or erected in accordance with the manual adopted under R.C. § 4511.09 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 (1) 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; or

(5) When 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 acknowledgment 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 R.C. § 2913.02, or a substantially equivalent municipal ordinance, or for receiving stolen property in violation of R.C. § 2913.51, or a substantially equivalent municipal ordinance.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.
State law reference—R.C. § 4511.18

414.10 Signal preemption devices; prohibitions.

(a) (1) "Highway maintenance vehicle" means a vehicle used in snow and ice removal, including a snow plow, when it is owned by a political subdivision and operated by an employee of that political subdivision.

(2) "Peace officer" has the same meaning as in divisions (A)(1), (12), (14), and (19) of R.C. § 109.71.

(3) "Portable signal preemption device" means a device that, if activated by a person, is capable of changing a highway traffic signal to green out of sequence.

(4) "Public safety vehicle" has the same meaning as in divisions (E)(1), (3), and (4) of R.C. § 4511.01.

(b) Except as provided in divisions (c) and (d) of this section:

(1) No person shall possess a portable signal preemption device.

(2) No person shall use a portable signal preemption device to affect the operation of a highway traffic ~~control~~ signal.

(~~b~~c) Subsection (~~a~~b)(1) of this section does not apply to any of the following persons ~~and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call~~:

(1) A peace officer~~, as defined in R.C. § 109.71(A)(11), (12), (14) or (19)~~;

(2) A State highway patrol trooper;

(3) A person while occupying a public safety vehicle ~~as defined~~ in R.C. § ~~4511.01(E)(1), (3) or (4).~~;

(4) The authorized employee operator of a highway maintenance vehicle.

(d) Division (b)(2) of this section does not apply under either of the following circumstances:

(1) When a person listed in divisions (c)(1) to (3) of this section is responding to an emergency call;

(2) When a person listed in division (c)(4) of this section is responding to an emergency level two or level three weather event.

(~~c~~e) Whoever violates subsection (~~a~~b)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (~~a~~b) (2) of this section is guilty of a misdemeanor of the first degree.

~~(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.~~

State law reference—R.C. § 4511.031

CHAPTER 416. PEDESTRIANS*

416.01 Duties of pedestrians and drivers at crosswalks.

(a) When highway ~~traffic~~ control signals are not in place, not in operation or are not clearly assigning the right-of-way, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, or if required by R.C. § 4511.132, or a substantially equivalent municipal ordinance, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Division (a) of this section does not apply under the conditions stated in R.C. § 4511.48(B), or a substantially equivalent municipal ordinance.

***Cross references—**Obedience to traffic-control devices, see section 414.01; Opening doors on side available to traffic, see section 452.08; Pedestrian control signals, see section 414.05; Pedestrians prohibited on freeways, see section 412.05

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(f) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.46

416.03 Right-of-way yielded by pedestrian; crossing roadways.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all traffic upon the roadway.

(c) Between adjacent intersections at which highway ~~traffic~~ control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(e) 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference—R.C. § 4511.48

~~416.11 Motorized wheelchair operators.~~

~~Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this chapter, except those provisions which by their nature can have no application.~~

~~**State law reference**—R.C. § 4511.491~~

416.12 Operation of electric personal assistive mobility devices.

(a) (1) Electric personal assistive mobility devices, as defined in R.C. § 4501.01, may be operated on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.

(2) Except as otherwise provided in this section, those sections of this traffic code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk or path or upon any portion of a roadway set aside for the exclusive use of bicycles.

(3) The municipality may regulate or prohibit the operation of electric personal assistive mobility devices on public streets, highways, sidewalks and paths, or portions of roadways set aside for the exclusive use of bicycles, under its jurisdiction.

(b) No operator of an electric personal assistive mobility device shall do any of the following:

(1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;

(2) Fail to give an audible signal before overtaking and passing a pedestrian;

(3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:

A. A lamp pointing to the front that emits a white light visible from a distance of not less than 500 feet;

B. A red reflector facing the rear that is visible from all distances from 100 feet to 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle;

(4) Operate the device on any portion of a street or highway that has an established speed limit of 55 miles per hour or more;

(5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;

(6) If under 18 years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;

(7) If under 16 years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is 18 years of age or older and is responsible for the immediate care of the person under 16 years of age.

(c) No person who is under 14 years of age shall operate an electric personal assistive mobility device.

(d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS AND KNEE PADS."

(e) Nothing in this section affects or shall be construed to affect any rule of the director of natural resources or a board of park district commissioners governing the operation of vehicles on lands under the control of the director or board, as applicable.

(f) *Penalty.*

(1) Whoever violates division (b) or (c) of this section is guilty of a minor misdemeanor and shall be punished as follows:

A. The offender shall be fined $10.00;

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (b) or (c) of this section, or any substantially equivalent state law or municipal ordinance, the court, in addition to imposing the fine required under division (f)(1)A. of this section, shall do one (1) of the following:

1. Order the impoundment for not less than one day but no more than 30 days of the electric personal assistive mobility device that was involved in the current violation of that division. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess

storage fees of not more than $5.00 per day; provided the total storage, processing and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed $50.00.

2. If the court does not issue an impoundment order pursuant to division (f)(1)B.1. of this section, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one (1) day but not more than 30 days.

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

(g) As used in this Code, "electric personal assistive mobility device" means a self-balancing two (2) non-tandem wheeled device that is designed to transport only one (1) person, has an electric propulsion system of an average of 750 watts, and when ridden on a paved level surface by an operator who weighs 170 pounds has a maximum speed of less than 20 miles per hour.

State law reference—R.C. §§ 4501.01(TT), 4511.512

TITLE SIX. OPERATION AND VEHICLES

CHAPTER 432. OPERATION GENERALLY*

432.16 Intersections at which traffic-control signals fail or malfunction.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by highway traffic ~~control~~ signals shall do all of the following if the signal facing the driver exhibits no colored lights or colored lighted arrows, exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right-of-way, or, if the vehicle is a bicycle or an electric bicycle, the signals are otherwise malfunctioning due to the failure of a vehicle detector to detect the presence of the bicycle or electric bicycle:

(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 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 (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(c) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.132

432.22 Stop signs on private roads ~~and driveways~~.

(a) The owner of a private road ~~or driveway~~ located in a private residential area containing 20 or more dwelling units may erect stop signs at places where the road or driveway intersects with another private road ~~or driveway~~ in the residential area, in compliance with all of the following requirements:

> (1) The stop sign is sufficiently legible to be seen by an ordinarily observant person and meets the specifications of and is placed in accordance with the manual adopted by the department of transportation pursuant to R.C. § 4511.09.
>
> (2) The owner has posted a sign at the entrance of the private road ~~or driveway~~ that is in plain view and clearly informs persons entering the road ~~or driveway~~ that they are entering private property, stop signs have been posted and must be obeyed, and the signs are enforceable by law enforcement officers under state law. The sign required by this division, where appropriate, may be incorporated with the sign required by R.C. § 4511.211(A)(2), or any substantially equivalent municipal ordinance.

(b) R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, shall be deemed to apply to the driver of a vehicle on a private road ~~or driveway~~ where a stop sign is placed in accordance with division (a) of this section and to a pedestrian crossing such a road ~~or driveway~~ at an intersection where a stop sign is in place.

(c) When a stop sign is placed in accordance with division (a) of this section, any law enforcement officer may apprehend a person found violating the stop sign and may stop and charge the person with violating the stop sign.

(d) As used in this section, and for the purpose of applying R.C. §§ 4511.43(A) and 4511.46, or any substantially equivalent municipal ordinance, to conduct under this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

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 (2) private roads ~~or driveways~~ which join one (1) another at, or approximately at, right angles, or the area within which vehicles traveling upon different private roads ~~or driveways~~ joining at any other angle may come in conflict.
>
> (2) Where a private road ~~or driveway~~ includes two (2) roadways 30 feet or more apart, then every crossing of two (2) roadways of the private roads ~~or driveways~~ shall be regarded as a separate intersection.

Owner and private residential area containing 20 or more dwelling units have the same meanings as in R.C. § 4511.211.

Roadway means that portion of a private road ~~or driveway~~ improved, designed or ordinarily used for vehicular travel and parking lanes, ~~except~~ not including the berm, sidewalk, or shoulder, even if the berm, sidewalk or shoulder is used by a person operating a bicycle or other human-powered vehicle. If a private road ~~or driveway~~ includes two (2) or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.

(e) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

State law reference—R.C. § 4511.432

432.32 Stopping for school bus; actuating visual signals; discharging children.

(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 developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten (10) feet from the front or rear of the school bus and shall not proceed until the 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 R.C. § 4511.771 or a substantially equivalent municipal ordinance, and an automatically extended stop warning sign of a type approved by the department of education and workforce, 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 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 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 highway has been divided into four (4) 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 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) above.

(d) School buses operating on divided highways or on highways with four (4) 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 developmental disabilities, and children attending programs offered by head start agencies on their residence side of the 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 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 $500.00. 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 R.C. § 4510.02(A)(7). 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) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Head start agency has the same meaning as in R.C. § 3301.32.

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 department, is painted the color and displays the markings described in R.C. § 4511.77, and is equipped with amber and red visual signals meeting the requirements of R.C. § 4511.77, irrespective of whether or not the bus has 15 or more children aboard at any time. The term does not include a van owned and operated by a head start agency, irrespective of its color, lights or markings, or multifunctional school activity bus.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4511.75

432.33 Driving across grade crossings.

(a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within 50 feet but not less than 15 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 highway 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.

F. There is insufficient undercarriage clearance to safely negotiate 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. through (a)(1)F. 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 unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
State law reference—R.C. § 4511.62

432.34 Stopping at grade crossings.

(a) (1) Except as provided in division (a)(2) of this section, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 C.F.R. Parts 100 to 185, before crossing at grade any track of a railroad, shall stop the 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.

(2) Division (a) of this section does not apply at grade crossings when any local authority has filed an application with the public utilities commission requesting the approval of an exempt crossing, and the public utilities commission has authorized and approved an exempt crossing as provided in R.C. § 4511.63(B).

(3) As used in division (a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Bus means any vehicle originally designed by its manufacturer to transport 16 or more passengers, including the driver, or carries 16 or more passengers, including the driver.

Exempt crossing means a highway rail grade crossing authorized and approved by the public utilities commission under R.C. § 4511.63(B) at which vehicles may cross without making the stop otherwise required by this section.

School vehicle means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.

(4) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) of this section or R.C. §§ 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates division (a) of this section is guilty of a misdemeanor of the fourth degree.

(b) (1) As used in this section, "~~active~~ grade crossing warning system ~~device~~" means ~~signs,~~ the flashing-light signals, ~~gates, or other protective devices erected or installed at a public highway-railway crossing at common grade~~ with or without automatic gates together with the necessary control equipment that is used to inform road users of the approach and ~~activated by an electrical circuit~~ presence of rail traffic at a grade crossing.

(2) The department of transportation and local authorities, with the approval of the department, may designate dangerous highway crossings over railroad tracks and erect stop signs thereat.

(3) A. The department and local authorities shall erect stop signs at a railroad highway grade crossing in either of the following circumstances:

1. New warning devices that are not ~~active~~ grade crossing warning ~~devices~~ systems are being installed at the grade crossing, and railroad crossbucks were the only warning devices at the grade crossing prior to the installation of the new warning devices.

2. The grade crossing is constructed after July 1, 2013 and only warning devices that are not ~~active~~ grade crossing warning ~~devices~~ systems are installed at the grade crossing.

B. Division (b)(3)A. of this section does not apply to a railroad highway grade crossing that the director of transportation has exempted from that division because of traffic flow or other considerations or factors.

(4) When stop signs are erected pursuant to division (b)(2) or (b)(3) of this section, the operator of any vehicle shall stop within 50, but not less than 15, feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.

(5) Except as otherwise provided in this division, whoever violates division (b)(4) of this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(6) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.61, 4551.63

432.35 Slow-moving vehicles or equipment at grade crossings.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller or any equipment or structure having a normal operating speed of six (6) or less miles per hour or a vertical body or load clearance of less than nine (9) inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (a)(1) and (a)(2) of this section.

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

(2) No such crossing shall be made when warning is given by automatic signal, crossing gates or a flagperson, or otherwise of the immediate approach of a ~~railroad~~ train or car.

(b) If the normal sustained speed of the vehicle, equipment or structure is not more than three (3) miles per hour, the person owning, operating or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one (1) daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.64

432.36 Obstructing intersections, crosswalks or grade crossings.

(a) No driver shall enter an intersection or marked crosswalk, or drive onto any railroad grade crossing, unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or ~~railroad~~ trains, notwithstanding any highway traffic ~~control~~ signal indication to proceed.

(b) This section does not apply to a bicyclist using a two-stage bicycle turn box.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

~~(c)~~ If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.712

CHAPTER 434. O.V.I.; RECKLESS OPERATION; SPEED*

434.01 Driving or physical control of vehicle while under the influence of alcohol or drugs.

(a) *Driving under the influence.*

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

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person has a concentration of 0.08 percent or more but less than 0.17 percent by weight per unit volume of alcohol in the person's whole blood.

C. The person has a concentration of 0.096 percent or more but less than 0.204 percent by weight per unit volume of alcohol in the person's blood serum or plasma.

D. The person has a concentration of 0.08 grams or more but less than 0.17 grams by weight of alcohol per 210 liters of the person's breath.

*__Cross references__—Criminal offenses by drivers of commercial vehicles, see sections 442.05, 442.08; Driving upon sidewalks, tree lawns or curbs, see section 432.24; Intoxicated pedestrians, see sections 416.10; Liquor consumption in motor vehicle, see section 612.04; "Peeling," see section 432.37; Weaving; full time and attention, see section 432.40

State law references—Alcohol defined, see R.C. § 4301.01; Alteration of prima facie speed limits, see R.C. §§ 4511.21, 4511.22, 4511.23; Drug of abuse defined, see R.C. § 3719.011

E. The person has a concentration of 0.11 grams or more but less than 0.238 grams by weight of alcohol per 100 milliliters of the person's urine.

F. The person has a concentration of 0.17 percent or more by weight per unit volume of alcohol in the person's whole blood.

G. The person has a concentration of 0.204 percent or more by weight per unit volume of alcohol in the person's blood serum or plasma.

H. The person has a concentration of 0.17 grams or more by weight of alcohol per 210 liters of the person's breath.

I. The person has a concentration of 0.238 grams or more by weight of alcohol per 100 milliliters of the person's urine.

J. Except as provided in division (k) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:

1. The person has a concentration of amphetamine in the person's urine of at least 500 nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.

2. The person has a concentration of cocaine in the person's urine of at least 150 nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.

3. The person has a concentration of cocaine metabolite in the person's urine of at least 150 nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.

4. The person has a concentration of heroin in the person's urine of at least 2,000 nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least 50 nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least 25 nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

7. The person has a concentration of marihuana in the person's urine of at least ten (10) nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two (2) nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

8. Either of the following applies:

a. The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least 15 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or

blood serum or plasma of at least five (5) nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

b. The person has a concentration of marihuana metabolite in the person's urine of at least 35 nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least 50 nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

9. The person has a concentration of methamphetamine in the person's urine of at least 500 nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least 100 nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

10. The person has a concentration of phencyclidine in the person's urine of at least 25 nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten (10) nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.

11. The state board of pharmacy has adopted a rule pursuant to R.C. § 4729.041 that specifies the amount of salvia divinorum and the amount of salvinorin A that constitute concentrations of salvia divinorum and salvinorin A in a person's urine, in a person's whole blood, or in a person's blood serum or plasma at or above which the person is impaired for purposes of operating any vehicle within this state, the rule is in effect, and the person has a concentration of salvia divinorum or salvinorin A of at least that amount so specified by rule in the person's urine, in the person's whole blood, or in the person's blood serum or plasma.

(2) No person who, within 20 years of the conduct described in division (a)(2) A. of this section, previously has been convicted of or pleaded guilty to a violation of this division or a substantially equivalent state law or municipal ordinance, division (a)(1) of this section or a substantially equivalent state law or municipal ordinance, or shall do both of the following:

A. Operate any vehicle within this municipality while under the influence of alcohol, a drug of abuse, or a combination of them;

B. Subsequent to being arrested for operating the vehicle as described in division (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under R.C. § 4511.191 or any substantially equivalent municipal ordinance, and being advised by the officer in accordance with R.C. § 4511.192 or any substantially equivalent municipal ordinance of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) *Underage alcohol consumption.* No person under 21 years of age shall operate any vehicle within this municipality if, at the time of the operation, any of the following apply:

(1) The person has a concentration of at least 0.02 percent but less than 0.08 percent by weight per unit volume of alcohol in the person's whole blood;

(2) The person has a concentration of at least 0.03 percent but less than 0.096 percent by weight per unit volume of alcohol in the person's blood serum or plasma;

(3) The person has a concentration of at least 0.02 grams but less than 0.08 grams by weight of alcohol per 210 liters of the person's breath;

(4) The person has a concentration of at least 0.028 grams but less than 0.11 grams by weight of alcohol per 100 milliliters of the person's urine.

(c) *Prosecution; limitation on convictions.* In any proceeding arising out of one incident, a person may be charged with a violation of division (a)(1) A. or (a)(2) and a violation of division (b)(1), (b)(2) or

(b)(3) of this section, but the person may not be convicted of more than one violation of these divisions.

(d) *Evidence; tests.*

(1) A. In any criminal prosecution or juvenile court proceeding for a violation of division (a)(1) A. of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood, oral fluid, or urine withdrawn and analyzed at any health care provider, as defined in R.C. § 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

B. In any criminal prosecution for a violation of division (a) or (b) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three (3) hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in R.C. § 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood test at the request of a law enforcement officer under R.C. § 4511.191 or a substantially equivalent municipal ordinance, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum or blood plasma. This limitation does not apply to the taking of breath, oral fluid, 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 under this division (d)(1)B. shall be analyzed in accordance with methods approved by the director of health by an individual possessing a valid permit issued by the director pursuant to R.C. § 3701.143.

C. As used in division (d)(1)B. of this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.

(2) In a criminal prosecution for a violation of division (a) of this section or for an equivalent offense that is vehicle-related, 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)(1)B., (a)(1)C., (a)(1)D. and (a)(1)E. of this section or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of division (a)(1)J. 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 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. If the chemical test was obtained pursuant to division (d)(1)B. of this section, 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. If the person was under arrest as described in R.C. § 4511.191(A)(5), the arresting officer shall advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. If the person was under arrest other than described in R.C. § 4511.191(A)(5), the form to be read to the person to be tested, as required under division (g) of this section, 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 division (d)(4)B. and (d)(4)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. 105.

B. In any criminal prosecution or juvenile court proceeding for a violation of division (a) or (b) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, oral fluid, or urine, 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:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. 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.

3. If testimony is presented or evidence is introduced under division (d)(4)B.1. or (d)(4)B.2. 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) *Laboratory report.*

(1) Subject to division (e)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (a)(1)B., (a)(1)C., (a)(1)D., (a)(1)E., (a)(1)F., (a)(1)G., (a)(1)H., (a)(1)I. or (a)(1)J. or (b)(1), (b)(2), (b)(3) or (b)(4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division 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, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;

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

D. An outline of the analyst's or test performer's education, training and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the department of health.

(2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in division (e)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing 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 (7) 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) *Limitation of liability.*

(1) Except as otherwise provided in this division, any physician, registered nurse, emergency medical technician-intermediate, emergency medical technician-paramedic, or qualified technician, chemist or phlebotomist who withdraws blood from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, and any hospital, first-aid station or clinic at which blood is withdrawn from a person pursuant to this section or R.C. § 4511.19, 4511.191 or 4511.192, 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 also extends to an emergency medical service organization that employs an emergency medical technician-intermediate or emergency medical technician-paramedic who withdraws blood under this section. The immunity provided in this division is not available to a person who withdraws blood if the person engages in willful or wanton misconduct.

(2) As used in division (f)(1), "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in R.C. § 4765.01.

(g) *Implied consent.*

(1) *Definitions.* For the purpose of this division (g), the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alcohol monitoring device means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

Community addiction services provider has the same meaning as in R.C. § 5119.01.

Physical control has the same meaning as in R.C. § 4511.194.

(2) *Implied consent to chemical tests.* Any person who operates a vehicle upon a highway or any public or private property used by the public for vehicular travel or parking within this municipality or who is in physical control of a vehicle shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, <u>oral fluid,</u> or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, <u>oral fluid,</u> or urine if arrested for a violation of division (a), (b) or (o) of this section, R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance or any other municipal O.V.I. ordinance.

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

(4) *Effect of death or unconsciousness.* Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (g)(2) of this section and the test or tests may be administered, subject to R.C. §§ 313.12 to 313.16.

(5) *Chemical tests.*

A. If a law enforcement officer arrests a person for a violation of R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance and if the person if convicted would be required to be sentenced under R.C. § 4511.19(G)(1)(c), (G)(1)(d) or (G)(1)(e), the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combi-nation content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (g)(7) of this section, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (g)(3) and (g)(4) of this section apply to the administration of a chemical test or tests pursuant to this division.

B. If a person refuses to submit to a chemical test upon a request made pursuant to division (g)(5)A. of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(6) *Advice required.* Except as provided in division (g)(5) of this section, the arresting law enforcement officer shall give advice in accordance with this division to any person under arrest for a violation of division (a), (b) or (o) of this section, R.C.

§ 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or any other municipal O.V.I. ordinance. The officer shall give that advice in a written form that contains the information described in division (g)(7) of this section and shall read the advice to the person. The form shall contain a statement that the form was shown to the person under arrest and read to the person by the arresting officer. One (1) or more persons shall witness the arresting officer's reading of the form, and the witnesses shall certify to this fact by signing the form. The person must submit to the chemical test or tests, subsequent to the request of the arresting officer, within two (2) hours of the time of the alleged violation and, if the person does not submit to the test or tests within that two-hour time limit, the failure to submit automatically constitutes a refusal to

submit to the test or tests.

(7) *Certification of arrest.* Except as provided in division (g)(5) of this section, if a person is under arrest as described in division (g)(6) of this section, before the person may be requested to submit to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine, the arresting officer shall read the following form to the person:

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

"If you refuse to take any chemical test required by law, your Ohio driving privileges will be suspended immediately, and you will have to pay a fee to have the privileges reinstated. If you have a prior conviction of O.V.I., O.V.U.A.C., or operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance under state or municipal law within the preceding 20 years, you are now under arrest for state O.V.I., and, if you refuse to take a chemical test, you will face increased penalties if you subsequently are convicted of the state O.V.I.

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

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

(8) *Actions required by arresting officer.* If the arresting law enforcement officer does not ask a person under arrest as described in division (g)(5) of this section or division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, the arresting officer shall seize the Ohio or out-of-state driver's or commercial driver's license or permit of the person and immediately forward it to the court in which the arrested person is to appear on the charge. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the arrest, and, upon the surrender, the agency immediately shall forward the license or permit to the court in which the person is to appear on the charge. Upon receipt of the license or permit, the court shall retain it pending the arrested person's initial appearance and any action taken under R.C. § 4511.196.

(9) *Duties of officer.*

A. If a law enforcement officer asks a person under arrest as described in division (g)(5) of this section to submit to a chemical test or tests under that division and the test results indicate a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense, or if a law enforcement officer asks a person under arrest as described in division (g)(6) of this section to submit to a chemical test or tests under R.C. § 4511.191 or this section, if the officer advises the person in accordance with this section of the consequences of the person's refusal or submission, and if either the person refuses to submit to the test or tests or, unless

the arrest was for a violation of division (c) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submits to the test or tests and the test results indicate a prohibited concentration of alcohol, a controlled substance or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense, the arresting officer shall do all of the following:

1. On behalf of the registrar of motor vehicles, notify the person that, independent of any penalties or sanctions imposed upon the person, the person's Ohio driver's or commercial driver's license or permit or nonresident operating privilege is suspended immediately, that the suspension will last at least until the person's initial appearance on the charge, which will be held within five (5) days after the date of the person's arrest or the issuance of a citation to the person, and that the person may appeal the suspension at the initial appearance or during the period of time ending 30 days after that initial appearance;

2. Seize the driver's or commercial driver's license or permit of the person and immediately forward it to the registrar. If the arrested person is not in possession of the person's license or permit or it is not in the person's vehicle, the officer shall order the person to surrender it to the law enforcement agency that employs the officer within 24 hours after the person is given notice of the suspension, and, upon the surrender, the officer's employing agency immediately shall forward the license or permit to the registrar;

3. Verify the person's current residence and, if it differs from that on the person's driver's or commercial driver's license or permit, notify the Registrar of the change;

4. Send to the registrar, within 48 hours after the arrest of the person, a sworn report that includes all of the following statements:

a. That the officer had reasonable grounds to believe that, at the time of the arrest, the arrested person was operating a vehicle in violation of R.C. § 4511.19(A) or (B) or a municipal O.V.I. ordinance or for being in physical control of a stationary vehicle in violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance;

b. That the person was arrested and charged with a violation of R.C. § 4511.19(A) or (B), 4511.194 or a substantially equivalent municipal ordinance, or a municipal O.V.I. ordinance;

c. Unless division (g)(9)A.4.e. of this section applies, that the officer asked the person to take the designated chemical test or tests, advised the person in accordance with this section of the consequences of submitting to, or refusing to take, the test or tests, and gave the person the form described in division (g)(7) of this section;

d. Unless division (g)(9)A.4.e. of this section applies, that either the person refused to submit to the chemical test or tests or, unless the arrest was for a violation of R.C. § 4511.194 or a substantially equivalent municipal ordinance, the person submitted to the chemical test or tests and the test results indicate

a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath or urine at the time of the alleged offense;

e. If the person was under arrest as described in division (g)(5) of this section and the chemical test or tests were performed in accordance with that division, that the person was under arrest as described in that division, that the chemical test or tests were performed in accordance with that division, and that test results indicated a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at the time of the alleged offense.

B. Division (g)(9)A. of this section does not apply to a person who is arrested for a violation of division (o) of this section, R.C. § 4511.194 or a substantially equivalent municipal ordinance, or any other substantially equivalent municipal ordinance, who is asked by a law enforcement officer to submit to a chemical test or tests under this section, and who submits to the test or tests, regardless of the amount of alcohol, a controlled substance, or a metabolite of a controlled substance that the test results indicate is present in the person's whole blood, blood serum or plasma, breath, oral fluid, or urine.

(10) *Sworn report of arresting officer.*

A. The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first-class mail as soon as possible after receipt of the report, but not later than 14 days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest, provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than 48 hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

B. The sworn report of an arresting officer completed under this section is prima facie proof of the information and statements that it contains. It shall be admitted and considered as prima facie proof of the information and statements that it contains in any appeal under R.C. § 4511.197 relative to any suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege that results from the arrest covered by the report.

(11) *Suspension effective immediately.* A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in R.C. § 4511.191(B) or (C) is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person's being requested to take the chemical test or tests under division (g)(1) through (g)(5) of this section does not affect the suspension.

(12) *Initial appearance.* If a person arrested for operating a vehicle in violation of division (a) or (b) of this section, R.C. § 4511.19(A) or (B), or any other municipal O.V.I. ordinance, or for being in physical control of a vehicle in violation of division (o) of this section or R.C. § 4511.194 or a

substantially equivalent municipal ordinance,regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under R.C. § 4511.191(B) or (C) or R.C. Ch. 4510, the person's initial appearance on the charge resulting from the arrest shall be held within five (5) days of the person's arrest or the issuance of the citation to him or her, subject to any continuance granted by the court pursuant to R.C. § 4511.197 regarding the issues specified in that section.

(h) *Penalty for driving under the influence.*

(1) Whoever violates any provisions of divisions (a)(1) A. through (a)(1) I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates division (a)(1) J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under R.C. Ch. 2929, except as otherwise authorized or required by divisions (h)(1) A. through (h)(1) E. of this section:

A. Except as otherwise provided in division (h)(1) B., (h)(1) C., (h)(1) D. or (h)(1) 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 penalties and sanctions provided in R.C. § 4511.19(G)(1)(a)(i) to (G)(1)(a)(iv).

B. Except as otherwise provided in division (h)(1) E. of this section, an offender who, within ten (10) years of the offense previously has been convicted of or pleaded guilty to one (1) violation of division (a) of this section, or one (1) other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(b)(i) to (G)(1)(b)(v).

C. Except as otherwise provided in division (h)(1) E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to two (2) violations of division (a) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the penalties and sanctions provided in R.C. § 4511.19(G)(1)(c)(i) to (G)(1)(c)(vi).

D. Except as otherwise provided in division (h)(1)E. of this section, an offender who, within ten (10) years of the offense, previously has been convicted of or pleaded guilty to three (3) or more violations of division (a) of this section or other equivalent offenses , an offender who, within 20 years of the offense, previously has been convicted of or pleaded guilty to five (5) or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in R.C. § 2941.1413 is guilty of a felony to be prosecuted under appropriate state law.

E. An offender who previously has been convicted of or pleaded guilty to a violation of R.C. § 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, 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 or R.C. § 4511.19 as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in R.C. § 4511.191(F)(2).

(3)

A. If an offender is sentenced to a jail term under R.C. § 4511.19(G)(1)(b)(i) or (G)(1)(b)(ii) or (G)(1)(c)(i) or (G)(1)(c)(ii) and if, within 60 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 60-day period following the date of sentencing, the court may impose an alternative sentence as specified in R.C. § 4511.19(G)(3) that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

B. As an alternative to the mandatory jail terms as required by R.C. § 4511.19(G)(1), the court may sentence the offender as provided in R.C. § 4511.19(G)(3).

(4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under division (h) of this section or R.C. § 4511.19(G) and if R.C. § 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires the court impose as a condition 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 R.C. § 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one (1) of the conditions of the limited driving privileges granted to the offender, except as provided in R.C. § 4503.231(B).

(5) Fines imposed under this section for a violation of division (a) of this section shall be distributed as provided in R.C. § 4511.19(G)(5).

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (h)(1) C., (h)(1) D. or (h)(1) E. of this section is assigned or transferred and R.C. § 4503.234(B)(2) or (B)(3) applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the National Automobile Dealers Association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.

(7) In all cases in which an offender is sentenced under division (h) of this section, the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to section 698.02(f) or R.C. § 2929.18 or 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (h) of this section.

(8) As used in division (h) of this section, "electronic monitoring" has the same meaning as in R.C. § 2929.01.

(i) *Penalty for operating a vehicle after underage alcohol consumption.* Whoever violates division (b) of this section is guilty of operating a motor vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (i)(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 form the range specified in R.C. § 4510.02(A)(6). The court may grant limited driving privileges relative to the suspension under R.C. §§ 4510.021 and 4510.13. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under R.C. § 4510.022. If the court grants unlimited driving privileges under R.C. § 4510.022, the court shall suspend any jail term imposed under division (i)(1) of this section as required under that section.

2) If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) or more violations of division (a) or (b) of this section or other equivalent offense or offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(4). The court may grant limited driving privileges relative to the suspension under R.C. § 4510.021 and 4510.13.

(3) Reserved.

(4) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the violation of division (b) of this section.

(j) *Treatment programs.*

(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 R.C. Ch. 5119 by the director of mental health and 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.

(k) *Appeal; effect on suspension.* If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section or R.C. § 4511.19 files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(l) *Exception; direction of health professional.* Division (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed

metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply:

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

(2) The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(m) *Applicability to R.C. § 2923.16(D).* The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (a)(1) J. of this section also apply in a prosecution of a violation of R.C. § 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(n) *Applicability of terms.* All terms defined in R.C. § 4510.01 apply to this section. If the meaning of a term defined in R.C. § 4510.01 conflicts with the meaning of the same term as defined in R.C. § 4501.01 or 4511.01, the term as defined in R.C. § 4510.01 applies to this section.

(o) *Physical control of vehicle while under the influence.*

(1) *Definition.* As used in this division (o), "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.

(2) *Generally.* No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:

A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.

B. The person's whole blood, blood serum or plasma, breath or urine contains at least the concentration of alcohol specified in divisions (a)(1) B., (a)(1) C., (a)(1) D. or (a)(1) E. of this section.

C. Except as provided in division (o)(5) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in division (a)(1) J. of this section.

(3) *Field sobriety test.*

A. In any criminal prosecution or juvenile court proceeding for a violation of this section, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible and generally acceptable 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:

1. The officer may testify concerning the results of the field sobriety test so administered.

2. 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.

3. If testimony is presented or evidence is introduced under division (o)(3)A.1. or (o)(3)A.2. 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.

B. Division (o)(3)A. 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 (o)(3)A. of this section.

(4) *Penalty.* Whoever violates this division (o) 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 R.C. § 4510.02(A)(7).

(5) *Exception.* Division (o)(2) C. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in division (a)(1) J. of this section if both of the following apply:

A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.

B. The person injected, ingested or inhaled the controlled substance in accordance with the health professional's directions.

(p) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Community residential sanction, continuous alcohol monitoring, jail, mandatory prison term, mandatory term of local incarceration, prison term and *sanction* have the same meanings as in R.C. § 2929.01.

Drug of abuse has the same meaning as in R.C. § 4506.01.

Equivalent offense means any of the following:

(1) A violation of R.C. § 4511.19(A) or (B);

(2) A violation of a municipal O.V.I. ordinance;

(3) A violation of R.C. § 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;

(4) A violation of R.C. § 2903.06(A)(1) or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;

(5) A violation of R.C. § 2903.06(A)(2), (A)(3) or (A)(4), 2903.08(A)(2), or former R.C. § 2903.07, or a municipal ordinance that is substantially equivalent to any of those

(6) A violation of R.C. § 1547.11(A);

(7) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A) or 1547.11(A);

(9) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A) or 1547.11(A).

Equivalent offense that is vehicle-related means an equivalent offense that is any of the following:

(1) A violation described in division A., B., C., D. or E. of the definition for "equivalent offense" provided in this division (p);

(2) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to R.C. § 4511.19(A);

(3) A violation of a former law of this state that was substantially equivalent to R.C. § 4511.19(A).

Mandatory jail term means the mandatory term in jail of three (3), six (6), ten (10), 20, 30 or 60 days that must be imposed under R.C. § 4511.19(G)(1)(a), (G)(1)(b), or (G)(1)(c) 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 R.C. § 4511.19, the term must be served in a jail;

(2) Except as specifically authorized under R.C. § 4511.19, the term cannot be suspended, reduced or otherwise modified pursuant to R.C. § 2929.21 through 2929.28 or any other provision of the Ohio Revised Code.

Municipal O.V.I. ordinance and *municipal O.V.I. 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, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath or urine.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law references—Continuous alcohol monitoring, see R.C. § 4511.198; Disposition of fines, immobilization of vehicle and impoundment of license plates, criminal forfeiture for municipal

ordinance conviction, see R.C. § 4511.193; Effect of refusal to submit to test, seizure of license, suspension periods, appeal procedures, occupational driving privileges, and Indigent Drivers' Alcohol Treatment Funds, see R.C. § 4511.191; Judicial pretrial suspension, initial appearance, see R.C. § 4511.196; Mayor's Court to suspend driver's license, see R.C. § 1905.201; Seizure of vehicles upon arrest, see R.C. § 4511.195; Trial judge to suspend driver's license, see R.C. § 4510.05; R.C. § 4511.181; R.C. § 4511.19(A)—(F); R.C. § 4511.191(A), (D); R.C. § 4511.192; R.C. § 4511.194

434.03 Maximum speed limits; assured clear distance ahead.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard for 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 him or her 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 or established pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty 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 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)(4) of this section, and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by divisions (b)(10) and (b)(11) 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 limit is in effect.

B. As used in this section, "school" means all of the following:

1. Any school chartered under R.C. § 3301.16;

2. Any nonchartered school that during the preceding year filed with the department of education and workforce in compliance with O.A.C. 3301-35-08, a copy of the school's report for the parents of the school's pupils certifying that the school meets state minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone;

3. Any special elementary school that in writing requests the county engineer to create a school zone at the location of the school. Upon receipt of the written request, the county engineer shall create a school zone at that location by erecting appropriate signs;

4. Any preschool education program operated by an educational service center that is located on a street or highway with a speed limit of 45 miles per hour or more, when the educational service center in writing requests that <u>either the director of transportation or</u> the county engineer<u>, as applicable based on who has jurisdiction of the street or highway, to</u> create a school zone at the location of that program. Upon receipt of such a written request, <u>the director or</u> the county engineer shall create a school zone at that location by erecting the appropriate signs.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway, and also includes that portion of a state highway. Upon request from local authorities for streets and highways under their jurisdiction and that portion of a state highway under the jurisdiction of the director of transportation or a request from a county engineer in the case of a school zone for a special elementary school, the director may extend the traditional school zone boundaries. The distances in divisions (b)(1)C.1. through (b)(1)C.3. below shall not exceed 300 feet per approach per direction, and are bounded by whichever of the following distances or combination thereof the director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;

2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of the highway.

D. Nothing in this section shall be construed to invalidate the director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in divisions (b)(1)A. and (b)(1)C. of this section.

E. As used in this division, "crosswalk" has the meaning given that term in R.C. § 4511.01(LL) (2).

F. The director may, upon request by resolution of the legislative authority and upon submission by the municipality of such engineering, traffic and other information as the director considers necessary, designate a school zone on any portion of a state route lying within the municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of a crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet in each appropriate direction of the state route.

G. As used in this section, "special elementary school" means a school that meets all of the following:

1. It is not chartered and does not receive tax revenue from any source.

2. It does not educate children beyond the eighth grade.

3. It is located outside the limits of a municipal corporation.

4. A majority of the total number of students enrolled at the school are not related by blood.

5. The principal or other person in charge of the special elementary school annually sends a report to the superintendent of the school district in which the special elementary school is located indicating the total number of students enrolled at the school, but otherwise the principal or other person in charge does not report any other information or data to the superintendent.

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

(3) Thirty-five miles per hour on all state routes or through highways within the municipality outside business districts, except as provided in divisions (b)(4) and (b)(6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within the municipality, except as provided in divisions (b)(12), (b)(13), (b)(14), (b)(15), and (b)(16) of this section;

(5) Fifty-five miles per hour on highways outside the municipality, other than highways within island jurisdictions as provided in division (b)(8) of this section, highways as provided in divisions (b)(9) and (b)(10) of this section, and highways, expressways and freeways as provided in divisions (b)(12), (b)(13), (b)(14), and (b)(16) of this section;

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

(7) Fifteen miles per hour on all alleys within the municipality;

(8) Thirty-five miles per hour on highways outside the municipality that are within an island jurisdiction;

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two (2) or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under R.C. § 4511.21(H)(2);

(11) Fifty-five miles per hour on freeways with paved shoulders inside the municipality, other than freeways as provided in divisions (b)(14) and (b)(16) of this section;

(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (b)(13) and (b)(14) of this section;

(13) Sixty-five miles per hour on all rural expressways without traffic control signals;

(14) Seventy miles per hour on all rural freeways;

(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (b)(16) of this section;

(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.

(c) It is prima facie unlawful for any person to exceed any of the speed limitations in divisions (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) and (b)(9) of this section or any declared or established pursuant to this section by the director 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 55 miles per hour, except upon a two-lane state route as provided in division (b)(10) of this section and upon a highway, expressway or freeway as provided in divisions (b)(12), (b)(13), (b)(14), and (b)(16) of this section;

(2) At a speed exceeding 60 miles per hour upon a two-lane state route as provided in division (b)(10) of this section and upon a highway as provided in division (b)(12) of this section;

(3) At a speed exceeding 65 miles per hour upon an expressway as provided in division (b)(13) of this section or upon a freeway as provided in division (b)(16) of this section, except upon a freeway as provided in division (b)(14) of this section;

(4) At a speed exceeding 70 miles per hour upon a freeway as provided in division (b)(14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the director has determined and declared a speed limit pursuant to R.C. § 4511.21(I)(2) or (L)(2).

(e) Pursuant to R.C. § 4511.21(E), in every charge of violating 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)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 declares is prima facie lawful at the time and place of the alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to 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) Pursuant to R.C. § 4511.21(F), when a speed in excess of both a prima facie limitation and a limitation in division (d) of this section is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of this section, or of a limit declared or established pursuant to this section or R.C. § 4511.21 by the Director or local authorities, and of the limitation in division (d) of this section. If the court finds a violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21 has occurred, it shall enter a judgment of conviction under that division and dismiss the charge under division (d) of this section. If it finds no violation of division (b)(1)A., (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8) or (b)(9) of, or a limit declared or established pursuant to, this section or R.C. § 4511.21, it shall then consider whether the evidence supports a conviction under division (d) of this section.

(g) Pursuant to R.C. § 4511.21(G), points shall be assessed for a violation of a limitation under division (d) of this section in accordance with R.C. § 4510.036.

(h) Whenever, in accordance with R.C. §§ 4511.21(H) through (N), the maximum prima facie speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on those signs. It is prima facie unlawful for any person to exceed the speed limits posted upon the signs.

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

Commercial bus means a motor vehicle designed for carrying more than nine (9) passengers and used for the transportation of persons for compensation.

Divided means a roadway having two (2) or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four (4) feet, excluding turn lanes.

Interstate system has the same meaning as in 23 U.S.C. 101.

Noncommercial bus includes, but is not limited to, a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

Outerbelt means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director.

Rural means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.

Urbanized area has the same meaning as in 23 U.S.C. § 101.

(j) *Penalty.*

(1) A violation of any provision of this section is one (1) of the following:

A. Except as otherwise provided in divisions (j)(1)B., (j)(1)C., and (j)(2) and (j)(3) of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of any provision of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of any provision of this section, R.C. § 4511.21, or any provision of any other municipal ordinance that is substantially equivalent to any provision of that section, a misdemeanor of the third degree.

(2) If the offender operated a motor vehicle faster than 35 miles per hour in a business district of the municipality, faster than 50 miles per hour in other portions of the municipality, or faster than 35 miles per 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 misdemeanor of the fourth degree. Division (j)(2) of this section does not apply if penalties may be imposed under division (j)(1)(b) or (c) of this section.

(3) Notwithstanding division (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with R.C. § 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two (2) times the usual amount imposed for the violation. No court shall impose a fine of two (2) 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.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4511.21(A)—(G), (O), (P)

434.04 Speed limits on private roads ~~and driveways~~.

(a) The owner of a private road ~~or driveway~~ located in a private residential area containing 20 or more dwelling units may establish a speed limit on the road ~~or driveway~~ by complying with all of the following requirements:

(1) The speed limit is not less than 25 miles per hour and is indicated by a sign that is in a proper position, is sufficiently legible to be seen by an ordinarily observant person, and meets the specifications for the basic speed limit sign included in the manual adopted by the department of transportation pursuant to R.C. § 4511.09;

(2) The owner has posted a sign at the entrance of the private road ~~or driveway~~ that is in plain view and clearly informs persons entering the road ~~or driveway~~ that they are entering private property, a speed limit has been established for the road ~~or driveway~~, and the speed limit is enforceable by law enforcement officers under state law.

(b) No person shall operate a vehicle upon a private road ~~or driveway~~ as provided in division (a) of this section at a speed exceeding any speed limit established and posted pursuant to division (a).

(c) When a speed limit is established and posted in accordance with division (a) of this section, a law enforcement officer may apprehend a person violating the speed limit of the residential area by utilizing any of the means described in R.C. § 4511.091 or by any other accepted method of determining the speed of a motor vehicle and may stop and charge the person with exceeding the speed limit.

(d) Pursuant to R.C. § 4511.211(D), points shall be assessed for violation of a speed limit established and posted in accordance with division (a) of this section in accordance with R.C. § 4510.036.

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

Owner includes, but is not limited to, a person who holds title to the real property in fee simple, a condominium owners' association, a property owners' association, a board of directors or trustees of a private community, and a nonprofit corporation governing a private community.

Private residential area containing 20 or more dwelling units does not include a Chautauqua assembly as defined in R.C. § 4511.90.

(f) *Penalty.*

(1) A violation of division (b) of this section is one (1) of the following:

A. Except as otherwise provided in divisions (f)(1)B. and (f)(1)C. of this section, a minor misdemeanor;

B. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the fourth degree;

C. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, R.C. § 4511.211(B), or any other municipal ordinance that is substantially equivalent to that division, a misdemeanor of the third degree.

(2) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 408.02(b).

State law reference—R.C. § 4511.211

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 an OVI offense. ~~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 have the same meanings as in R.C. § 4501.01.

OVI offense means a violation of R.C. § 4511.19(A), a violation of R.C. § 1547.11(A), a violation of R.C. § 4561.15(A)(3), or a substantially equivalent municipal ordinance.

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.

(Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

State law references—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

434.11 Operation restricted for low-speed, under-speed, or utility vehicles.

(a) <u>As used in this section and R.C. §§ 4511.215 and 4511.216 of the Revised Code, “low-speed vehicle,” “mini-truck,” “under-speed vehicle,” and “utility vehicle” have the same meanings as in R.C. § 4501.01.</u>

<u>(b)</u>(1) No person shall operate a low-speed vehicle upon any street or highway having an established speed limit greater than 35 miles per hour.

(2) No person shall operate an under-speed or utility vehicle or a mini-truck upon any street or highway except as follows:

A. Upon a street or highway having an established speed limit not greater than 35 miles per hour and only upon such streets or highways where the municipality has granted permission for such operation in accordance with division (e) of this section;

B. A state park or political subdivision employee or volunteer operating a utility vehicle exclusively within the boundaries of state parks or political subdivision parks for the operation or maintenance of state or political subdivision park facilities.

(3) No person shall operate a motor-driven cycle or motor scooter upon any street or highway having an established speed limit greater than 45 miles per hour.

(~~b~~c) This section does not prohibit either of the following:

(1) A person operating a low-speed, under-speed, or utility vehicle or a mini-truck from proceeding across an intersection of a street or highway having a speed limit greater than 35 miles per hour;

(2) A person operating a motor-driven cycle or motor scooter from proceeding across an intersection of a street or highway having a speed limit greater than 45 miles per hour.

(~~c~~d) Nothing in this section shall prevent the municipality from adopting more stringent local ordinances, resolutions, or regulations governing the operation of a low-speed vehicle or a mini-truck, or a motor-driven cycle or motor scooter.

(~~d~~e) Except as otherwise provided in this division, whoever violates division (a) of this section is guilty of a minor misdemeanor. If within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(~~e~~f) By ordinance or resolution, the municipality may authorize the operation of under-speed or utility vehicles or mini-trucks on a public street or highway under its jurisdiction. The municipality shall do all of the following:

(1) Limit the operation of those vehicles to streets and highways having an established speed limit not greater than 35 miles per hour;

(2) Require the vehicle owner who wishes to operate an under-speed or utility vehicle or a mini-truck on the public streets or highways to submit the vehicle to an inspection conducted by a local law enforcement agency that complies with inspection requirements established by the Department of Public Safety under R.C. § 4513.02;

(3) Permit the operation on public streets or highways of only those vehicles that successfully pass the required vehicle inspection, are registered in accordance with R.C. Ch. 4503, and are titled in accordance with R.C. Ch. 4505;

(4) Notify the director of public safety, in a manner the director determines, of the authorization for the operation of under-speed or utility vehicles or mini-trucks.

(~~f~~g) The municipality may establish additional requirements for the operation of under-speed or utility vehicles or mini-trucks on its streets and highways.

(~~g~~h) Notwithstanding divisions (a) through (~~f~~g) of this section, a person may operate a utility vehicle on any public roads or right-of-way, other than a freeway, when traveling from one (1) farm field to another for agricultural purposes if the vehicle is displaying a triangular slow-moving vehicle emblem as described in R.C. § 4513.112.

(~~h~~i) (1) Except as provided in this division (h) and divisions (e) and (f) of this section, no person shall operate a mini-truck within this municipality.

(2) A person may operate a mini-truck on a farm for agricultural purposes only when the owner of the farm qualifies for the current agricultural use valuation tax credit. A mini-truck may be operated by or on behalf of such a farm owner on public roads and rights-of-way only when traveling from one (1) farm field to another.

(3) A person may operate a mini-truck on property owned or leased by a dealer who sells mini-trucks at retail.

(4) Whoever violates this division (h) shall be penalized as provided in division (d) of this section.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4511.214, 4511.215, 4511.216, 4519.401

CHAPTER 436. LICENSING; ACCIDENTS*

436.04 Certain acts prohibited.

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

(1) 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;

(2) 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;

(3) 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;

(4) 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;

(5) 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, reprint, or duplicate thereof, knowingly conceal a material fact or present any ~~physician's~~ statement required under R.C. § 4507.08 or 4507.081 when knowing the same to be false or fictitious.

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

State law reference—R.C. § 4507.30

436.071 Driving under suspension or in violation of license restriction.

(a) *Driving under suspension or in violation of license restriction.*

(1) Except as provided in division (a)(2) of this section, division (b) of this section, section 436.074 and in R.C. §§ 4510.111 and 4510.16, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Revised Code, other than R.C. Ch. 4509, 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 public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this municipality 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.

(2) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under R.C. § 4506.10(D) or 4507.14.

(3) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a)(1) or (a)(2) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (a)(1) of this section or the person operated a motor vehicle in violation of a restriction at the time of the alleged violation of division (a)(2) of this section. The person charged with a violation of division (a)(1) or (a)(2) of this section may offer evidence to rebut this prima facie evidence.

(4) A. Whoever violates division (a)(1) or (a)(2) of this section is guilty of 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 license, or nonresident operating privilege from the range specified in R.C. § 4510.02(A)(7).

B. 1. Except as provided in division (a)(4)B.2. or (a)(4)B.3. 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 and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to one (1) violation of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal

ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for 30 days and the impoundment of that vehicle's license plates for 30 days in accordance with R.C. § 4503.233.

2. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to two (2) violations of this section, or any combination of two (2) violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the immobilization of the vehicle involved in the offense for 60 days and the impoundment of that vehicle's license plates for 60 days in accordance with R.C. § 4503.233.

3. If the vehicle is registered in the offender's name and if, within three (3) years of the offense, the offender previously has been convicted of or pleaded guilty to three (3) or more violations of this section, or any combination of three (3) or more violations of this section or R.C. § 4510.11, 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender, may order the criminal forfeiture of the vehicle involved in the offense to the state.

(5) Any order for immobilization and impoundment under this section shall be issued and enforced under R.C. §§ 4503.233 and 4507.02, as applicable. 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.

(6) Any order of criminal forfeiture under this section shall be issued and enforced under R.C. § 4503.234. 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 (5) 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.

(7) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 698.02(f) or R.C. § 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(b) *Driving under suspension in violation of other provisions.*

(1) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality whose driver's or commercial driver's license has been suspended pursuant to R.C. § 2151.354, ~~2151.87,~~ 2935.27, 3123.58, 4301.99, 4510.032, 4510.22, or 4510.33, or a substantially equivalent municipal ordinance.

(2) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (b)(1) of this section may be admitted into evidence as prima facie evidence that the license of the person was under suspension at the time of the alleged violation of division (b)(1) of this section. The person charged with a violation of division (b)(1) of this section may offer evidence to rebut this prima facie evidence.

(3) Whoever violates division (b)(1) of this section is guilty of driving under suspension and shall be punished as provided in division (b)(3)A. or division (b)(3)B. of this section.

A. Except as otherwise provided in division (b)(3)B. of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to sections 698.02, 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 698.02(d) or R.C. § 2929.26; notwithstanding section 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000.00; and, notwithstanding section 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to section 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.

B. If, within three (3) years of the offense, the offender previously was convicted of or pleaded guilty to two (2) or more violations of division (b)(1) of this section, or any combination of two (2) or more violations of division (b)(1) of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree, and the offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(c) *Repeat traffic offender; point system suspension.* Any person whose driver's or commercial driver's license or permit or nonresident operating privileges are suspended as a repeat traffic offender under R.C. § 4510.037 and who, during the suspension, operates any motor vehicle upon any public roads and highways is guilty of driving under a 12-point suspension, a misdemeanor of the first degree. The court shall sentence the offender to a minimum term of three (3) days in jail. No court shall suspend the first three (3) days of jail time imposed pursuant to this division.

(d) It is an affirmative defense to any prosecution brought under division (a) (b), or (c) of this section 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.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4510.037(J), 4510.04, 4510.11, 4510.111

436.074 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.

(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 R.C. Ch. 4509, shall operate any motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period of the suspension or cancellation, except as specifically authorized by R.C. Ch. 4509. ~~No person shall operate a motor vehicle within this municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the municipality, during the period in which the person is required by R.C. § 4509.45 to file and maintain proof of financial responsibility for a violation of R.C. § 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.~~

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this municipality if the person's driver's or commercial driver's license or temporary instruction permit or nonresident operating privilege has been suspended pursuant to R.C. § 4509.37 or 4509.40 for nonpayment of a judgment.

(c) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (a) or (b) of this section may be admitted into evidence as prima facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (a) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (b) of this section. The person charged with a violation of division (a) or (b) of this section may offer evidence to rebut this prima facie evidence.

(d) Whoever violates division (a) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in this division (d)(1) to (3). Whoever violates division (b) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in this division (d)(1) to (3).

> (1) Except as otherwise provided in this division (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 698.02, 698.03 or R.C. §§ 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 698.02(d) or R.C. § 2929.26; notwithstanding section 698.02(f)(1)B.1. and R.C. § 2929.28(A)(2)(a), the offender may be fined up to $1,000.00; and, notwithstanding section 698.02(e)(1)C. and R.C. § 2929.27(A)(3), the offender may be ordered pursuant to section 698.02(e)(3) or R.C. § 2929.27(C) to serve a term of community service of up to 500 hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under R.C. § 2705.02(A) that may be filed in the underlying case.
>
> (2) If, within three (3) years of the offense, the offender previously was convicted of or pleaded guilty to two (2) or more violations of this section, or any combination of two (2) violations of this section, R.C. § 4510.11, 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
>
> 3) The offender shall provide the court with proof of financial responsibility as defined in R.C. § 4509.01. If the offender fails to provide that proof of financial responsibility, then in addition to

any other penalties provided by law, the court may order restitution pursuant to R.C. § 2929.28 in an amount not exceeding $5,000.00 for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

(e) It is an affirmative defense to any prosecution brought under this section 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.

State law references—Immobilization of vehicle; impoundment of license plates; criminal forfeiture of vehicle, see R.C. § 4510.161; R.C. §§ 4510.04, 4510.16

436.09 Display of license plates; registration; obstructions.

(a) (1) ~~No~~ Subject to R.C. § 4503.211, no person who is the owner or operator of a motor vehicle shall fail to display in plain view on the rear of the motor vehicle a license plate that displays the distinctive number and registration mark assigned to the motor vehicle by the Ohio Director of Public Safety, including any county identification sticker and any validation sticker when required by and issued under R.C. §§ 4503.19 and 4503.191. However, a commercial tractor shall display the license plate on the front of the commercial tractor.

(2) The license plate shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs its visibility.

(3) ~~No~~ Subject to R.C. § 4503.211, no person to whom a temporary motor vehicle license registration has been issued for the use of a motor vehicle under R.C. § 4503.182, and no operator of that motor vehicle, shall fail to display the temporary motor vehicle license registration in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle.

(4) No person shall cover a temporary motor vehicle license registration by any material that obstructs its visibility.

(b) Except as otherwise provided by R.C. §§ 4503.103, 4503.107, 4503.173, 4503.41, 4503.43 and 4503.46, no person who is the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways shall fail to file annually the application for registration or to pay the tax therefor.

(c) (1) Within 30 days of becoming a resident of this state, any person who owns a motor vehicle operated or driven upon the public roads or highways shall register the vehicle in this state. If such a person fails to register a vehicle owned by the person, the person shall not operate any motor vehicle in this state under a license issued by another state.

2) For purposes of division (c)(1) of this section, "resident" means any person to whom any of the following applies:

A. The person maintains their principal residence in this state and does not reside in this state as a result of the person's active service in the United States armed forces.

B. The person is determined by the Registrar of Motor Vehicles to be a resident in accordance with standards adopted by the Registrar under R.C. § 4507.01.

(d) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner immediately shall remove the license plates from the motor vehicle, except as otherwise provided in R.C. § 4503.12.

(e) No person shall operate or drive upon the highways of this municipality 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.

(f) 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 highways of this municipality 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.

(g) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates 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.

(h) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for the vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(i) No person shall operate a motor vehicle, upon which license plates are required by law to be displayed, unless the license plates legally registered and issued for the vehicle are fastened in such a manner, and not covered, obscured or concealed by any part or accessory of the vehicle, to be readable in their entirety from left to right.

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

B. The offenses established under division (a) of this section are strict liability offenses and R.C. § 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

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

(3) A. Whoever violates division (c) of this section is guilty of a minor misdemeanor.

B. The offense established under division (j)(3)A. of this section is a strict liability offense and strict liability is a culpable mental state for purposes of R.C. § 2901.20. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

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

(5) Whoever violates division (e) of this section is guilty of operation of a motor vehicle bearing license plates or an identification mark issued to another, a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.

(6) Whoever violates division (f) of this section is guilty of illegal operation by a resident of this state of a motor vehicle bearing the distinctive number or identification mark issued by a foreign jurisdiction, a minor misdemeanor.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4503.11(A), (D), 4503.111(A)—(C), 4503.12(A), (D), 4503.21(A)—(C), 4549.11(A), (B), 4549.12(A), (B)

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) R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

(d) 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; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

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

CHAPTER 438. SAFETY AND EQUIPMENT*

438.24 Tinted glass; materials on glass.

(a) 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 the requirements concerning tinted glass and reflectorized material of R.C. § 4513.241 and of any applicable rule adopted under that section.

(b) No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(c) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in R.C. § 4517.01, shall sell any motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

(2) No manufacturer, remanufacturer, or distributor, as defined in R.C. § 4517.01, shall provide to a motor vehicle dealer licensed under R.C. Ch. 4517 or to any other person, a motor vehicle that fails to conform to the requirements of R.C. § 4513.241 or of any rule adopted under that section.

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

(e) 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 No. 205.

(f) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this division does not apply to any school bus used to transport a child with disabilities pursuant to R.C. Ch. 3323, 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, "child with disabilities" has the same meaning as in R.C. § 3323.01.

(g) This section does not apply to any school bus that is to be sold and operated outside the municipality.

(h) (1) This section does not apply to a motor vehicle used by a law enforcement agency when the motor vehicle is used by the law enforcement agency for a purpose within the scope of the law enforcement agency's duties. ~~under either of the following circumstances:~~

~~A. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.~~

~~B. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.~~

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(i) (1) Whoever violates division (a), (c)(2) or (d) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (c)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) A. Whoever violates division (b) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

B. In addition to any other penalty imposed under this section, whoever violates division (b) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

C. In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (b) of this section and the offender is a motor vehicle repair operator registered under R.C. Ch. 4775 or a motor vehicle dealer licensed under R.C. Ch. 4517, whoever violates division (b) of this section is subject to a registration or license suspension, as applicable, for a period of not more than 180 days.

State law references—R.C. §§ 4513.241(C)—(K); Administrative regulations, see O.A.C. Chapter 4501-41;

438.26 Motor vehicle stop lights.

(a) (1) Every motor vehicle, trailer, semitrailer and pole trailer when operated upon a highway shall be equipped with two (2) 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 (1) stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. These stop lights when actuated shall emit a red light visible from a distance of 500 feet to the rear; provided that in the case of a train of vehicles only the stop lights on the rearmost vehicle need be visible from the distance specified.

(2) These 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.

(3) 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 R.C. § 4513.19.

(4) ~~Historical~~ A historical motor vehicle~~s as defined in R.C. § 4503.181,~~ vehicle that was not originally manufactured with stop lights or a replica motor vehicle that replicates a motor vehicle that was not originally manufactured with stop lights~~, are~~ is not subject to this section.

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

(c) As used in this section, "replica motor vehicle" means a replica motor vehicle for which a certificate of title is issued under R.C. § 4505.072.

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

State law reference—R.C. § 4513.071

438.29 Use of child restraints.

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

(1) A child who is less than four (4) years of age;

(2) A child who weighs less than 40 pounds.

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

(1) A child who is less than four (4) years of age;

(2) A child who weighs less than 40 pounds.

(c) When any child who is less than eight (8) years of age and less than four (4) feet nine

(9) inches in height, who is not required by division (a) or (b) of this section to be secured in a child restraint system, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01 or a vehicle that is regulated under R.C.

§ 5104.015, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

(d) When any child who is at least eight (8) years of age but not older than 15 years of age, and who is not otherwise required by division (a), (b), or (c) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in R.C. § 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in R.C. § 4513.263.

(e) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (c) or (d) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (c) or (d) of this section has been or is being committed.

(f) The director of public safety shall adopt such rules as are necessary to carry out this section.

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

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this state under R.C. Ch. 4731, a clinical nurse specialist or

certified nurse practitioner licensed to practice in this state under Chapter 4723 of the Revised Code, or a chiropractor licensed to practice in this state under R.C. Ch. 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician, nurse, or chiropractor as noted on the affidavit.

(i) Nothing in this section shall be construed to require any person to carry with the person the birth certificate of a child to prove the age of the child, but the production of a valid birth certificate for a child showing that the child was not of an age to which this section applies is a defense against any ticket, citation or summons issued for violating this section.

(j) (1) Whoever violates division (a), (b), (c), or (d) of this section shall be punished as follows, provided that the failure of an operator of a motor vehicle to secure more than one (1) child in a child restraint system, booster seat or occupant restraining device as required by this section that occurred at the same time, on the same day and at the same location is deemed to be a single violation of this section:

A. Except as otherwise provided in division (j)(1)B. of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than $25.00 nor more than $75.00.

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b),(c) or (d) of this section or of a state law or municipal ordinance that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the state treasurer for deposit in the child highway safety fund created by R.C. § 4511.81(I).

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4511.81(A)—(H), (K), (L)

CHAPTER 440. COMMERCIAL AND HEAVY VEHICLES*

440.08 Occupying travel trailer or manufactured home while in motion.

(a) As used in this section:

(1) “Fifth wheel trailer,” “mobile home,” and “travel trailer” have the same meanings as in R.C. § 4501.01.

(2) “Manufactured home” has the same meaning as in R.C. § 3781.06(C)(4).

(b) Except as provided in division (~~b~~c) of this section, no person shall occupy any travel trailer, faith wheel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(~~b~~c) Division (~~a~~b) of this section does not apply to a fifth wheel trailer when both of the following apply:

(1) Any child riding in the fifth wheel trailer is properly secured in the manner provided in R.C. § 4511.81~~.~~;

(2) The operator of the vehicle towing the fifth wheel trailer has some means of viable communication with the passengers riding in the trailer.

As used in this division, "viable communication" includes a cellular or satellite telephone, a radio, or any other similar electronic wireless communications device.

(~~c~~d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to one (1) predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (1) year of the offense, the offender previously has been convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(~~d~~e) The offense established under this section is a strict liability offense and R.C. § 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.
(Ord. No. 01-2024, § 6, 1-11-2024)
State law reference—R.C. § 4511.701

CHAPTER 442. DRIVERS OF COMMERCIAL VEHICLES*

442.01 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Alcohol concentration means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:

(1) One hundred milliliters of whole blood, blood serum or blood plasma;

(2) Two hundred ten liters of breath;

(3) One hundred milliliters of urine.

Commercial driver's license means a license issued in accordance with R.C. Ch. 4506 that authorizes an individual to drive a commercial motor vehicle. Except as otherwise specifically provided, "commercial driver's license" includes an "enhanced commercial driver's license."

Commercial driver's license information system means the information system established pursuant to the requirements of the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 3207-171, 49 U.S.C. App. 2701.

***Cross references**—Driving under the influence, generally, see section 434.01; Load limits, see section 440.01; Route and load information, see section 440.09; Stopping after accidents, generally, see sections 436.11, 436.12

State law references—Arrest notice of drivers, see R.C. § 5577.14; Hours of service of truck drivers, see R.C. § 4921.30; Warning devices when disabled on freeways, see R.C. § 4513.28

Commercial motor vehicle means, except when used in R.C. § 4506.25, any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

(1) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more, provided that the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;

(2) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;

(3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;

(4) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;

(5) Is transporting hazardous materials for which placarding is required under 49 C.F.R. Part 172, Subpart F, as amended; or

(6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells and a portable crane.

Controlled substance includes all of the following:

(1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C. 802(6), as amended;

(2) Any substance included in Schedules I through V of 21 C.F.R. Part 1308, as amended;

(3) Any drug of abuse.

Conviction means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended or probated.

Disqualification means any of the following:

(1) The suspension, revocation or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight or vehicle defect violations;

(3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

Domiciled means having a true, fixed, principal, and permanent residence to which an individual intends to return.

Downgrade means any of the following, as applicable:

(1) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's self-certified status as described in R.C. § 4506.10(A)(1);

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license;

(4) A change in the commercial driver's license, or commercial driver's license temporary instruction permit, holder's privileges as described in R.C. § 4506.13(F)(1).

Drive means to drive, operate or be in physical control of a motor vehicle.

Driver means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.

Driver's license means a license issued by the Bureau of Motor Vehicles that authorizes an individual to drive.

Drug of abuse means any controlled substance, dangerous drug as defined in R.C. § 4729.01, harmful intoxicant as defined in R.C. § 2925.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.

Electronic device includes a cellular telephone, a personal digital assistant, a pager, a computer, and any other device used to input, write, send, receive, or read text.

Eligible unit of local government means a village, township or county that has a population of not more than 3,000 persons according to the most recent federal census.

Employer means any person, including the federal government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.

Endorsement means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.

Enhanced commercial driver's license means a commercial driver's license issued in accordance with sections R.C. §§ 4507.021 and 4506.072 that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

Farm truck means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than 150 miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than 150 miles, of supplies for the farm, including tile, fence and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding or other purposes connected with the operation of the farm, when the truck is operated in accordance with this definition and is not used in the operations of a motor carrier, as defined in R.C. § 4923.01.

Fatality means the death of a person as the result of a motor vehicle accident occurring not more than 365 days prior to the date of death.

Felony means any offense under federal or state law that is punishable by death or imprisonment for a term exceeding one (1) year and includes any offense specifically classified as a felony under the law of this state, regardless of the penalty that may be imposed.

Foreign jurisdiction means any jurisdiction other than a state.

Gross vehicle weight rating means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.

Hazardous materials means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under 49 C.F.R. Part 172, Subpart F or any quantity of a material listed as a select agent or toxin in 42 C.F.R. Part 73, as amended.

Imminent hazard means the existence of a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property or the environment may occur before the reasonably foreseeable completion date of a formal proceeding begun to lessen the risk of death, illness, injury or endangerment.

Medical variance means one (1) of the following received by a driver from the Federal Motor Carrier Safety Administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. part 381, subpart C or 49 C.F.R. § 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. § 391.49.

Mobile telephone means a mobile communication device that falls under or uses any commercial mobile radio service as defined in 47 C.F.R. part 20, except that mobile telephone does not include two-way or citizens band radio services.

Motor vehicle means a vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power used on highways, except that the term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.

Out-of-service order means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that the driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

Peace officer has the same meaning as in R.C. § 2935.01.

Portable tank means a liquid or gaseous packaging designed primarily to be loaded on or temporarily attached to a vehicle and equipped with skids, mountings or accessories to facilitate handling of the tank by mechanical means.

Public safety vehicle has the same meaning as in R.C. § 4511.01(E)(1) and (E)(3).

Recreational vehicle includes every vehicle that is defined as a recreational vehicle in R.C. § 4501.01 and is used exclusively for purposes other than engaging in business for profit.

Residence means any person's residence determined in accordance with standards prescribed in the rules adopted by the registrar.

School bus has the same meaning as in R.C. § 4511.01.

Serious traffic violation means any of the following:

(1) A conviction arising from a single charge of operating a commercial motor vehicle in violation of any provision of R.C. § 4506.03;

(2) A. Except as provided in division (2)B. of this definition, a violation while operating a commercial motor vehicle of a law of this state, or any municipal ordinance or county or township resolution, or any other substantially equivalent law of another state or political subdivision of another state, prohibiting either of the following:

1. Texting while driving;

2. Using a handheld mobile telephone.

B. It is not a serious traffic violation if the person was texting or using a handheld mobile telephone to contact law enforcement or other emergency services.

(3) A conviction arising from the operation of any motor vehicle that involves any of the following:

A. A single charge of any speed in excess of the posted speed limit by 15 miles per hour or more;

B. Violations of R.C. § 4511.20 or 4511.201 or any substantially equivalent ordinance or resolution, or of any substantially equivalent law of another state or political subdivision of another state;

C. Violation of a law of this state or an ordinance or resolution relating to traffic control, other than a parking violation, or of any substantially equivalent law of another state or political subdivision of another state, that results in a fatal accident;

D. Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license with the proper class or endorsement for the specific vehicle group being operated or for the passengers or type of cargo being transported;

E. Violation of R.C. § 4506.03 or a substantially equivalent municipal ordinance or county or township resolution, or of any substantially equivalent law of another state or political subdivision of another state, that involves the operation of a commercial motor vehicle without a valid commercial driver's license being in the person's possession;

F. Violation of R.C. § 4511.33 or 4511.34, or any municipal ordinance or county or township resolution substantially equivalent to either of those sections, or any substantially equivalent law of another state or political subdivision of another state;

G. Violation of any other law of this state, any law of another state, or any ordinance or resolution of a political subdivision of this state or another state that meets both of the following requirements:

1. It relates to traffic control, other than a parking violation;

2. It is determined to be a serious traffic violation by the United States Secretary of Transportation and is designated by the director as such by rule.

State means a state of the United States and includes the District of Columbia.

Tank vehicle means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks that are either permanently or temporarily attached to the vehicle or its chassis and have an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more. The term does not include a commercial motor vehicle transporting an empty storage container tank that is not designed for transportation, has a rated capacity of 1,000 gallons or more, and is temporarily attached to a flatbed trailer.

Tester means a person or entity acting pursuant to a valid agreement entered into pursuant to R.C. § 4506.09(B).

Texting means manually entering alphanumeric text into, or reading text from, an electronic device. "Texting" includes short message service (SMS), e-mail, instant messaging, a command or request to access a world wide web page, pressing more than a single button to initiate or terminate a voice communication using a mobile

telephone, or engaging in any other form of electronic text retrieval or entry, for present or future communication. "Texting" does not include the following:

(1) Using voice commands to initiate, receive, or terminate a voice communication using a mobile telephone;

(2) Inputting, selecting, or reading information on a global positioning system or navigation system;

(3) Pressing a single button to initiate or terminate a voice communication using a mobile telephone; or

(4) Using, for a purpose that is not otherwise prohibited by law, a device capable of performing multiple functions, such as a fleet management system, a dispatching device, a mobile telephone, a citizens band radio, or a music player.

Texting while driving means texting while operating a commercial motor vehicle, with the motor running, including while temporarily stationary because of traffic, a traffic control device, or other momentary delays. Texting while driving does not include operating a commercial motor vehicle with or without the motor running when the driver has moved the vehicle to the side of, or off, a highway and is stopped in a location where the vehicle can safely remain stationary.

United States means the 50 states and the District of Columbia.

Upgrade means a change in the class of vehicles, endorsements, or self-certified status as described in R.C. § 4506.10(A)(1) that expands the ability of a current commercial driver's license holder to operate commercial motor vehicles under this chapter or R.C. Ch. 4506.

Use of a handheld mobile telephone means:

(1) Using at least one (1) hand to hold a mobile telephone to conduct a voice communication;

(2) Dialing or answering a mobile telephone by pressing more than a single button; or

(3) Reaching for a mobile telephone in a manner that requires a driver to maneuver so that the driver is no longer in a seated driving position, or restrained by a seat belt that is installed in accordance with 49 C.F.R. § 393.93 and adjusted in accordance with the vehicle manufacturer's instructions.

Vehicle has the same meaning as in R.C. § 4511.01.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. § 4506.01

CHAPTER 444. BICYCLES AND MOTORCYCLES GENERALLY*

CHAPTER 446. SNOWMOBILES, OFF-HIGHWAY MOTORCYCLES AND ALL-PURPOSE VEHICLES*

CHAPTER 448. WATERCRAFT*

TITLE EIGHT. PARKING

CHAPTER 452. PARKING GENERALLY*

452.03 Prohibited standing or parking places.

(a) No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this title, or while obeying the directions of a police officer or a traffic-control device, in any of the following places:

(1) On a sidewalk, except as provided in division (b) of this section;

(2) In front of a public or private driveway;

(3) Within an intersection;

(4) Within ten (10) feet of a fire hydrant;

(5) On a crosswalk;

(6) Within 20 feet of a crosswalk at an intersection;

(7) Within 30 feet of, and upon the approach to, any ~~flashing beacon~~ yield sign, stop sign or highway traffic~~-control device~~ signal;

(8) Between a safety zone and the adjacent curb or within 30 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;

(9) Within 50 feet of the nearest rail of a railroad crossing;

(10) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 feet of the entrance when it is properly posted with signs;

(11) Alongside or opposite any street excavation or obstruction when the standing or parking would obstruct traffic;

(12) Alongside any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or elevated structure upon a highway, or within a highway tunnel;

(14) At any place where signs prohibit stopping;

(15) Within one (1) foot of another parked vehicle;

(16) On the roadway portion of a freeway, expressway or thruway;

(17) On a bicycle lane.

(b) A person is permitted, without charge or restriction, to stand or park on a sidewalk a motor-driven cycle or motor scooter that has an engine not larger than 150 cubic centimeters, a low-speed micromobility device, or a bicycle or electric bicycle, provided that the motor-driven cycle, motor scooter, low-speed micromobility device, bicycle, or electric bicycle does not impede the normal flow of pedestrian traffic. This division does not authorize any person to operate a vehicle in violation of R.C. § 4511.711, or any substantially equivalent municipal ordinance.

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

convicted of two (2) or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

Cross reference—R.C. § 4511.68

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 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 trooper. If the sheriff, chief officer, or trooper determines that the vehicle cannot be removed within the specified period of time, the sheriff, chief, officer, or 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 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 trooper within five (5) business days of the removal of the vehicle. Upon obtaining such identity, the sheriff or chief shall send or cause notice 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) The owner or lienholder of the motor vehicle 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. R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

~~A. The owner or lienholder of the motor vehicle 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 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 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; Ord. No. 26-2024, § 1(Exh. A), 11-21-2024)

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

452.06 Parking prohibitions on private property; private tow-away zones.

(a) (1) The sheriff or chief of a law enforcement agency, upon complaint of any person adversely affected, may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in R.C. § 4513.63, that has been left on private residential or private agricultural property for at least four (4) hours without the permission of the person having the right to the possession of the property. The sheriff or chief of police, upon complaint of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. When ordering a motor vehicle into storage pursuant to this division, the sheriff or chief of police may arrange for the removal of the motor vehicle by a towing service and shall designate a storage facility.

(2) A towing service towing a motor vehicle under division (a)(1) of this section shall remove the motor vehicle in accordance with that division. The towing service shall deliver the motor vehicle to the location designated by the sheriff or chief not more than two (2) hours after the time it is removed from the private property, unless the towing service is unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(3) Subject to division (b) of this section, the owner of a motor vehicle that has been removed pursuant to this division may recover the vehicle only in accordance with division (d) of this section.

(4) As used in this section, "private residential property" means private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by one (1) or more persons, if no more than three (3) separate households are maintained in the structure or structures. The phrase does not include any private property on which is located one (1) or more structures that are used as a home, residence, or sleeping place by two (2) or more persons, if more than three (3) separate households are maintained in the structure or structures.

(b) (1) If the owner or operator of a motor vehicle that has been ordered into storage pursuant to division (a)(1) of this section arrives after the motor vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half (½) of the

fee for the removal of the motor vehicle established by the public utilities commission in rules adopted under R.C. § 4921.25, in order to obtain release of the motor vehicle. However, if the vehicle is within a municipal corporation and the municipal corporation has established a vehicle removal fee, the towing service shall give the owner or operator oral or written notification that the owner or operator may pay not more than one-half (½) of that fee to obtain release of the motor vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction.

(2) Upon payment of the applicable fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the motor vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move it so that it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable.

(c) (1) The sheriff and chief of a law enforcement agency shall maintain a record of motor vehicles that the sheriff or chief of police orders into storage pursuant to division (a)(1) of this section. The record shall include an entry for each such motor vehicle that identifies the motor vehicle's license number, make, model, and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. The sheriff or chief of police shall provide any information in the record that pertains to a particular motor vehicle to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(2) Any person who registers a complaint that is the basis of the sheriff's or chief's order for the removal and storage of a motor vehicle under division (a)(1) of this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies self as the owner or operator of the motor vehicle and requests information pertaining to its location.

(d) (1) The owner or lienholder of a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section may reclaim it upon both of the following:

A. Payment of all applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25 or, if the vehicle was towed within a municipal corporation that has established fees for vehicle removal and storage, payment of all applicable fees established by the municipal corporation. R.C. § 2930.11 does not apply with regard to the payment of fees for motor vehicle removal and storage under this section.

B. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement.

(2) When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

(3) Upon presentation of proof of ownership as required under division (d)(1)B. of this section, the owner of a motor vehicle that is ordered into storage under division (a)(1) of this section may retrieve any personal items from the motor 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. The owner of a motor vehicle shall not do either of the following:

A. Retrieve any personal item that has been determined by the sheriff or chief of police, as applicable, to be necessary to a criminal investigation;

B. 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.

(4) For purposes of division (d)(3) of this section, "personal items" do not include any items that are attached to the motor vehicle.

(5) If a motor vehicle that is ordered into storage pursuant to division (a)(1) of this section remains unclaimed by the owner for 30 days, the procedures established by R.C. §§ 4513.61 and 4513.62 apply.

(e) (1) No person shall remove, or cause the removal of, any motor vehicle from any private residential or private agricultural property other than in accordance with division (a)(1) of this section or R.C. §§ 4513.61 to 4513.65.

(2) No towing service or storage facility shall fail to comply with the requirements of this section.

(f) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with division (h) of this section or R.C. § 4513.601.

(g) Whoever violates division (e) of this section is guilty of a minor misdemeanor.

(h) *Private tow-away zones.*

(1) The owner of a private property may establish a private tow-away zone, but may do so only if all of the following conditions are satisfied:

A. The owner of the private property posts on the property a sign, that is at least 18 inches by 24 inches in size, that is visible from all entrances to the property, and that includes all of the following information:

1. A statement that the property is a tow-away zone;

2. A description of persons authorized to park on the property. If the property is a residential property, the owner of the private property may include on the sign a statement that only tenants and guests may park in the private tow-away zone, subject to the terms of the property owner. If the property is a commercial property, the owner of the private property may include on the sign a statement that only customers may park in the private tow-away zone. In all cases, if it is not apparent which persons may park in the private tow-away zone, the owner of the private property shall include on the sign the address of the property on which the private tow-away zone is located or the name of the business that is located on the property designated as a private tow-away zone.

3. If the private tow-away zone is not enforceable at all times, the times during which the parking restrictions are enforced;

4. The telephone number and the address of the place from which a towed vehicle may be recovered at any time during the day or night;

5. A statement that the failure to recover a towed vehicle may result in the loss of title to the vehicle as provided in R.C. § 4505.101(B).

6. In order to comply with the requirements of division (h)(1)A. of this section, the owner of a private property may modify an existing sign by affixing to the existing sign stickers or an addendum in lieu of replacing the sign.

B. A towing service ensures that a vehicle towed under this division (h) is taken to a location from which it may be recovered that complies with all of the following:

1. It is located within 25 linear miles of the location of the private tow-away zone, unless it is not practicable to take the vehicle to a place of storage within 25 linear miles.

2. It is well-lighted.

3. It is on or within a reasonable distance of a regularly scheduled route of one (1) or more modes of public transportation, if any public transportation is available in the municipal corporation or township in which the private tow-away zone is located.

(2) A. If a vehicle is parked on private property that is established as a private tow-away zone in accordance with division (h)(1) of this section, without the consent of the owner of the private property or in violation of any posted parking condition or regulation, the owner of the private property may cause the removal of the vehicle by a towing service. The towing service shall remove the vehicle in accordance with this division (h). The vehicle owner and the operator of the vehicle are considered to have consented to the removal and storage of the vehicle, to the payment of the applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25, and to the right of a towing service to obtain title to the vehicle if it remains unclaimed as provided in R.C. § 4505.101. The owner or lienholder of a vehicle that has been removed under this division (h), subject to division (h)(3) of this section, may recover the vehicle in accordance with division (h)(7) of this section.

B. If a municipal corporation requires tow trucks and tow truck operators to be licensed, no owner of a private property located within the municipal corporation shall cause the removal and storage of any vehicle pursuant to division (h)(2) of this section by an unlicensed tow truck or unlicensed tow truck operator.

C. No towing service shall remove a vehicle from a private tow-away zone except pursuant to a written contract for the removal of vehicles entered into with the owner of the private property on which the private tow-away zone is located.

(3) If the owner or operator of a vehicle that is being removed under authority of division (h)(2) of this section arrives after the vehicle has been prepared for removal, but prior to its actual removal from the property, the towing service shall give the vehicle owner or operator oral or written notification at the time of such arrival that the vehicle owner or operator may pay a fee of not more than one-half (½) of the fee for the removal of the vehicle established by the public utilities commission in rules adopted under R.C. § 4921.25 in order to obtain release of the vehicle. That fee may be paid by use of a major credit card unless the towing service uses a mobile credit card processor and mobile service is not available at the time of the transaction. Upon payment of that fee, the towing service shall give the vehicle owner or operator a receipt showing both the full amount normally assessed and the actual amount received and shall release the vehicle to the owner or operator. Upon its release, the owner or operator immediately shall move the vehicle so that the vehicle is not parked on the private

property established as a private tow-away zone without the consent of the owner of the private property or in violation of any posted parking condition or regulation.

(4) A. Prior to towing a vehicle under division (h)(2) of this section, a towing service shall make all reasonable efforts to take as many photographs as necessary to evidence that the vehicle is clearly parked on private property in violation of a private tow-away zone established under division (h)(1) of this section. The towing service shall record the time and date of the photographs taken under this division (h). The towing service shall retain the photographs and the record of the time and date, in electronic or printed form, for at least 30 days after the date on which the vehicle is recovered by the owner or lienholder or at least two (2) years after the date on which the vehicle was towed, whichever is earlier.

B. A towing service shall deliver a vehicle towed under division (h)(2) of this section to the location from which it may be recovered not more than two (2) hours after the time it was removed from the private tow-away zone, unless the towing service is unable to deliver the motor vehicle within two (2) hours due to an uncontrollable force, natural disaster, or other event that is not within the power of the towing service.

(5) A. If an owner of a private property that is established as a private tow-away zone in accordance with division (h)(1) of this section causes the removal of a vehicle from that property by a towing service under division (h)(2) of this section, the towing service, within two (2) hours of removing the vehicle, shall provide notice to the sheriff or the law enforcement agency concerning all of the following:

1. The vehicle's license number, make, model, and color;

2. The location from which the vehicle was removed;

3. The date and time the vehicle was removed;

4. The telephone number of the person from whom the vehicle may be recovered;

5. The address of the place from which the vehicle may be recovered.

B. The sheriff and chief of a law enforcement agency shall maintain a record of any vehicle removed from private property in the sheriff's or police chief's jurisdiction that is established as a private tow-away zone of which the sheriff or police chief has received notice under this division (h). The record shall include all information submitted by the towing service. the sheriff or police chief shall provide any information in the record that pertains to a particular vehicle to a person who, either in person or pursuant to a telephone call, identifies self as the owner, operator, or lienholder of the vehicle and requests information pertaining to the vehicle.

(6) A. When a vehicle is removed from private property in accordance with this section, within three (3) business days of the removal, the towing service or storage facility from which the vehicle may be recovered shall cause a search to be made of either of the following to ascertain the identity of the owner and any lienholder of the vehicle:

1. The records of the bureau of motor vehicles;

2. The records of any vendor or vendors, approved by the registrar of motor vehicles, that are capable of providing real-time access to owner and lienholder information.

B. The towing service or storage facility may search the National Motor Vehicle Title Information System in order to determine the state in which the vehicle is titled. The entity that provides the record of the owner and any lienholder under this division shall ensure that such information is provided in a timely manner.

C. Subject to division (h)(6)F. of this section, the towing service or storage facility shall send notice to the vehicle owner and any known lienholder as follows:

1. Within five (5) business days after the applicable entity provides the identity of the owner and any lienholder of the motor vehicle, if the vehicle remains unclaimed, to the owner's and 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;

2. If the vehicle remains unclaimed 30 days after the first notice is sent, in the manner required under division (h)(6)C.1. of this section.

D. Sixty days after any notice sent pursuant to division (h)(6)C. of this section is received, as evidenced by a receipt signed by any person, or the towing service or storage facility has been notified that delivery was not possible, the towing service or storage facility, if authorized under R.C. § 4505.101(B), may initiate the process for obtaining a certificate of title to the motor vehicle as provided in that section.

E. A towing service or storage facility that does not receive a signed receipt of notice, or a notification that delivery was not possible, shall not obtain, and shall not attempt to obtain, a certificate of title to the motor vehicle under R.C. § 4505.101(B).

F. With respect to a vehicle concerning which a towing service or storage facility is not eligible to obtain title under R.C. § 4505.101, the towing service or storage facility need only comply with the initial notice required under division (h)(6)C.1. of this section.

(7) A. The owner or lienholder of a vehicle that is removed under division (h)(2) of this section may reclaim it upon both of the following:

1. Presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement;

2. Payment of the following fees:

a. All applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25, except that the lienholder of a vehicle may retrieve the vehicle without paying any storage fee for the period of time that the vehicle was in the possession of the towing service or storage facility prior to the date the lienholder received the notice sent under division (h)(6)A.1. of this section;

b. If notice has been sent to the owner and lienholder as described in division (h)(6) of this section, a processing fee of $25.00.

B. A towing service or storage facility in possession of a vehicle that is removed under authority of division (h)(2) of this section shall show the vehicle owner, operator, or lienholder who contests the removal of the vehicle all photographs taken under division (h)(4) of this section. Upon request, the towing service or storage facility shall provide a copy of all photographs in the medium in which the photographs are stored, whether paper, electronic, or otherwise.

C. When the owner of a vehicle towed under this section retrieves the vehicle, the towing service or storage facility in possession of the vehicle shall give the owner written notice that if the owner

disputes that the motor vehicle was lawfully towed, the owner may be able to file a civil action under R.C. § 4513.611.

D. Upon presentation of proof of ownership, which may be evidenced by a certificate of title to the vehicle, a certificate of registration for the motor vehicle, or a lease agreement, the owner of a vehicle that is removed under authority of division (h)(2) of this section may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. The owner of the vehicle shall not retrieve any personal items from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability. For purposes of division (h)(7)D. of this section, "personal items" do not include any items that are attached to the vehicle.

(8) No person shall remove, or cause the removal of, any vehicle from private property that is established as a private tow-away zone under this division (h) or store such a vehicle other than in accordance with this division (h), or otherwise fail to comply with any applicable requirement of this division (h).

(9) This section does not affect or limit the operation of divisions (a) through (g) of this section, R.C. §§ 4513.60, 4513.61 to 4613.65 as they relate to property other than private property that is established as a private tow-away zone under division (h)(1) of this section.

(10) Whoever violates division (h)(8) of this section is guilty of a minor misdemeanor.

(11) As used in this section, "owner of a private property" or "owner of the private property" includes, with respect to a private property, any of the following:

A. Any person who holds title to the property;

B. Any person who is a lessee or sublessee with respect to a lease or sublease agreement for the property;

C. A person who is authorized to manage the property;

D. A duly authorized agent of any person listed in divisions (h)(11)A. to (h)(11)C. of this section.

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

(1) Park a vehicle on the property without the owner's consent;

(2) Park a vehicle on the property in violation of any condition or regulation posted by the owner.

(j) Whoever violates division (i) of this section is guilty of a minor misdemeanor.

(Ord. No. 01-2024, § 6, 1-11-2024)

State law reference—R.C. §§ 4513.60, 4513.601, 4513.61, 4513.681