

## Title 7- Traffic Code

### TITLE 7. TRAFFIC CODE

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#### §7.01.01. Scope.

A. Chapters 7.01 through 7.09, inclusive, shall be known as the "*Nelsonville Traffic Code*" or as the "Traffic Code." Where a section of the Traffic Code is followed by a reference to the *Ohio Revised Code*, such reference indicates that the section is analogous or similar to such *Ohio Revised Code* section.

B. The provisions of the Traffic Code are intended to apply to all traffic and to all operators not specifically excepted.

C. All provisions relative to the operation, parking, or movement of vehicles or animals, and to the movements of pedestrians, apply on all the public ways of the city, except as specifically limited.

D. The provisions of the Traffic Code shall in no way limit, alter or otherwise affect the civil or criminal responsibility of any person, under the statutes

and particularly, the uniform traffic act of the State of Ohio.

#### §7.01.02. Definitions.

For the purpose of the Traffic Code the words and phrases defined herein shall have the meanings respectively ascribed to them.

A. "*Agricultural tractor*", means every self-propelling 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.

B. "*Alley*", means a public street in which:

(1) Is used primarily for the convenience of the owner of the property abutting thereon and of the persons dealing with him/her.

(2) Is abutted on both sides by property which is not customarily designated by an official property number; or

(3) Has been declared an "alley" by City Council

C. "*Bicycle*", means a two-wheeled vehicle propelled by human power, having a tandem arrangement of wheels equipped with tires either of which is over fourteen (14) inches in diameter

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

E. "*Business district*", means that territory fronting upon a street or highway, including the street or highway, between successive intersections within the city where fifty percent (50%) or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent (50%) or more of the frontage for a distance of three hundred (300) feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

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

G. "*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 such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

H. "*Crosswalk*", means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

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

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(3) Notwithstanding the foregoing provisions, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

I. "*Driver or operator*", means every person who drives or is in actual physical control of a vehicle.

J. "*Emergency vehicle*", means fire department, police, and state highway patrol vehicles, ambulances, vehicles of salvage dealers organized under *Sections 4738.01 to 4738.19*, inclusive, of the *Ohio Revised Code*, emergency vehicles of municipal or county departments or public utility corporations when identified as such as required by law, the State Director of Highways, or local authorities, motor vehicles when commandeered by a police officer, and motor vehicles when used by volunteer firemen responding to emergency calls in the fire department service when identified as required by the Ohio State Director of Highways.

K. "*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 such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities of such nature, or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

L. "*Expressway*" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent (50%) of all cross roads when separated in grade.

M "*Flammable liquid*", means any liquid which has a flash point of seventy degrees (70°) Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device.

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

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

P. "*Funeral procession*" means two (2) or more vehicles accompanying a body of a deceased person in the daytime when each of such vehicles has its headlights lighted and is displaying a purple and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

Q. "*Gross weight*", means the weight of a vehicle plus the weight of any load thereon.

R. "*Highway*", (see definition of "street or highway" below).

S. "*Intersection*", means the area, bounded by the lateral lines, real or projected, of two (2) or more public streets or highways which meet or cross each other.

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

U. "*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.

V. "*Motor vehicle*", means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products.

W. "*Motorcycle*", means every motor vehicle other than a tractor having a saddle for the use of the operator and designed to travel on not more than three (3) wheels in contact with the ground.

X. "*Operator*", (see definition of "driver or operator" above).

Y. "*Park*", means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or receiving or discharging passengers.

Z. "*Pedestrian*", means natural person afoot.

AA. "*Person*", means every natural person, firm, co-partnership, association or corporation.

BB. "*Pole trailer*", means every trailer or semi trailer 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.

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

DD. "*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.

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

FF. "*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.

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

HH. "*Residential district*", means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred (300) feet or more, the frontage is improved with residences or residences and buildings zoned for residential use.

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

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

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

LL. "*School bus*", means every motor vehicle which is operated exclusively for the transportation of school children to or from a school session, or to or from a school function, and which marked on both front and rear with the words "school bus" in plain lettering not less than six inches in height.

MM "*Semi trailer*", 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.

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

OO. "*Stand*", means the temporary stopping of a vehicle whether occupied or unoccupied, except in compliance with a traffic control device or signal or order of a police officer.

PP. "*State route*", means every highway which is designed with an official State route number and so marked.

QQ. "*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.

RR. "*Through highway*", means every highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same except as provided in *Section 4511.65 of the Ohio Revised Code*.

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

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

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

VV. "*Traffic control devices*" means all signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways.

WW. "*Traffic control signal*", means any device, whether manually, electrically or mechanically operated, by

which traffic is alternately directed to stop, to proceed, to change direction or not to change direction.

XX. "*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 such vehicle when formed by or operated as a combination of a "semi trailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly."

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

ZZ. "*Unlawful*", means that every act or omission declared unlawful in the Traffic Code is an offense against the peace and dignity of the City, and is punishable as provided in this chapter.

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

BBB. "*Vehicle*", means every device in, upon, or by which any person or property may be transported or drawn upon a street or highway, except devices used exclusively upon stationary rails or tracks, and except devices other than bicycles moved by human power.

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

DDD. "*National Highway Traffic Safety Administration*" means the national highway traffic administration established as an administration of the United States Department of Transportation under *96 STAT. 2415 (1983), 49 U.S.C.A. 105*.

### **§7.01.03. Persons propelling pushcarts or riding animals.**

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

B. No such animals shall be permitted on the roadway without a permit from the City Manager.

### **§7.01.04. Workmen engaged in repairing highway.**

A. The provisions of this Traffic Code shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices but shall apply to such persons and vehicles when traveling to or from such work.

B. The drivers of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles, and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a highway, provided such vehicles are equipped with flashing lights and other such markings, as are required by law, and such lights are in operation when the vehicles are so engaged shall be

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exempt from this Traffic Code. Such exemption shall not apply to drivers when their vehicles are not so engaged.

### **§7.01.05. Public employees, application of traffic code.**

The provisions of this Traffic Code shall apply to the driver of any vehicle owned by or used in the service of the United States government, this State, County or City, and it shall be unlawful for any such driver to violate any of the provisions of this Traffic Code, except as otherwise permitted in this Traffic Code or by State statute.

### **§7.01.06. Placing injurious material on, obstructing highway.**

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

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

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

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

### **§7.01.07. Excavating, leaving mud on or building fence on highway.**

No person shall dig up, remove, excavate, or place any earth or mud upon any portion of any public highway or build a fence upon the same without authority to do so. Each day that such person continues to dig up, remove, or excavate any portion of the public highway constitutes a separate offense.

### **§7.01.08. Authority of City Manager**

The City Manager is empowered to make and enforce regulations necessary to make effective the provisions of the Traffic Code and to make and enforce temporary regulations to cover emergencies or special conditions.

### **§7.01.09. Traffic control.**

In order to avoid those hazards incident to public travel and to protect the members of the general public while in the use of streets and highways, the City Manager is authorized and directed to establish and mark traffic control areas as provided in the following sections:

A. Traffic control signals. The City Manager shall establish and designate traffic control signal intersections, at which intersections shall be maintained traffic control signals to regulate traffic. The City Manager shall have all necessary authority to install at such locations any lawful traffic control signal when in his/her discretion it is necessary to expedite travel and promote public safety.

B. One-way traffic. The City Manager shall determine and designate streets, parts of streets, or specific

lanes thereon upon which vehicular traffic shall proceed in one direction only and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The City Manager may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

C. Stop and yield right-of-way intersections. The City Manager shall establish and designate stop intersections and yield right-of-way intersections, at which intersections shall be maintained the appropriate traffic control devices to regulate traffic and promote public safety. The City Manager shall have all necessary authority to erect, or cause to be erected, appropriate and legible signs or markers, upon which shall be displayed the word "stop", at all intersections or the words "yield right-of-way", at all intersections designated by City Manager as yield right-of-way intersections.

D. Turns at intersections. The City Manager shall place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections or preventing turns at such intersections.

E. Through routes. The City Manager shall designate certain routes which shall be designated as through routes and shall be adequately signed, when said designated routes contribute to accelerate the flow of travel and promote public safety.

F. Through trucks. The City Manager shall designate and appropriately mark certain streets over which no person shall drive any through truck. Such designation shall be made only upon the basis of traffic survey determining that such street is not of adequate width, structure, or design so as to accommodate such vehicle with safety.

G. Pedestrian crosswalks. The City Manager shall establish and designate by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the road-way, and at such other places as he may deem necessary in the interests of public safety.

H. Pedestrian safety zones. The City Manager shall establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

I. Bus unloading zones. The City Manager shall mark or cause to be marked, by appropriate sign or other device, all areas where passengers are loaded or unloaded in the operation of public and school bus service for the protection of passengers and pedestrians.

J. Business loading zones. The City Manager shall establish zones for loading and unloading of passengers or merchandise, or both, when in his/her judgment the operations of business in the area justify and traffic conditions permit.

K. No parking zones. To promote safety on the streets, to expedite the flow of traffic; and to regulate parking on the streets, the City Manager may designate areas as "no parking zones" or "limited parking zones" and prescribe time limitations for parking or prohibit parking upon the streets, alleys and highways of the city. An appropriate sign shall mark the boundaries of such zones.

L. Individual parking spaces. The City Manager shall designate and mark off individual parking spaces at points or places to be approved by resolution of the City

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Council in certain sections of the downtown area and outlying districts, such parking spaces to be established along the curb of streets in such sections and to be approximately twenty-three (23) feet in length alongside curbs. At each place where individual parking spaces are so marked off, each vehicle shall be parked entirely within an individual parking space.

### M. Traffic lanes; overtaking and passing zones.

#### (1) The City Manager shall:

(a) Mark lanes for traffic on street pavements at such places as he may deem advisable in the interest of public safety; and

(b) Determine those portions of any street where overtaking and passing other traffic or driving to the left of center, or offset center, or center line of the street or roadway would be especially hazardous, and may, by appropriate signs or markings on the street or roadway, indicate the beginning and end of such zones.

(2) Such zones shall be so designated in the following manner, to wit: an auxiliary yellow line placed parallel and to the right of the normal center line or offset center line.

### **§7.01.10. Obedience required to traffic control signals and signs.**

A. No pedestrian or driver of a vehicle shall disobey the instructions of any traffic-control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer, subject to the exceptions granted the driver of an emergency vehicle in this Traffic Code. When both traffic-control signals and stop signs are erected at an intersection, traffic shall be governed by the traffic-control signal while it is in operation.

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

### **§7.01.11. Interpretation of traffic control devices.**

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

#### (1) Circular green alone or "go" signal:

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

(b) All other traffic facing the signal except as provided under *Section 7.04.18* may proceed straight through or turn right or left, unless a sign at such place prohibits such turn. But such traffic shall yield the right of way to vehicles, streetcars, and trackless trolleys lawfully within the intersection and to pedestrians lawfully within a crosswalk at the time such signal is exhibited.

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

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

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

#### (3) Circular red alone or "stop" signal:

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

(b) All other traffic facing the signal shall stop before entering the intersection and shall remain standing until authorized to proceed by a traffic control device.

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

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

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

#### (5) Green arrow signal alone:

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

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

(6) Where more than one (1) traffic control signal or device is shown simultaneously, vehicular traffic shall comply with the traffic control signal or device applicable to the traffic lane and direction in which it is proceeding or about to proceed.

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

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

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

(2) rectangular signal unit with an illuminated red "x". Traffic facing such signal shall not enter or travel in any lane over which the "x" signal is shown.

### **§7.01.12. Pedestrian walk or wait signals.**

Whenever special pedestrian-control signals exhibiting the words "walk", "don't walk" or "wait" are in place such signals shall indicate as follows:

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A. Walk. Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.

B. Don't walk or wait. No pedestrian shall start to cross the roadway in the direction of such signal.

**§7.01.13. Flashing signals.**

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

A. Flashing red (stop signal). Operators of vehicles shall stop before entering the intersection or at a limit line when marked and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

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

**§7.01.14. Display of unauthorized signs.**

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

B. Every such prohibited sign, signal, marking or device is hereby declared to be a public nuisance and the Chief of Police is hereby empowered to remove the same or cause it to be removed.

**§7.01.15. Defacing sign or signal.**

No person shall without lawful authority attempt to or willfully alter, deface, injure, knock down, or remove any traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any part thereof. This shall be so construed as to include driving upon or over any freshly painted center line, lane line, letter, number or symbol on the surface of the roadway while the paint is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it.

**§7.01.16. Obedience to traffic code.**

It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required by this Traffic Code.

**§7.01.17. Fleeing and eluding: obedience to traffic officers.**

A. No person shall fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control or regulate traffic.

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

C. A violation is a misdemeanor of the first degree.

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

**§7.01.18. Resisting officer.**

No person shall resist, hinder, obstruct or abuse any sheriff, police officer or other official while such official is attempting to arrest offenders under any provisions of the Traffic Code or interfere with any person charged under its provisions with the enforcement of the law relative to public highways, streets and alleys.

**§7.01.19. Owner presumed to have knowledge.**

The violation of any section or provision of the traffic code by means of a motor vehicle shall be prima facie evidence that such violation was committed by or with the authority or permission of the owner of such vehicle.

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- §7.02.02. Driving vehicles in unsafe condition.
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- §7.02.06. Red reflectors required.
- §7.02.07. Lighting of commercial vehicles.
- §7.02.08. Obscured lights on vehicles.
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- §7.02.28. Wheel protectors or flaps.
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- §7.02.30. Projecting material; left side and rear of vehicle.
- §7.02.31. All loads shall be properly secured.
- §7.02.32. Towing requirements.
- §7.02.33. Operation of vehicles in excess of prescribed weights; definitions.
- §7.02.34. Weight of load; width of tire.
- §7.02.35. Maximum axle load, wheel load, and gross weights for solid-tired vehicles.
- §7.02.36. Maximum axle load, wheel load, gross weights, for pneumatic tired vehicles.
- §7.02.37. Maximum width and height.
- §7.02.38. Special permits for operation of vehicles exceeding size or weight limits.
- §7.02.39. Weighing of vehicle; removal of excess load.
- §7.02.40. Operating traction engine upon improved highway.
- §7.02.41. Seat belts.
- §7.02.42. Child restraint system required.
- §7.02.43. Earphones or earplugs on operator prohibited.
- §7.02.44. Excessive music, noise, or entertainment prohibited.
- §7.02.45. Restriction on the use of tinted glass and other vision obscuring materials.
- §7.02.46. Use of local streets; local permit and conditions.
- §7.02.47. Moving buildings.
- §7.02.48. Load limits.
- §7.02.49. Special engine brakes.

**§7.02.01. Applicability of chapter.**

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

B. The provisions of this chapter with respect to equipment on vehicles shall not apply to implement of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable in this chapter. Penalty, see §7.09.99.

**§7.02.02. Driving vehicles in unsafe condition.**

No person shall drive or move or cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person. (RC §4513.02) Penalty, see §7.09.99.

**§7.02.03. Lighted lights required.**

A. Every vehicle upon a street or highway within this State during the time from sunset to one sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the highway at a distance of one thousand feet ahead, shall display lighted lights and illuminating devices as required by the *Ohio Revised Code*, for different classes of vehicles;

except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the director of public safety of the *Ohio Revised Code*. No motor vehicle, during such times, shall be operated upon a street or highway within this State using only parking lights as illumination.

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

Whenever in such sections a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

Whoever violates this section is guilty of a minor misdemeanor on a first offense; a second offense within one year is a misdemeanor of the fourth degree; on each subsequent offense within one year, the person is guilty of a misdemeanor of the third degree.

**§7.02.04. Headlights.**

A. Every motor vehicle, other than a motorcycle, shall be equipped with at least two (2) headlights with at least one (1) near each side of the front of the motor vehicle or trackless trolley.

B. Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights. (RC §4513.03) Penalty, see §7.09.99.

**§7.02.05. Tail lights.**

A. Every motor vehicle, trailer, semi trailer, pole trailer, or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail light of the rearmost vehicle need be visible from the distance specified.

B. Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty (50) feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate. (RC §4513.05) Penalty, see §7.09.99.

**§7.02.06. Red reflectors required.**

A. Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than commercial tractor, to which a trailer or semi trailer is attached shall carry at the rear, either as a part of the tail lamps or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in *Section 7.02.07* shall be equipped with reflectors as required by the regulations provided for in said section.

B. Every such reflector shall be of such size and characteristics and so maintained as to be visible at night from

all distances within three hundred (300) feet to fifty (50) feet from such vehicle.  
(RC §4513.06) Penalty, see §7.09.99.

**§7.02.07. Lighting of commercial vehicles.**

A. The State Director of Public Safety shall prescribe and promulgate regulations relating to clearance lights, marker lights, reflectors, and stop lights on buses, trackless trolleys, trucks, commercial tractors, trailers, semi trailers, and pole trailers when operated upon any highway, and such vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in *Section 7.02.03*, herein, except that clearance lights and side marker lights need not be lighted on any such vehicle when it is operated within the city where there is sufficient light to reveal any person or substantial object on the highway at a distance of five hundred (500) feet.

B. Such equipment shall be in addition to all other lights specifically required by *Sections 7.02.03 to 7.02.16*, inclusive.

C. Vehicles operated under the jurisdiction of the public utilities commission are not subject to this section. (RC §4513.07) Penalty, see §7.09.99.

**§7.02.08. Obscured lights on vehicles.**

Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of, its location, on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (RC §4513.08) Penalty, see §7.09.99.

**§7.02.09. Red flag or light required.**

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in *Section 7.02.03*, herein, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen (16) inches square. (RC §4513.09) Penalty, see §7.09.99.

**§7.02.10. Lights on parked vehicles.**

Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or a shoulder adjacent thereto, whether attended or unattended, during the times mentioned in *Section 7.02.03*, herein, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of five hundred (500) feet to the front of such vehicle and a red light visible from a distance of five hundred (500) feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked within the city where there is sufficient light to reveal any person or substantial object within a distance of five hundred (500) feet

upon such highway. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.  
(RC §4513.10) Penalty, see §7.09.99.

**§7.02.11. Lights on slow moving vehicles.**

A. All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in *Section 7.09.99*, herein, not specifically required to be equipped with lamps or other lighting devices by *Sections 4513.03 to 4513.10* of the *Ohio Revised Code*, shall, at all times specified in *Section 4513.03* of the *Ohio Revised Code*, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle, and shall also be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required by this section shall meet standards adopted and promulgated by the State Director of Highway Safety.

B. All farm machinery and other machinery including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flag person, or where flares are used, or when operating or traveling within the limits of a construction area designated by the director of transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the State Director and the manual of uniform traffic control devices, as set forth in *Section 4511.09* of the *Ohio Revised Code*, which is designed for operation at a speed of twenty-five (25) miles an hour or less shall be operated at a speed not exceeding twenty-five (25) miles per hour, and shall display a triangular slow moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than five hundred (500) feet to the rear. The State Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

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

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

D. No person shall sell, lease, rent, or operate any slow-moving vehicle, as defined in *division (B)* of this section, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-



moving vehicle emblem mounting device as specified in *division (B)* of this section.

E. The slow-moving vehicles specified in *division (B)* of this section may, in addition to the use of the slow-moving vehicle emblem, be equipped with a red flashing light which shall be visible from a distance of not less than one thousand (1,000) feet to the rear at all times specified in *Section 7.02.03*. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by *Section 4513.17* of the *Ohio Revised Code*, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

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

- (1) With a slow-moving vehicle emblem complying with *division (B)* of this section;
- (2) With alternate reflective material complying with rule adopted under this division;
- (3) With both a slowing-moving vehicle emblem and alternate reflective material as specified by this division.

The State Director of Public Safety, subject to *Chapter 119* of the *Ohio Revised Code*, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. The rules shall permit, a minimum, the alternate reflective material to be black, gray, or silver in color. The alternate reflective material shall be mounted on the animal drawn vehicle so as to be visible, at all times specified in *Section 7.02.03*, or a distance of not less than five hundred feet (500) to the rear when illuminated by the lawful lower beams of headlamps.  
(RC §4513.11) Penalty, see §7.09.99.

**§7.02.12. Spotlight and auxiliary driving lights.**

A. Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than one hundred (100) feet ahead of the vehicle.

B. Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle. The State director of highway safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used. (RC §4513.12)  
Penalty, see §7.09.99.

**§7.02.13. Cowl, fender and back-up lights.**

A. Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber without glare.

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

C. Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion. (RC §4513.13)  
Penalty, see §7.09.99.

**§7.02.14. Two lights displayed.**

A. At all times mentioned in *Section 7.02.03* at least two (2) lighted lights shall be displayed, one near each side of the front of every motor vehicle and trackless trolley, except when such vehicle or trackless trolley is parked subject to the regulations governing lights on parked vehicles and trackless trolleys.

B. The State Director of Highway Safety shall prescribe and promulgate regulations relating to the design and use of such lights, and all vehicles shall comply therewith. (RC §4513.14) Penalty, see §7.09.99.

**§7.02.15. Headlights required.**

A. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in *Section 7.02.03*, the driver shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, subject to the following requirements:

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

(2) Every new motor vehicle registered in this State, which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.  
(RC §4513.15) Penalty, see §7.09.99.

**§7.02.16. Lights of less intensity on slow moving vehicles.**

Any motor vehicle may be operated under the conditions specified in *Section 7.02.03* when it is equipped with two (2) lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five (75) feet ahead, in lieu of lights required in *Section 7.02.14*; provided that such vehicle shall not be operated at a speed in excess of twenty (20) miles per hour. (RC §4513.16) Penalty, see §7.09.99.

**§7.02.17. Number of lights permitted; red and flashing lights.**

A. Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred (300) candle power, not more than a total of five (5) of any such lights on the front of a vehicle shall be lighted at any one time when said vehicle is upon a highway.

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B. Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights, or auxiliary driving lights, which projects a beam of light of an intensity greater than three hundred (300) candle power shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five (75) feet from the vehicle.

C.

(1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles as provided in *Section 4513.182* of the *Ohio Revised Code*, Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by the department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating, or rotating amber light, but shall not display a flashing, oscillating, or rotating light of any other color, nor to vehicles or machinery permitted by *Section 4513.11* of the *Ohio Revised Code* to have a flashing red light.

(2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing oscillating or rotating amber light, and the prohibition contained in *division (C) (1)* of this section does not apply to such machinery or vehicles. Farm machinery also may display the lights described in *Section 4513.11* of the *Ohio Revised Code*.

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

(E) This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section does not prohibit the simultaneous flashing or turn signals or warning lights wither on farm machinery or vehicles escorting farm machinery, when used on a street or highway. (RC §4513.17) Penalty, see §7.09.99,

### **§7.02.18. Lights must be properly focused.**

No person shall use any lights mentioned in *Sections 7.02.03* to *7.02.17*, inclusive, upon any motor vehicle, trailer or semi trailer unless said lights are equipped, mounted and adjusted as to focus and aim in accordance with regulations which are prescribed by the State Director of Public Safety. (RC §4513.19)

Penalty, see §7.09.99.

### **§7.02.19. Brake equipment.**

The following requirements govern as to brake equipment on vehicles:

A. Every trackless trolley and motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such trackless trolley or motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such trackless trolleys or motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the trackless trolley or motor vehicle without brakes on at least two (2) wheels.

B. Every motorcycle, when operated upon a highway shall be equipped with at least one (1) adequate brake, which may be operated by hand or by foot.

C. Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the State Director of Public Safety under *Section 4511.521* of the *Ohio Revised Code*.

D. Every trailer or semi trailer, except a pole trailer, of a gross weight of two thousand (2,000) pounds or more, manufactured or assembled on or after January 1, 1942, when operated upon the highways of this State shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicles from its cab, and said brakes shall be so designed and connected that, in case of a break-away of the towed vehicle, the brakes shall be automatically applied.

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

F. Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semi trailers of a gross weight of less than two thousand (2,000) pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action, or by equivalent means. Their operation may be assisted by the service brakes or other source of power

provided that failure of the service brake actuation system or other power assisting the mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

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

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

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

(2) Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty feet or less from a speed of twenty (20) miles per hour.

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

(RC §4513.20) Penalty, see §7.09.99.

**§7.02.20. Horns, sirens and warning devices; quiet zones.**

A. Every motor vehicle or trackless trolley when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet.

No motor vehicle or trackless trolley shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this paragraph. Any vehicle equipped with a theft alarm signal device shall be arranged that it cannot be used as an ordinary warning signal. Every emergency vehicle shall be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) feet and of a type approved by the State Director of Public Safety, but such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (RC §4513.21)

C. The City Manager may designate zones of quiet upon any highway within two hundred fifty (250) feet of any hospital or school, and when any such zone is so designated

by official traffic signs, it shall be unlawful therein to blow a horn or a whistle or to make or cause any outcry or any avoidable noise or clamor likely to disturb persons within such zone. Penalty, see §7.09.99

**§7.02.21. Mufflers; excessive smoke or gas**

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

B. No person shall own, operate, or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any other way to produce or emit smoke or dangerous or annoying gasses from any portion of such vehicle, other than the ordinary gasses emitted by the exhaust of an internal combustion engine under normal operation. (RC §4513.22) Penalty, see §7.09.99.

**§7.02.22. Mirrors; visibility to be unobstructed.**

Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycles, street cars or trackless trolley. Operators of vehicles shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, street cars or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, street cars or trackless trolley by mirror. (RC §4513.23) Penalty, see §7.09.99.

**§7.02.23. Signs on windshield; wipers required.**

A. No person shall drive any motor vehicle, other than a bus, with any material upon the front windshield, side or rear windows of the such vehicle other than a certificate or other paper required to be so displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign or poster not to exceed four (4) inches in height by six (6) inches in width.

B. The windshield on every motor vehicle, street car, and trackless trolley shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle, streetcar or trackless trolley. (RC §4513.24)

C. No person shall operate any vehicle in which the operator's view through the windshield or any window is obstructed due to the glass being dirty, cracked, blurred or non-transparent. Penalty, see §7.09.99.

**§7.02.24. Requirements for solid tires.**

Every solid tire, tires of rubber or similar elastic material that are not dependent upon confined air for support of the load, on a vehicle shall have rubber or other resilient material on its entire traction surface at least one (1) inch thick

above the edge of the flange of the entire periphery. (RC §4513.25)  
Penalty, see §7.09.99.

**§7.02.25. Studded tires; prohibitions.**

A. For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire; and "motor vehicle," "street or highway," "public safety vehicle," and "school bus" have the same meaning as given those terms in *Section 4511.01 of the Ohio Revised Code*.

B. No person shall operate any motor vehicle, other than a public safety vehicle or school bus that is equipped with studded tires on any street or highway in this State, except during the period extending from the first day of November of each year through the fifteenth day of April of the succeeding year.

C. This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (RC §5589.081)  
Penalty, see §7.09.99.

**§7.02.26. Safety glass requirements.**

A. No person shall sell any new motor vehicle nor shall any new motor vehicle be registered and no person shall operate any motor vehicle which is registered in the state and which shall have been manufactured or assembled on or after January 1, 1936, unless such vehicle is equipped with safety glass wherever glass is used in the windshield, doors, partition, rear windows, and windows on each side immediately adjacent to the rear window.

B. The term "safety glass", shall mean any product composed of glass, so manufactured, fabricated, or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the State registrar of motor vehicles.

C. Glass other than safety glass shall not be offered for sale, or sold for use in, or installed in any door, window, partition or windshield which is required by this section to be equipped with safety glass.  
(RC §4513.26) Penalty, see §7.09.99

**§7.02.27. Requirements for vehicles transporting explosives.**

Any person operating any vehicle transporting explosives upon the highways, streets or alleys of this city shall at all times comply with the following provisions:

A. Such vehicle shall be marked or placarded on each side and the rear with the word "explosives" in letters not less than eight (8) inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four (24) inches square marked with the word "danger" in white letters six (6) inches high, or shall be marked or placarded in accordance with *Section 177.823 of the United States Department of Transportation Regulations*.

B. Every such vehicle shall be equipped with not less than two (2) fire extinguishers, filled and ready for immediate use, and placed at convenient points on the vehicle so used.

C. Such operator shall also comply with any other regulations prescribed by the State Director of Transportation.

**§7.02.28. Wheel protectors or flaps.**

No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer, or semi trailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three (3) tons, upon the public highways, streets, bridges, and culverts within this City, unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water, or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third (1/3) of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction, or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies, or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle. (RC §5577.11) Penalty, see § 7.09.99

**§7.02.29. Display of warning devices on disabled vehicles.**

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

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

(2) Within the burning period of the fusee and as promptly as possible, three (3) lighted flares or pot torches, or three (3) red reflectors or three (3) red electric lanterns shall be placed on the roadway as follows:

a) One at a distance of forty (40) paces or approximately one hundred (100) feet in advance of the vehicle;

b) One at a distance of forty (40) paces or approximately one hundred (100) feet to the rear of the vehicle or trackless trolley except as provided in this section, each in the center of the lane of traffic occupied by the disabled vehicle or trackless trolley;

c) One (1) at the traffic side of the vehicle or trackless trolley.

B. Whenever any vehicle used in transporting flammable liquids in bulk, or in transporting compressed flammable gases, is disabled upon a highway at any time or

place mentioned in paragraph (A) of this section, the driver of such vehicle shall display upon the roadway the following warning devices:

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

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

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

D. Whenever any vehicle or trackless trolley of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof, outside of any municipality, or upon any freeway, express way, thruway and connecting, entering or exiting ramps within a municipality, at any time when the display of fuses, flares, red reflectors, or electric lanterns is not required, the operator of such vehicle or trackless trolley shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle or trackless trolley, one at a distance of forty (40) paces or approximately one hundred (100) feet in advance of the vehicle or trackless trolley, and one at a distance of forty (40) paces or approximately one hundred (100) feet to the rear of the vehicle or trackless trolley, except as provided in this section.

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

F. In the event the vehicle or trackless trolley is disabled near a curve, crest of a hill, or other obstruction of view, the flare, flag, reflector, or lantern in that direction shall be placed as to afford ample warning to other users of the highway, but in no case shall it be placed less than forty (40) paces or approximately one hundred (100) feet nor more than one hundred twenty (120) paces or approximately three hundred (300) feet from the disabled vehicle or trackless trolley.

G. This section does not apply to the operator of any vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the State Department of Transportation under Section 4511.09 of the *Ohio Revised Code*. (RC §4513.28)

Penalty, see §7.09.99.

**§7.02.30. Projecting material; left side and rear of vehicle.**

A. No passenger-type vehicle shall be operated on any highway with any load carried thereon extending more than six (6) inches beyond the line of the fenders on the left side of such vehicle. (RC §4513.30)

B. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at times specified in Section 7.02.03, a red light or lantern plainly visible from a distance of at least five hundred (500) feet to the sides and rear. The red light or lantern

required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth of not less than sixteen (16) inches square.

(RC §4513.09) Penalty, see §7.09.99

**§7.02.31. All loads shall be properly secured.**

A. No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping there from, except that sand or other substance may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

B. Except for a farm vehicle used to transport agricultural producer agricultural production materials or rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, wastepaper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.

(RC §4513.31) Penalty, see §7.09.99.

**§7.02.32. Towing requirements.**

A. When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and the drawbar or other connection shall not exceed fifteen (15) feet from one vehicle to the other, except the connection between any two (2) vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot be readily dismembered.

B. When one vehicle is towing another and the connection consists only of a chain, rope, or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve (12) inches square.

C. In addition to a drawbar or other connection, each trailer and each semi trailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle, should the drawbar or other connection break or become disengage. In the case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

D. Every trailer or semi trailer, except pole and cable trailers and pole and cable dollies operated by a public utility as defined in the *Ohio Revised Code*, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a public road or highway at a speed of twenty-five (25) miles per hour or less, and vehicles 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 twenty-five (25) miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength, to pull all the weight towed thereby, and only one such vehicle may be towed or drawn at one time unless the towing vehicle is an agricultural tractor or is a pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two (2) tons may tow or draw not more than two (2) such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered a motor vehicle. (RC §4513.32)  
Penalty, see §7.09.99.

**§7.02.33. Operation of vehicles in excess of prescribed weights; definitions.**

A. No trackless trolley, traction engine, steam roller, or other vehicle, load, object or structure, whether propelled by muscular or motor power; not including vehicles run upon stationary rails or tracks, fire engines, fire trucks or other vehicles, or other apparatus belonging to the municipal or volunteer fire department in the discharge of its functions, shall be operated or moved over or upon the improved public streets and highways, bridges or culverts, in this City, upon wheels, rollers or otherwise, weighing in excess of the weights prescribed in this Code, including the weight of vehicle, object, structure, or contrivance and load, except upon special permission granted as provided by Section 7.02.38, herein.

B. As used in this chapter, the following words and phrases shall be construed to mean as follows:

- (1) "*Axles*", means one or more load-carrying wheels mounted in a single transverse vertical plane.
  - (2) "*Spacing between axles*", means the distance between any two successive such planes.
  - (3) "*Maximum axle load*", means the gross weight of vehicle and load imposed by any axle upon the road surface.
  - (4) "*Maximum wheel load*", means the proportionate gross weight of vehicle and load imposed by any wheel upon the road surface.
- (RC §5577.01, 5577.02) Penalty, see §7.09.99.

**§7.02.34. Weight of load; width of tire.**

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

- A. (1) In vehicles having metal tires three inches or less in width, a load of five hundred (500) pounds for each inch of the total width of tire on all wheels;
- (2) When the tires on such vehicles exceed three (3) inches in width, an additional load of eight hundred (800) pounds shall be permitted for each inch by which the total width of the tires on all wheels exceeds twelve (12) inches.

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

- (1) For tires three (3) inches in width, a load of four hundred fifty (450) pounds;
- (2) For tires three and one-half (3 ½) inches in width, a load of four hundred fifty (450) pounds;
- (3) For tires four (4) inches in width, a load of five hundred (500) pounds;
- (4) For tires five (5) inches in width, a load of six hundred (600) pounds;
- (5) For tires six (6) inches and over in width, a load of six hundred fifty (650) pounds;

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

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

In no event shall the load, including the proportionate weight of vehicle that can be concentrated on any wheel, exceed six hundred fifty (650) pounds to each inch in width of the tread as defined in this section for solid tires, or each inch in the actual diameter of pneumatic tires measured when inflated and not bearing a load. (RC §5577.03) Penalty, see §7.09.99.

**§7.02.35. Maximum axle load, wheel load, and gross weights for solid-tired vehicles.**

No vehicle, trackless trolley, load, object or structure having a maximum axle load greater than sixteen thousand pounds when such vehicle is equipped with solid rubber tires shall be operated or moved upon the improved public highways, streets, bridges, or culverts. The maximum wheel load of any one (1) wheel of any such vehicle shall not exceed six hundred fifty (650) pounds per inch width of tire, measured as prescribed by Section 5577.03 of the *Ohio Revised Code*, nor shall any solid tire of rubber or other resilient material, on any wheel of any such vehicle, be less than one (1) inch thick when measured from the top of the flanges of the tire channel.

The weight of the vehicle and load imposed upon the road surface by any two (2) successive axles, spaced four (4) feet or less apart, shall not exceed nineteen thousand (19,000) pounds for solid tires; or by any two (2) successive axles spaced more than four (4) feet but less than eight (8) feet apart shall not exceed twenty-four thousand (24,000) pounds for solid tires; or by any two (2) successive axles, spaced eight (8) feet or more apart, shall not exceed twenty-eight thousand (28,000) pounds for solid tires; nor shall the total weight of vehicle and load exceed, for solid rubber tires, twenty-eight thousand (28,000) pounds plus an additional six hundred (600) pounds for each foot or fraction thereof of spacing between the front axle and the rearmost axle of the vehicle; nor shall the weight of vehicle and load imposed upon the road surface by any vehicle equipped with solid rubber tires, exceed eighty

percent (80%) of the permissible weight of vehicle and load as provided for pneumatic tires.

Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve (12) feet and six (6) inches. If the provisions of this section are held to exceed the weight limitations or other provisions set forth in the *Federal Aid Highway Act of 1958, 72 Stat. 902, 23 U.S.C. 127*, this section shall become null and void to the extent of such inconsistency. (RC §5577.04.1) Penalty, see §7.09.99.

**§7.02.36. Maximum axle load, wheel load, gross weights, for pneumatic tired vehicles.**

The maximum wheel load of any one wheel of any such vehicle, trackless trolley, object or structure operated or moved upon improved public highways, streets, bridges, or culverts shall not exceed six hundred fifty (650) pounds per inch width of pneumatic tire, measured as prescribed by *Section 5577.03* of the *Ohio Revised Code*.

A. The weight of vehicle and load imposed upon the road surface by vehicles with pneumatic tires shall not exceed the following:

(1) By any two (2) successive axles, spaced four (4) feet or less apart, and weighed simultaneously, twenty-four thousand (24,000) pounds;

(2) By any two (2) successive axles, spaced more than four (4) feet apart, and weighed simultaneously, thirty-four thousand (34,000) pounds, plus one thousand (1,000) pounds per foot, or fraction thereof, over four (4) feet, not to exceed forty thousand (40,000) pounds.

B. The weight of vehicle and load imposed upon the road surface by vehicles with pneumatic tires, by any three successive load-bearing axles designed to equalize the load between such axles and spaced so that each such axle of the three-axle group is more than four (4) feet from the next axle in the three-axle group and so that the spacing between the first axle and the third axle of the three-axle group is no more than nine (9) feet, shall be computed using either of the following methods:

(1) Such load-bearing three-axle group shall be weighed simultaneously as a unit and shall not exceed forty-eight thousand (48,000) pounds. The total weight of vehicle and load shall not exceed thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle provided, that the total weight of the vehicle and load imposed upon the road surface shall not exceed eighty thousand (80,000) pounds.

(2) Such load-bearing three-axle group shall be weighed simultaneously as a unit and shall not exceed forty-two thousand five hundred (42,500) pounds. The total weight of vehicle and load of a six-axle vehicle combination, with an overall length of more than twenty (20) feet, but no more than forty-three (43) feet, shall not exceed fifty-four thousand (54,000) pounds plus an additional six hundred (600) pounds for each foot of spacing between the front axle and the rearmost axle of the vehicle, provided, that the total weight of the vehicle and load imposed upon the road surface shall not exceed eighty thousand (80,000) pounds.

The total weight of vehicle and load utilizing any combination of axles, other than as provided for three-axle groups in division (B) of this section, shall not exceed thirty-eight thousand (38,000) pounds plus an additional nine hundred (900) pounds for each foot of spacing between the front axle and rearmost axle of the vehicle, provided that the total weight of a vehicle and load imposed upon the road surface by vehicles with pneumatic tires shall not exceed eighty thousand (80,000) pounds.

Notwithstanding any other provision of law, when a vehicle is towing another vehicle, such drawbar or other connection shall be of a length such as will limit the spacing between nearest axles of the respective vehicles to a distance not in excess of twelve (12) feet and six (6) inches. (RC §5577.01) Penalty, see §7.09.99.

**§7.02.37. Maximum width and height.**

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

A. No such vehicle shall have a width in excess of:

(1) One hundred four (104) inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2) One hundred two (102) inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two (22) feet, except those roads or portions thereof over which operation of one hundred two (102) inch buses are prohibited by order of the State Director of the Department of Transportation;

(3) One hundred thirty-two (132) inches for traction engines;

(4) One hundred two (102) inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six (6) inches or less in width and except that the Director may prohibit the operation of one hundred and two (102) inch recreational on designated State highways or portions of highways.

(5) One hundred two (102) inches, including, load for all other vehicles, except that the director may prohibit the operation of one hundred two (102) inch vehicles on such State highways or portions thereof as the Director designates.

B. No such vehicle shall have a length in excess of:

(1) Sixty-six (66) feet for passenger bus type vehicles and articulated passenger bus type operated by a regional transit authority pursuant to *Sections 306.30* to *306.54* of the *Ohio Revised Code*.

(2) Forty-five (45) feet for all other passenger bus type vehicles;

(3) Fifty three (53) feet for any semi trailer when operated in a commercial tractor semi trailer combination, with or without load, except that the director may prohibit the operation of any such commercial tractor semi trailer or commercial tractor semi trailer semi trailer combination on such State highways or portions thereof as the Director designates.

(4) Twenty eight and one half (28 ½) feet for any semi trailer or trailer when operated in a commercial tractor semi trailer or commercial tractor semi

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trailer semi trailer combination except that the Director may prohibit the operation of any such commercial tractor semi trailer trailer or commercial tractor semi trailer semi trailer combination on such State highways or portions thereof as the director designates.

(5) Seventy-five (75) feet for drive-away saddle mount vehicle transporter combinations and drive-away saddle mount with full mount vehicle transporter combinations, not exceed three (3) saddle mounted vehicles , but which may include one full mount.

(6) Sixty-five (65) feet for any other combination of vehicles coupled together, with or without load.

(7) Forty five (45) feet for recreational vehicles.

(8) Forty (40) feet for all other vehicles except trailers and semi trailers, with or without load.

C. No such vehicle shall have a height in excess of thirteen (13) feet six (6) inches, with or without load.

D. An automobile transporter or boat transporter shall be allowed a length of sixty five (65) feet and stinger steered automobile transporter or stinger steered boat transporter shall be allowed a length of seventy five (75) feet, except that the load thereon may extend no more than four (4) feet beyond the rear of such vehicles and may extend no more than three (3) feet beyond the front of such vehicles, and except further that the director may prohibit the operation of a stinger-steered automobile transporter or a stinger steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.

E. The widths prescribed in division A of this section shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load induced tire bulge.

The width prescribed in *division (A) (5)* of this section shall not include automatic covering devices, tarp, and tarp hardware, and tie down assemblies, provided these safety devices do not extend more than three (3) inches from each side of the vehicle.

The length as prescribed in *divisions (B) (2) to (7)* of this section shall not include safety devices or bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semi trailer of a commercial tractor semi trailer semi trailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo carrying refrigeration equipment attached to the front of trailers and semi trailers. In special cases vehicles that dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Director of Transportation.

F. This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not

specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, shall when operating the same on the highways and streets of this State comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. *Sections 119.01 to 119.13* of the *Ohio Revised Code* apply to any rules adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

This section does not require the State, a municipal corporation, county, township, or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads, and other public thoroughfares in this State. (RC §5577.05) Penalty, see §7.09.99.

### **§7.02.38. Special permits for operation of vehicles exceeding size or weight limits.**

A. The City Manager may, in his/her discretion upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in *Sections 5577.01 to 5577.09*, inclusive, of the *Ohio Revised Code* or otherwise not in conformity with the provisions of this Traffic Code upon any highway under the jurisdiction of the city and for the maintenance of which the city is responsible. Any such permit may be issued for a single or round trip or in special instances for a certain period of time.

B. The application for any such permit shall be in such form as the City Manager may prescribe.

C. This section does not apply where a permit has been issued by the State of Ohio for use of State highways passing through the city.

D. The City Manager is authorized to issue or withhold such permit at his/her discretion, or if such permit is issued, to limit or prescribe conditions of operation of such vehicles, and may require such bond or other security as may be deemed necessary to compensate for any damage to any roadway or road structure.

E. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the City Manager, and no person shall violate any of the terms or conditions of such permit. (RC §4513.34) Penalty, see §.09.99

### **§7.02.39. Weighing of vehicle; removal of excess load.**

A. Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of said vehicle to stop and submit to a weighing of it by means of a compact, self-contained portable, sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a sealed scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the



combined load of all wheels on a single axle or on successive axles of a highway vehicle, or a sealed scale adapted to weighing highway vehicles, loaded or unloaded. The driver of such vehicle shall, if necessary, be directed to proceed to the nearest available of such sealed scales to accomplish the weighing, provided such scales are within three miles of the point where such vehicle is stopped. Any vehicle stopped in accordance with this section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this section. All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, county, or State sealer with the State standards or standards approved by the State and such scales shall not be sealed if they do not conform to the State standards approved by the State.

B. At each end of a permanently installed scale, there shall be a straight approach in the same plane as the platform, of sufficient length and width to insure the level positioning of vehicles during weight determinations. During determination of weight by compact, self-contained, portable sealed scales specially adapted to determining the wheel loads of vehicles on highways, they shall always be used on level terrain of sufficient length and width to accommodate the entire vehicle being weighed. Such terrain shall be level, or if not level, it shall be of such elevation that the difference in elevation between the wheels on any one axle does not exceed two (2) inches and the difference in elevation between axles being weighed does not exceed one-fourth (1/4) inch per foot of the distance between said axles.

In all determination of all weights, except gross weight, by compact, self contained, portable sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all successive axles, twelve (12) feet apart or less, shall be weighed simultaneously by placing such scale under the outside of each wheel of each such axle. In determinations of gross weight by the use of compact, self contained, portable sealed scales, specially adapted to determining the wheel loads of vehicles on highways, all axles shall be weighed simultaneously by placing one such scale under the outside wheel of each axle.

C. Whenever such officer upon weighing a vehicle and load determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight of such vehicle to the limit permitted under the *Ohio Revised Code*.

D. Whenever local authorities determine upon the basis of an engineering and traffic investigation that the weight limits permitted under the *Ohio Revised Code*, or the weight limits permitted when compact, self-contained, portable, sealed scales, specially adapted to determining the wheel loads of vehicles on highways, are used on any part of a State route under their jurisdiction is greater than is reasonable under the conditions found to exist at such location, the local authorities may, by resolution, request the director of transportation to determine and declare reasonable weight limits. Upon receipt of such request the director may determine and declare reasonable weight limits at such location, and if the director alters the weight limits set by the *Ohio Revised Code* and this section, then such altered weight limits shall become effective only when appropriate signs

giving notice thereof are erected at such location by local authorities.

E. The Director may withdraw his/her approval of any altered weight limit whenever, in his/her opinion, any altered weight limit becomes unreasonable, and upon such withdrawal the altered weight limit shall become ineffective, and the signs relating thereto shall be immediately removed by local authorities. Alteration of weight limits on State routes by local authorities is not effective until alteration has been approved by the Director.

F. This section does not derogate or limit the power and authority conferred upon the Director or Boards of County Commissioners by the *Ohio Revised Code*. (RC §4513.33) Penalty, see §7.09.99.

**§7.02.40. Operating traction engine upon improved highway.**

No person shall drive over the improved roadways, streets, highways or alleys of the city, a traction engine or tractor with tires or wheels equipped with ice picks, studs, spikes, chains, or other projections of any kind extending beyond the cleats, or no person shall tow in any way pull another vehicle over the improved roadways, streets, highways or alleys of the city, which towed or pulled vehicle has tires or wheels equipped with ice picks, studs, spikes, chains, or other projections of any kind. (RC 5589.08) Penalty, see §7.09.99.

**§7.02.41. Seat belts.**

As used in this section, the component parts of a "seat safety belt assembly" include a belt, anchor attachment assembly, and a buckle or closing device.

A. No person shall sell, lease, rent, or operate any passenger car, as defined in the *Ohio Revised Code*, that is registered or to be registered in this State and which is manufactured or assembled on or after January 1, 1962, unless such passenger car is equipped with sufficient anchorage units at the attachment points for attaching at least two (2) sets of seat safety belts to the front seat thereof. Such anchorage units at the attachment points shall be of such construction, design, and strength to support a loop load pull of not less than four thousand (4,000) pounds for each belt.

B. No person shall sell, lease, or rent any passenger car, as defined in the *Ohio Revised Code*, that is registered or to be registered in this State and which is manufactured or assembled on or after January 1, 1966, unless such passenger car has installed in the front seat thereof at least two (2) seat safety belt assemblies.

C. After January 1, 1966, no seat safety belt assembly for use in a motor vehicle nor any component part of such seat (safety) belt assembly shall be sold in this State unless such seat safety belt assembly and such component parts meet the minimum standard of specifications established by the society of automotive engineers for automotive seat belts and unless the seat safety belt or component part is labeled so as to indicate that it meets those minimum standard specifications.

D. Each sale, lease, or rental in violation of this section constitutes a separate offense.

E. No person shall do any of the following:

- (1) Operate an automobile on any

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

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

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

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

F. *Section (E) (3)* shall not apply to any person required to be secured by a child restraint device.

G. *Section (E) (1)* does not apply to any employee of the United States Postal Service or any newspaper home service while said employee is engaged in operating a motor vehicle to deliver mail or newspapers to addresses.

H. *Sections (E) (1)* and *(E) (3)* do not apply to a person who an affidavit signed by a physician licensed to practice in this State under the *Ohio Revised Code* or a chiropractor licensed to practice in this State under the *Ohio Revised Code* that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

I. Notwithstanding any provision of law of the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of *division (E)* of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed. (RC §4513.262)

Penalty, see §7.09.99.

### §7.02.42. Child restraint system required

A. When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in *Section 4511.01* of the *Ohio Revised Code*, that is registered in this State and is required by the United States Department of Transportation to be equipped with seatbelts 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 vehicle safety standards:

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

(2) A child who weighs less than forty (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 registered in this State and is owned, leased, or otherwise under control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal vehicle safety standards:

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

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

C. When a 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 *Section 4511.01* of the *Ohio Revised Code* or a vehicle that is regulated under *Section 5104.011* of the *Ohio Revised Code*, 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 standards.

D. When any child who is at least eight (8) years of age but not older than fifteen (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 *Section 4511.01* of the *Ohio Revised Code*, 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 *Section 4513.263* of the *Ohio Revised Code*.

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 State Director of Public Safety shall adopt such rules as are necessary to carry out this section.

G. If a person who is not a resident of this State is charged with a violation of *division (A)* or *(B)* of this section and does not prove to the court, by a preponderance of the

evidence, that the person's use or nonuse of a child restraint was in accordance with the law of the State of which he is a resident, the Court shall impose a the fine levied by *division H (2) of Section 4511.99 of the Ohio Revised Code*. (RC §4511.81) Penalty, see § .09.99).

H. 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:

(1) Except as otherwise provided in *division (H) (2)* of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five (\$25.00) dollars nor more than seventy-five (\$75.00) dollars.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of *division (A), (B), (C), or (D)* of this section, the offender is guilty of a misdemeanor of the fourth degree.

**§7.02.43. Earphones or earplugs on operator prohibited**

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

B. This section does not apply to:

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

**§7.02.44. Excessive music, noise, or entertainment prohibited.**

A. No person or organization shall engage in any performance or use any electronic device in any manner so as to create a public disturbance or operate or permit the operation of any sound amplification system from a vehicle so that the sound is plainly audible at a distance of fifty (50) or more feet from the vehicle.

(1) "Public Disturbance" is defined, for the purposes of this Code section, as loud music revelry, or electronically reproduced sound done or created at a time and a place, or in a manner so as to create a substantial likelihood of disturbing the public's reasonable expectation of peace and quiet.

(2) "Sound Amplification System" means any radio, tape player, compact disk player, loud speaker or

other electronic device used for amplification of the human voice and/or musical instrument.

(3) "Plainly Audible" means any sound produced by a sound amplification system from within the vehicle which clearly can be heard at a distance of fifty (50) feet or more. Measurement standards shall be by the auditory senses based on direct line of sight. Words or phrases need not be discernible and base reverberations are included. The motor vehicle may be stopped, standing, parked or moving on the street, highway, alley, parking lot or driveway.

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

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

(2) The vehicle was any emergency or public safety vehicle

(3) The vehicle was used in authorized public activities, such as parades, fireworks, sports events, musical productions and other activities which have the approval of the department of the City authorized to grant such approval.

**§7.02.45. Restriction on the use of tinted glass and other vision obscuring materials.**

A. The State Director of Public Safety, in accordance with *Chapter 119 of the Ohio Revised Code*, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

B. The rules adopted under this section may provide for persons who meet either of the following qualifications:

(1) On the effective date of this section or of any adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section;

(2) Establish residency in this State and are required to register a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section.

C. No person shall operate, on a 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 of this section and of any applicable rule adopted under this section.

**§7.02.46. Use of local streets; local permit and conditions.**

A. Signs shall be posted indicating "no thru trucks - gross weight five (5) tons" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instruction indicated on any such sign.

B. Violation of any of the limitations, terms or conditions of the permit granted by the Director shall cause

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immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by *Section 7.09.99*.

C. The following streets are declared additional truck routes:

Poplar: from Fourth to Jefferson  
Grosvenor: from Poplar to Canal  
Columbus: from Canal to Jefferson  
Washington: from Canal to Jefferson  
Fulton: from Columbus to Canal  
Rocky Boot Way: from Columbus to Canal  
Jefferson: from Franklin to Canal  
Franklin: from Jefferson to Nelsonville  
Medical and Emergency Services  
Fort: from Washington to Pleasantview  
Adams: from Canal to termination  
Myers: from Canal to Watkins  
Jackson: from Watkins to Termination  
Watkins: from Canal to Termination  
Fayette: from Jefferson to Rocky Boot Way  
Pleasantview: from Fort to N. Corporation  
Limit

D. It shall be the duty of the drivers of all such vehicles exceeding a gross weight of five (5) tons when entering the municipality upon a street other than a State or Federal route, to immediately proceed, by the shortest way possible, to nearest State or Federal route or other marked truck route, leading in the direction in which such vehicle is proceeding.

E. All streets and highways leading into the municipality shall be properly posted warning operators of vehicles exceeding such weights that they must follow State and Federal routes, temporary or permanent, and other marked routes.

### **§7.02.47. Moving buildings.**

The City Manager may, upon application, issue a permit to move a building over any street, highway, or alley within the Municipality. The permit shall be in writing and the City Manager may grant the same, subject to such conditions and restrictions as in his/her judgment are necessary for the preservation and protection of public or private property. The City Manager may require the applicant to provide a bond or cash deposit in such an amount, not to exceed five thousand dollars (\$5,000.00), as may be necessary to save the municipality harmless from any and all liability or property damage as a result of the issuance of such a permit. Upon completion of the movement and inspection of the route traversed, if no claims are filed for recovery of damage to any person or property, the bond may be canceled or the deposit refunded.

### **§7.02.48. Load limits.**

A. That from the and after the effective date of this Ordinance the City Manager shall determine which streets in the City of Nelsonville are being unduly damaged by commercial traffic of excessive weight and shall maintain a list thereof in the office of the City Manager, a copy thereof to be furnished to the Police Department which said list shall

include the several streets and upon designation by the City Manager shall become limited weight streets.

B. Twenty-four (24) hours following the publication of said list such streets shall become limited weight streets and it shall be illegal to operate any commercial motor vehicle over and across said streets having a gross weight in excess of twelve (12) tons.

C. In the event any person desires to operate a vehicle in excess of twelve (12) tons upon such limited street, he shall first procure a license from the Chief of Police or the City Manager which said license shall be obtainable upon the payment of the sum of fifty cents (50¢) per ton and signed by the Chief of Police or the City Manager and shall designate the date and destination of the truck.

D. The sums so collected shall be deposited with the Auditor of the City to the credit of a special street account and such sums so collected shall be spent only on the maintenance and repair of the streets giving rise to the license charges.

E. It shall be unlawful for any person to operate without a license as hereinabove set forth over such streets and violation of this injunction shall be a fine of not to exceed one hundred dollars (\$100.00), each violation being a separate offense.

### **§7.02.49. Special engine brakes.**

The usage of any and all special engine brake is prohibited within the City of Nelsonville except when used on public safety vehicles. For purposes of this section, special engine brakes shall be defined to include but are not limited to, C brakes, Pac brakes, Tekbrakes, or any other type of engine retarder commonly utilized within the commercial trucking industry. Whoever violates this ordinance shall be subject to a fine of up to one hundred dollars (\$100.00).

## **Chapter 7.03. Passengers; Operators; Accidents.**

- §7.03.01. Riding on outside of vehicle.
- §7.03.02. Attaching bicycle or sled to vehicles.
- §7.03.03. Hitchhiking.
- §7.03.04. Overloading of vehicles prohibited.
- §7.03.05. Opening door of vehicle into lane of traffic.
- §7.03.06. Consuming alcoholic beverages in motor vehicles.
- §7.03.07. Prohibition against driving while under the influence of alcohol or drugs with certain concentration of alcohol in bodily substances; chemical analysis.
- §7.03.08. Having physical control of vehicle while under the influence.
- §7.03.09. Failing to maintain reasonable control while operating a motor vehicle.
- §7.03.10. Driving while fatigued.
- §7.03.11. Reckless operation of vehicles.
- §7.03.12. Operating without a license.
- §7.03.13. Exemptions from license requirements.
- §7.03.14. Nonresident exemption.
- §7.03.15. Temporary instruction permit.
- §7.03.16. False or altered i.d.

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- §7.03.17. Lending license to another person.
- §7.03.18. Representing another's license as one's own.
- §7.03.19. Failure to surrender revoked or suspended license.
- §7.03.20. Falsifying name or address in applying for license.
- §7.03.21. Prohibition against permitting a minor to operate vehicle.
- §7.03.22. Employment to a minor to operate taxicab prohibited.
- §7.03.23. Restriction against owner lending vehicle for use of another.
- §7.03.24. Display of license.
- §7.03.25. Driving while license is suspended.
- §7.03.26. Display of license plates.
- §7.03.27. Motor vehicle with concealed identity.
- §7.03.28. Use of unauthorized plates.
- §7.03.29. Operating without license plates.
- §7.03.30. Operating with number of former owner.
- §7.03.31. Resident operating with number issued by foreign state.
- §7.03.32. Failure to file application for registration.
- §7.03.33. Transfer of ownership and registration.
- §7.03.34. Operation or sale of motor vehicle without certificate of title.
- §7.03.35. Muffler; smoke screen device.
- §7.03.36. Weaving.
- §7.03.37. Defects or infirmities in driver.
- §7.03.38. Driving on sidewalk.
- §7.03.39. Bicycling on certain sidewalks.
- §7.03.40. Sidewalk violations.
- §7.03.41. Tire squealing.
- §7.03.42. School bus; unlawful to pass, when:
- §7.03.43. Stopping at scene of accident on public roadway.
- §7.03.44. Stopping at scene of accident on property other than public roadway.
- §7.03.45. Motor vehicle accident resulting in damage to realty.
- §7.03.46. Code application to bicycles.
- §7.03.47. Lights and reflectors on bicycle; brakes.
- §7.03.48. Riding bicycle on right side of roadway; obedience to traffic rules; passing.
- §7.03.49. Reckless operation; control course and speed.
- §7.03.50. Parking of bicycle.
- §7.03.51. Compliance with traffic control devices; right of way.

**§7.03.01. Riding on outside of vehicle.**

- A. No person shall hang onto, or ride on the outside of any motor vehicle, or board or alight from any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments or workers performing specialized highway or street maintenance or construction under authority of a public agency.
- B. No operator shall knowingly permit any person to hang onto, or ride on the outside of, or board or alight from any motor vehicle, streetcar, or trackless trolley while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments or workers performing

specialized highway or street maintenance or construction under authority of a public agency.

C. No driver of a truck, trailer, or semi trailer shall knowingly permit any person who has not attained the age of sixteen (16) years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five (25) miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in *division (A) (2) of Section 4513.263 of the Ohio Revised Code*, the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and wearing the seat safety belt;

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer, or semi trailer.

D. Anyone who violates *sections (A) or (B)* is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates any provision of *divisions (A) or (B)* of this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates any provision of *divisions (A) or (B)* of this section is guilty of a misdemeanor of the third degree. Whoever violates *division (C)* of this section is guilty of a minor misdemeanor. (RC §4511.51) Penalty, see §7.09.99

**§7.03.02. Attaching bicycle or sled to vehicles.**

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

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

C. This section does not apply to the towing of a disabled vehicle. (RC §4511.54) Penalty, see §7.09.99.

**§7.03.03. Hitchhiking.**

No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicles. (RC §4511.51) Penalty, see §7.09.99

**§7.03.04. Overloading of vehicles prohibited.**

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control of the vehicle. No passenger in a vehicle or trackless trolley shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control of the vehicle. (RC §4511.70) Penalty, see §7.09.99

**§7.03.05. Opening door of vehicle into lane of traffic.**

It shall be unlawful for any person to open the door of a motor vehicle into the lane of traffic without due regard for other traffic upon the duly dedicated streets and highways of the city, nor shall any person interfere with the movement of traffic by the opening of a vehicle door into a lane of traffic. No person shall leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. Penalty, see §7.09.99

**§7.03.06. Consuming alcoholic beverages in motor vehicles.**

No person shall consume any beer or alcoholic beverage in a motor vehicle. Penalty, see §7.09.99

**§7.03.07. Prohibition against driving while under the influence of alcohol or drugs with certain concentration of alcohol in bodily substances; chemical analysis.**

A. No person shall operate any vehicle, streetcar, or trackless trolley within this State, if any of the following apply:

- (1) The person is under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
  - (2) The person has a concentration of eight-hundredths (8/100) of one percent or more but less than seventeen-hundredths (17/100) by weight per unit volume of alcohol in the person's whole blood;
  - (3) The person has a concentration on ninety-sixty-thousands (96/1,000) of one percent or more but less than two hundred four thousandths (200/4,000) of one percent by weight per unit volume of alcohol in the person's blood serum or plasma;
  - (4) The person has a concentration of eight-hundredths (8/100) of one gram or more but less than seventeen-hundredths (17/100) of one percent by weight per unit volume of alcohol per two hundred ten (210) liters of the person's whole breath;
  - (5) The person has a concentration of eleven-hundredths (11/100) of one gram or more but less than two hundred thirty-eight thousandths (238/1,000) of one gram by weight of alcohol per one hundred (100) milliliters of the person's whole urine.
  - (6) The person has a concentration of seventeen-hundredths (17/100) of one percent or more by weight per unit volume of alcohol in the person's whole blood;
  - (7) The person has a concentration of two hundred four thousandths (204/1,000) of one percent (1%) or more by weight per unit volume of alcohol in the person's blood serum or plasma;
  - (8) The person has a concentration of seventeen-hundredths (17/100) of one percent (1%) or more by weight per unit volume of alcohol per two hundred ten (210) liters of the person's whole breath;
  - (9) The person has a concentration of two hundred thirty-eight thousandths (238/1,000) of one gram or more by weight of alcohol per one hundred (100) milliliters of the person's whole urine.
- B. No person under twenty-one (21) years of age

shall operate any vehicle, streetcar, or trackless trolley within the State, if, at the time of the operation, any of the following apply:

- (1) The person has a concentration of at least two-hundredths (2/100) of one percent (1%) but less than eight-hundredths (8/100) of one percent (1%) by weight per unit volume of alcohol in the person's whole blood;
- (2) The person has a concentration of at least three-hundredths (3/100) of one percent (1%) or more but less than ninety-six thousandths (96/1,000) of one percent (1%) by weight per volume of alcohol in the person's blood serum or plasma;
- (3) The person has a concentration of least two-hundredths (2/100) of one gram or more but less than eight-hundredths (8/100) of one percent (1%) by weight per unit volume of alcohol per two hundred ten (210) liters of the person's whole breath;
- (4) The person has a concentration of at least twenty-eight thousandths (28/1,000) of one (1) gram or more but less than eleven-hundredths (11/100) of one (1) gram by weight of alcohol per one hundred (100) milliliters of the person's whole urine.

C. No person who, within twenty (20) years of the conduct described in *division (D) (2)* of this section previously convicted of or pleaded guilty to a violation of this division, *division (A)* or *(B)* of this section, or a State or municipal OVI offense shall do both of the following:

- (1) Operate any vehicle, streetcar, or trackless trolley within this State while under the influence of alcohol, a drug of abuse or combination of them;
- (2) Subsequent to being arrested for operating the vehicle, streetcar, or trackless trolley as described in *division (D) (2)* of this section, being asked by a law enforcement officer to submit to a chemical test or tests under *45.11.191 [4511.19.1]* of the *Ohio Revised Code*, and being advised by the officer in accordance with *Section 4511.12 [4511.19.2]* of the *Ohio Revised Code* of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

D. No person shall be in physical control of a vehicle, streetcar, or trackless trolley while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine, contains at least a concentration of alcohol specified in *division (A) (1)* through *(9)* of *Section 7.03.07* of the *Nelsonville City Code*.

E. In any criminal prosecution for a violation of this section, the court may admit evidence on the concentration of alcohol, drugs of abuse, or alcohol and drugs of abuse in the defendant's blood, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance withdrawn within three hours of the time of the alleged violation.

When a person submits to a blood test at the request of a Police Officer under *Section 4511.191* of the *Ohio Revised Code*, only a physician, a registered nurse, or a qualified technician or chemist shall withdraw blood for the purpose of determining its alcohol, drug, or alcohol and drug content. This limitation does not apply to the taking of breath or urine specimens. A physician, registered nurse, or a

qualified technician or chemist may refuse to withdraw blood for the purpose of determining the alcohol, drug, or alcohol and drug content of the blood, if in his/her opinion the physical welfare of the person would be endangered by the withdrawing of blood.

Such bodily substance shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to *Section 3701.142* of the *Ohio Revised Code*.

If there was at the time the bodily substance was withdrawn a concentration of less than eight-hundredths (8/100) of one per cent (1%) by weight of alcohol in the defendant's whole blood, less than ninety-six thousandths (96/1,000) of one percent (1%), less than eight-hundredths (8/100) of one (1) gram by weight of alcohol per two hundred ten (210) liters of his/her breath, or less than eleven hundredths (11/100) of one (1) gram by weight of alcohol per one hundred (100) milliliters of his/her urine, such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

Upon the request of the person who was tested the results of the chemical test shall be made available to him, his/her attorney, or his/her agent, immediately upon the completion of the chemical test analysis.

The person tested may have a physician, a registered nurse, or a qualified technician or chemist of his/her own choosing administers a chemical test or tests in addition to any administered at the request of a Police Officer, and shall be so advised. 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 Police Officer.

Any physician, registered nurse, or qualified technician or chemist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability, and from civil liability that is based upon a claim of assault and battery or based upon any other claim that is not in the nature of a claim of malpractice, for any act performed in withdrawing blood from the person.

F. 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 a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, 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) (I)* or *(II)* of this section and if the testimony or evidence is admissible under the rules of evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.

*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.

**§7.03.08. Having physical control of vehicle while under influence.**

A. As used in this section:

(1) "National highway traffic safety administration" has the same meaning as in *Section 4511.19* of the *Ohio Revised Code*

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

B. No person shall be in physical control of a vehicle, streetcar, or trackless trolley if, at the time of the physical control, any of the following apply:

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

(2) The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in *division (A) (1) (b), (c), (d), or (e)* of *Section 4511.19* of the *Ohio Revised Code*.

(3) Except as provided in *division (E)* 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 *Section 4511.19* of the *Ohio Revised Code*.

C. (1) In any criminal prosecution or juvenile court proceeding for a violation of this section or a substantially equivalent municipal ordinance, if a law enforcement officer has administered a field sobriety test to the person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:

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

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

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any proceedings in the criminal prosecution or juvenile court proceeding.

(c) If testimony is presented or evidence is introduced under *division (C) (1) (a) or (b)* 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.

(2) *Division (C) (1)* of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a 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 (C) (1)* of this section.

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

E. *Division (B) (3)* of this section does not apply to a person who is in physical control of a vehicle, streetcar, or trackless trolley 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 *Section 4511.19* of the *Ohio Revised Code*, 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.

### **§7.03.09. Failing to maintain reasonable control while operating a motor vehicle.**

No person shall operate a motor vehicle, trackless trolley, or streetcar on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle trolley or streetcar. Penalty, see §7.09.99

### **§7.03.10. Driving while fatigued.**

A. No person shall drive a "commercial motor vehicle" as defined in *Section 4506.01* or a "commercial car" or "commercial tractor", as defined in *Section 4501.01* of the *Ohio Revised Code*, while that person's ability or alertness is so impaired by fatigue, illness, or other causes that it is unsafe for him to drive such vehicle. No driver shall use any drug which would adversely affect his/her ability or alertness.

B. No owner, as defined in *Section 4501.01* of the *Ohio Revised Code*, of a "commercial motor vehicle", "commercial car" or "commercial tractor", or a person employing or otherwise directing the driver of such vehicle, shall require or knowingly permit a driver in any such condition described in *paragraph (a)* of this section to drive

such vehicle upon any street or highway. (RC §4511.79) Penalty, see §7.09.99.

### **§7.03.11. Reckless operation of vehicles.**

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

B. No person shall operate a vehicle, trackless trolley, or streetcar on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

C. This section does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

### **§7.03.12. Operating without a license.**

A. No person, except those expressly exempted under *Sections 7.03.12 to 7.03.14*, shall drive any motor vehicle within this City unless such person has been licensed as an operator or chauffeur by the registrar of motor vehicles under the *Ohio Revised Code*.

B. No person shall permit the operation of a motor vehicle upon any public or private property used by the public for the purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the registrar of motor vehicles under this chapter or a valid commercial driver's license issued under *Chapter 4506* of the *Ohio Revised Code*. (RC §4507.02)

### **§7.03.13. Exemptions from license requirements.**

A. No person shall be required to obtain an operator's or commercial driver's license for the purpose of driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry, temporarily drawn, moved or propelled upon the highway.

B. Every person on active duty in the military or naval forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with such duty, is exempt from the license requirements of *Chapter 4506* and *4507* of the *Ohio Revised Code*. (RC §4507.03)

Penalty, see §7.09.99.

### **§7.03.14. Nonresident exemption.**

Nonresidents, permitted to drive upon the highways of their own states, may operate any motor vehicle upon any highway in this State without examination or license under *Sections 4507.01 to 4507.39*, inclusive, of the *Ohio Revised Code*, upon condition that such nonresidents may be required at any time or place to prove lawful possession, or their right to operate such motor vehicle, and to establish proper identity. (RC §4507.04) Penalty, see §7.09.99.

### **§7.03.15. Temporary instruction permit.**

Holders of valid temporary instruction permits under *Section 4507.05* of the *Ohio Revised Code*, issued by the State of Ohio, may drive a motor vehicle upon the highways when accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver; provided the



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holder thereof has such permit in his/her immediate possession. Penalty, see §7.09.99.

**§7.03.16. False or altered i.d.**

No person shall:

A. Display, or case 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, or university identification card, knowing the same to be fictitious, or to have been canceled, revoked, suspended, or altered;

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

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

D. Fail to surrender to the Registrar of Motor Vehicles, upon his/her demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit which has been suspended, canceled or revoked.

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

Suspension of a commercial drivers license under this section shall be concurrent with any period of disqualification under *Section 4506.16 of the Ohio Revised Code* shall be issued a driver's license under this chapter during the period for which the commercial driver's license was suspended under this section.

**§7.03.17. Lending license to another person.**

No person shall lend to another person not entitled thereto, or knowingly permit him to use any operator's or chauffeur's license or temporary instruction permit issued to the person so lending or permitting the use thereof. (RC §4507.30) Penalty, see §7.09.99.

**§7.03.18. Representing another's license as one's own.**

No person shall display, or represent as one's own, any operator's or chauffeur's license or temporary instruction permit not issued to person so displaying the same. (RC §4507.30) Penalty, see §7.09.99.

**§7.03.19. Failure to surrender revoked or suspended license.**

No person shall fail to surrender to the registrar of motor vehicles, upon his/her demand, any operator's or chauffeur's license or temporary instruction permit which has been suspended, canceled, or revoked. (RC §4507.30) Penalty, see §7.09.99.

**§7.03.20. Falsifying name or address in applying for license.**

No person shall use a false or fictitious name, or give a false or fictitious address, in any application for an operator's or commercial driver's license or temporary instruction permit, or any renewal or duplicate thereof, or knowingly make a false statement, or knowingly conceal a material fact or otherwise commit a fraud, in any such application. (RC §4507.30) Penalty, see §7.09.99.

**§7.03.21. Prohibition against permitting a minor to operate vehicle.**

No person shall cause or knowingly permit any minor under eighteen (18) years of age to drive a motor vehicle upon a highway as an operator, unless such minor has first obtained a license or permit to drive a motor vehicle under the *Ohio Revised Code*. (RC §4507.31) Penalty, see §7.09.99.

**§7.03.22. Employment to a minor to operate taxicab prohibited.**

No person shall employ, for the purpose of operating a taxicab any minor less than eighteen (18) years of age. (RC §4507.321) Penalty, see §7.09.99.

**§7.03.23. Restriction against owner lending vehicle for use of another.**

No person shall authorize or knowingly permit a motor vehicle owned by him or under his/her control to be driven by any person if any of the following apply:

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

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

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

D. The offender knows or has reasonable cause to believe that the other person's act of driving would violate *Section 4511.09 of the Ohio Revised Code* or any substantially equivalent municipal ordinance.

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

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

(2) Regarding an operator allegedly

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

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

F. Whoever violated this section is guilty of wrongful entrustment of a motor vehicle, a misdemeanor of the first degree. In addition to the penalties imposed under *Chapter 2929* of the *Ohio Revised Code*, the Court shall impose a class seven (7) suspension of the

offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or non resident operating privilege from the range specified in *division (A) (7)* of *Section 4510.02* of the *Ohio Revised Code*, and if the vehicle involved in the offense is registered in the name of the offender, the court shall order one of the following:

(1) Except as otherwise provided in *division (F) (2)* or *(3)* of this section, the Court shall order, for thirty (30) days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates, the order shall be issued and enforced under *Section 4503.233* of the *Ohio Revised Code*.

(2) If the offender previously has been convicted of or pleaded guilty to one violation of this section or substantially equivalent municipal ordinance, the court shall order, for sixty (60) days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates, the order shall be issued and enforced under *Section 4503.233* of the *Ohio Revised Code*.

(3) If the offender previously has been convicted of or pleaded guilty to two (2) or more violations of this section or a substantially equivalent municipal ordinance, the Court shall order the criminal forfeiture to the State of the vehicle involved in the offense. The order shall be issued and enforced under *Section 4503.234* of the *Ohio Revised Code*.

If a title to a motor vehicle that is subject to an order for criminal forfeiture under this division is assigned or transferred and *division (B) (2)* or *(3)* of *Section 4503.234* of the *Ohio Revised Code* applies, in addition to or independent of any other penalty established by law, the court may fine the National Auto Dealer's Association. The proceeds from any fine imposed under this division shall be distributed in accordance with *division (C) (2)* of *Section 4503.234* of the *Ohio Revised Code*.

### **§7.03.24. Display of license.**

The operator or chauffeur of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has such license, upon demand of any peace officer or of any person damaged or injured in any collision in which such licensee may be involved. When a demand is properly made and the operator has the operator's

driver's license on or about his/her person, the operator shall not refuse to display said license. Failure to furnish satisfactory evidence that such person is licensed under this section when such person does not have person's license on or about the person's person shall be prima facie evidence of his/her not having obtained such license. A violation of this section is a misdemeanor of the first degree (RC §4507.35) Penalty, see §7.09.99.

### **§7.03.25. Driving while license is suspended.**

A. No person, whose operator's or chauffeur's license has been suspended or revoked, under Sections of the *Ohio Revised Code*, shall drive any motor vehicle within this City while such license is suspended or revoked unless the person is granted limited driving privileges and is operating the motor vehicle in accordance with the terms of the limited driving privileges. (RC §4507.38)

B. Any nonresident or other person, whose operator's or chauffeur's license, or right or privilege to operate a motor vehicle in this State, has been suspended or revoked, shall not operate a motor vehicle in this City under a license, permit, or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this City during a period of suspension, or within one (1) year after date of such revocation. (RC §4507.39)

C. The Court shall impose upon the offender a Class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in *division (A) (7)* of *Section 4510.02* of the *Ohio Revised Code*.

D. If the person has not been convicted of this section or a similar State or municipal ordinance, the court shall order the immobilization of the vehicle involved in the offense for thirty (30) days in accordance with *Section 4503.233* of the *Ohio Revised Code* and the impoundment of that vehicle's license plates for thirty (30) days, issued and enforced under *Section 4503.233* of the *Ohio Revised Code*. If the offender previously has been convicted of or pleaded guilty to one violation of this section or substantially equivalent municipal ordinance, the Court shall order, for sixty (60) days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates, the order shall be issued and enforced under *Section 4503.233* of the *Ohio Revised Code*. If the offender previously has been convicted of or pleaded guilty to two (2) or more violations of this section or a substantially equivalent municipal ordinance, the Court shall order the forfeiture to the State of the vehicle involved in the offense. The order shall be issued and enforced under *Section 4503.234* of the *Ohio Revised Code*.

### **§7.03.26. Display of license plates.**

A. No person who is the owner or operator of a motor vehicle shall fail to display, in plain view, on the front and rear of such motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under the *Ohio Revised Code*, furnished by the State Director of Highway Safety, except that a manufacturer of motor vehicles or dealer therein,

the holder of an in transit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, house trailer, trailer, or semi trailer shall display on the rear only. Such number plates shall be securely fastened so as not to swing and shall not be covered by any material that obstructs their visibility.

B. No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under *Section 4503.182* of the *Ohio Revised Code*, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility. (RC §4503.21)  
Penalty, see §7.09.99.

**§7.03.27. Motor vehicle with concealed identity.**

A. No person shall knowingly buy, offer to sell, receive, dispose of, conceal, or have in his/her possession any motor vehicle, as defined in *Section 4501.01* of the *Ohio Revised Code*, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, or destroyed, for the purpose of concealing or destroying the identity of the said motor vehicle.

B. This section does not apply to the possession of an owner, or the owner's insurer, who provides satisfactory evidence of all of the following:

(1) That the vehicle identification number or derivative thereof on the vehicle or part has been removed, defaced, covered, altered, or destroyed, after the owner acquired such possession, by another person without the consent of the owner, by accident or other casualty not due to the owner's purpose to conceal or destroy the identity of the vehicle or vehicle part, or by ordinary wear and tear;

(2) That the person is the owner of the vehicle as shown on a valid certificate of title issued by this State or certificate of title or other lawful evidence of title issued in another state, in a clear chain of title beginning with the manufacturer;

(3) That the original identity of the vehicle can be established in a manner that excludes any reasonable probability that the vehicle has been stolen from another person.

C. This section does not apply to the good faith acquisition and disposition of vehicles and vehicle parts as junk or scrap in the ordinary course of business by a scrap metal processing facility as defined in *division (D) of Section 4737.05* of the *Ohio Revised Code* or by a motor vehicle salvage dealer licensed under *Chapter 4738* of the *Ohio Revised Code*.

D. Violation of this section is a misdemeanor of the first degree. (RC §4549.07) Penalty, see §7.09.99

**§7.03.28. Use of unauthorized plates.**

No person shall operate or drive a motor vehicle upon the highways of this City if it displays a distinctive number or identification mark which:

A. Is fictitious;

B. Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

C. Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on public roads and highways in this State when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the public roads and highways in this State during the thirty (30) day period described in *division (A) (4) of Section 4503.12* of the *Ohio Revised Code*. Any person who fails to comply with the transfer of registration provisions of *Section 4503.12* of the *Ohio Revised Code* and is charged with a violation of this section shall not be charged with a violation of this section.

Any person found to be in violation of this section is guilty of a fourth degree misdemeanor on the first violation and a third degree misdemeanor on each subsequent violation.(RC §4549.08)

Penalty, see §7.09.99.

**§7.03.29. Operating without license plates.**

No person shall operate or cause to be operated upon a public road or highway a motor vehicle of a manufacturer or dealer unless such vehicle carries and displays two placards, except as provided in *Section 4503.21* of the *Ohio Revised Code*, issued by the State Director of Public Safety, bearing the registration number of its manufacturer or dealer. (RC §4549.10) Penalty, see §7.09.99.

**§7.03.30. Operating with number of former owner.**

No person shall operate or drive upon the highways of this State a motor vehicle acquired from a former owner who has registered the motor vehicle, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (RC §4549.11) Penalty, see §7.09.99.

**§7.03.31. Resident operating with number issued by foreign state.**

No person who is the owner of a motor vehicle and a resident of this State shall operate or drive such motor vehicle upon the highways of this State, 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. (RC §4549.12) Penalty, see §7.09.99.

**§7.03.32. Failure to file application for registration.**

No person who is the owner or chauffeur of a motor vehicle operated on or driven on the public roads or highways shall fail to file annually the application for registration or to pay the tax therefore as required by Chapter 4503 of the *Ohio Revised Code*. Whoever violates this section is guilty of a fourth degree misdemeanor. (RC §4503.11) Penalty, see §7.09.99.

**§7.03.33. Transfer of ownership and registration.**

Upon the transfer of ownership of a motor vehicle, the original owner shall immediately remove the number plates from such motor vehicle except under certain conditions provided by this section.

(RC §4503.12) Penalty, see §7.09.99

**§7.03.34. Operation or sale of motor vehicle without certificate of title.**

No person shall:

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

B. Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate or a certificate of title or an assignment of a certificate of title for it as provided in this chapter, of the *Ohio Revised Code*.

C. Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the registrar of motor vehicles and notice thereof as prescribed in this chapter of the *Ohio Revised Code*.

D. Fail to surrender the certificate of title to the clerk of the court of common pleas as provided in this chapter of the *Ohio Revised Code*, in case of the destruction or dismantling or change of a motor vehicle described in the certificate of title.

E. Operate in this State a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle was otherwise reflected in the automated title processing system has been canceled.

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

G. Whoever violates this section shall be fined not more than two hundred dollars (\$200.00), imprisoned not more than ninety (90) days or both. (RC §4505.18.) Penalty, see §7.09.99.

**§7.03.35. Muffler; smoke screen device.**

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

No person shall own, operate or have in his/her possession any motor vehicle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(RC §4513.22) Penalty, see §7.09.99.

**§7.03.36. Weaving.**

No person shall drive a vehicle upon any highway in a weaving or zigzag course, unless such irregular course is made necessary by traffic exigencies. Penalty, see §7.09.99.

**§7.03.37. Defects or infirmities in driver.**

It shall be unlawful for any person who is subject to epilepsy, vertigo, or other infirmity of mind or body which would render him incapable of the safe operation of a vehicle, to operate the same. The foregoing provision shall not bar a person whose eyesight is defective from operating a vehicle, if his/her vision is brought to normal by a proper correction.

Penalty, see §7.09.99.

**§7.03.38. Driving, standing or parking on sidewalk.**

No person shall drive, stand or park a motor vehicle on a sidewalk or without the curb or gutter line of a street except at a permanent or temporary driveway. Penalty, see § 7.09.99.

**§7.03.39. Bicycling on certain sidewalks.**

No person shall ride a bicycle on the following sidewalks:  
Penalty see §7.09.99.

**§7.03.40. Sidewalk violations.**

A. The City Manager is hereby authorized and directed to supply Code Enforcement Officers, Police Officers and Meter Attendants with citation tags, for the purpose of giving notice to persons violating provisions of *Sections 7.03.38 and 7.03.39* of this Chapter. The notice may be given by delivering such tag to the violator, or by affixing it to the vehicle by means of which the violation occurred. The citation tags shall direct the violator to appear and to present such tag at a designated office of the City at or before a date and hour specified thereon.

**§7.03.41. Tire squealing.**

No person shall operate any motor vehicle in any way as to create unnecessary noise or smoke from the tires of the motor vehicle coming in contact with the roadway. Penalty, see §7.09.99

**§7.03.42. School bus; unlawful to pass, when:**

The driver of any motor vehicle, when approaching the front or rear of a school bus that has come to a stop upon a highway, to receive or discharge any child or children, shall stop such vehicle not less than ten (10) feet from said school bus and keep such vehicle stationary until all such children have entered said bus or have alighted and reached the side of such highway. Penalty, see §7.09.99

**§7.03.43. Stopping at scene of accident on public roadway.**

A. In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop the driver's

or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of such accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, to any person injured in such accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in such accident or collision, or to any police officer at the scene of such accident or collision.

B. In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in such accident or collision shall forthwith notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address, and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

C. If such accident or collision is with an unoccupied or unattended motor vehicle, the operator so colliding with such motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on said unoccupied or unattended motor vehicle.

(RC §4549.02) Penalty, see §7.09.99.

**§7.03.44. Stopping at scene of accident on property other than public roadway.**

A. In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person so driving or operating such motor vehicle, having knowledge of such accident or collision, shall immediately stop the driver's motor vehicle at the scene of the accident or collision and upon the request of the person injured or damaged, or any other person shall give the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of such motor vehicle, together with the registered number of such motor vehicle, and if available, exhibit the driver's or operator's or commercial driver's license.

B. If the owner or person in charge of such damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision shall within twenty-four (24) hours after such accident or collision, shall forward to the police department of the city the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

C. If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle. (RC §4549.021)

Penalty, see §7.09.99.

**§7.03.45. Motor vehicle accident resulting in damage to realty.**

A. The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to such real property, legally upon or adjacent to a public road or highway shall immediately stop and take reasonable steps to locate and notify the owner or person in charge of such property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and shall, upon request and if available, exhibit the driver's driver or commercial driver's license.

B. If the owner or person in charge of such property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to such property shall, within **twenty-four** (24) hours after such accident, shall forward to the police department of the city the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision and a description of the damage insofar as it is known.

(RC §4549.03) Penalty, see §7.09.99.

**§7.03.46. Code application to bicycles.**

The provisions of this Traffic Code which are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

The provisions of the Traffic Code shall apply to bicycles except those which by their nature are not applicable.

**§7.03.47. Lights and reflectors on bicycle; brakes.**

A. Every bicycle when in use at the times specified, shall be equipped with a light on the front that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and with a red reflector on the rear of a type approved by the Ohio Director of Highway Safety that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle and a light emitting a red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector.

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

**§7.03.48. Riding bicycle on right side of roadway; obedience to traffic rules; passing.**

Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

**§7.03.49. Reckless operation; control course and speed.**

No person shall operate a bicycle:

A. Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;

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- B. Without exercising reasonable and ordinary control over such bicycle;
- C. In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
- D. Without both hands upon the handle grips except when necessary to give the required hand and arm signals;
- E. At a speed greater than is reasonable and prudent under the conditions then existing.

**§7.03.50. Parking of bicycle.**

No person shall park a bicycle upon a sidewalk in such a manner as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

**§7.03.51. Compliance with traffic control devices; right of way.**

Any person operating a bicycle shall;

- A. Obey the instructions of official traffic control device applicable to vehicles, unless otherwise directed by a police officer;
- B. Before changing course, turning or stopping upon a roadway, exercise due care that the movement can be made with reasonable safety and give the hand and arm signals required;
- C. Yield the right of way to pedestrian and vehicular traffic to upon roadway as lawfully required;
- D. Yield the right of way to a pedestrian upon a sidewalk;
- E. Give a timely and audible signal before overtaking and passing a pedestrian upon a roadway or sidewalk.

**Chapter 7.04. Traffic Rules.**

- §7.04.01. Speed limits.
- §7.04.02. Posted speed limits.
- §7.04.03. Drag racing prohibited.
- §7.04.04. Slow-moving vehicles.
- §7.04.05. Speed regulations on bridges.
- §7.04.06. Proper lane for travel.
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- §7.04.08. Rules governing overtaking and passing vehicles.
- §7.04.09. Overtaking and passing on the right.
- §7.04.10. Driving to left of center line.
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- §7.04.45. Pedestrians yield right-of-way to public safety vehicle.
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- §7.04.52. Special provisions for buses and hazardous cargoes.
- §7.04.53. Slow moving vehicles or equipment crossing railroad tracks.
- §7.04.54. Obstruction of roads by railroads.
- §7.04.55. Operating school buses.
- §7.04.56. Action against violators.
- §7.04.57. State school bus regulations.
- §7.04.58. Display of inspection decal.
- §7.04.59. Registration and identification required.
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- §7.04.61. School bus marking.
- §7.04.62. Light requirements.
- §7.04.63. Lights and sign requirements for transportation of preschool children.
- §7.04.64. Operating motorcycle, number of passengers.
- §7.04.65. Riding motorcycles abreast.
- §7.04.66. Signal devices on bicycle.
- §7.04.67. First National Bank, drive-in bank.
- §7.04.68. Fruth parking lot.
- §7.04.69. Watkins Street speed limit.

**§7.04.01. Speed limits.**

- A. No person shall operate a motor vehicle, trackless trolley, or streetcar at a speed greater or less than is

## Nelsonville City Code

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

B. It is prima-facie lawful, in the absence of a lower limit declared pursuant to this section by the director of transportation or local authorities, for the operator of a motor vehicle, trackless trolley, or streetcar to operate the same at a speed not exceeding the following:

(1) Twenty (20) miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when appropriate signs giving notice of the existence of these school are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by *division (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 *division (B) (8)* 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.

(2) Twenty-five (25) miles per hour in all other portions of a municipal corporation, except on State routes, through highways outside business districts, and alleys;

(3) Thirty-five (35) miles per hour on all State routes or through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (5) of this section;

(4) Fifty (50) miles per hour on controlled-access highways and expressways within municipal corporations;

(5) Fifty (50) miles per hour on State routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(6) Fifteen (15) miles per hour on all alleys within the municipal corporation;

(7) Fifty-five (55) miles per hour at all times on freeways with paved shoulders inside municipal corporations, other than freeways as provided in division (B) (8) of this section;

(8) Fifty-five (55) miles per hour at all times on all portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system but are built to the standards and specification that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand (8,000) pounds empty weight and any noncommercial bus;

C. It is prima-facie unlawful for any person to exceed any of the speed limitations in *divisions (B) (1) to (7)* of this section, or any declared pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed the speed limitation in *division (B) (8)* of this

section. No person shall be convicted of more than one (1) 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, trackless trolley, or streetcar upon the streets or highways at a speed exceeding fifty-five (55) miles per hour.

E. In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon *division (C)* of this section also the speed which *division (B) (1) to (8)* of, or a limit declared pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit him to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven. (RC §4511.21) Penalty, See §7.09.99

### §7.04.02. Posted speed limits.

Wherever appropriate signs are erected giving notice that the speed limits established in the preceding section have been altered either lower or higher, in accordance with the provisions of the *Ohio Revised Code*, it shall be prima facie unlawful for any person to exceed any such posted speed limits.

### §7.04.03. Street racing prohibited.

A. "street racing", is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out distance each other or the operation of one (1) or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive acceleration or speeds. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two (2) or more vehicles side by side either at speeds in excess of prima facie lawful speeds established by ordinance or rapidly accelerating from a common starting point to a speed in excess of such prima facie lawful speeds shall be prima facie evidence of street racing.

B. No person shall participate in a street racing as defined in *paragraph (A)* of this section upon any public road, street or highway in this City.

C. Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for not less than thirty (30) days or more than three (3) years. No Judge shall suspend the first thirty (30) days of any suspension of an offender's license, permit, or privilege imposed under this division. (RC §4511.251) Penalty, see §7.09.99.

### §7.04.04. Slow-moving vehicles.

A. No person shall operate a vehicle, trackless trolley, or streetcar at such a slow speed as to impede or block the normal and reasonable movement of traffic except when

reduced speed is necessary for safe operation or to comply with the law.

B. No person shall operate a vehicle at a speed less than the minimum speed limits established pursuant to *Section 4511.22* of the *Ohio Revised Code*. (RC §4511.22) Penalty, see §7.09.99.

**§7.04.05. Speed regulations on bridges.**

A. No person shall operate a vehicle, trackless trolley, or streetcar over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with signs as provided in *Section 4511.23, Ohio Revised Code*.

B. Upon the trial of any person charged with a violation of this section, proof of said determination of the maximum speed by the Ohio Department of Highways and the existence of said signs shall constitute prima facie evidence of the maximum speed which can be maintained with safety to such bridge or structure. (RC §4511.23) Penalty, see §7.09.99.

**§7.04.06. Proper lane for travel.**

Upon all roadways of sufficient width, a vehicle or trackless trolley shall be driven upon the right half of the roadway, except as follows:

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

B. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

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

D. When driving upon a roadway designated and posted with signs for one-way traffic;

E. When otherwise directed by a police officer or traffic control device;

F. Upon all roadways any vehicle or trackless trolley proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle or trackless trolley proceeding in the same direction or when preparing for a left turn or when the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route:

G. Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle or trackless trolley shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (B) of this section.

This division shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway. (RC §4511.25) Penalty, see §7.09.99.

**§7.04.07. Vehicles passing in opposite directions.**

Operators of vehicles and trackless trolleys proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one (1) line of traffic in each direction, each operator shall give to the other one-half (½) or as nearly one-half (½) of the main-traveled portion of the roadway as is reasonably possible. (RC §4511.26) Penalty, see §7.09.99.

**§7.04.08. Rules governing overtaking and passing vehicles.**

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

A. The operator of a vehicle or trackless trolley overtaking another vehicle or trackless trolley proceeding in the same direction shall signal to the vehicle or trackless trolley to be overtaken and shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle or trackless trolley.

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

C. The operator of the vehicle or trackless trolley overtaking and passing another vehicle or trackless trolley proceeding in the same direction on a divided highway as defined in *Section 4511.35* in the *Ohio Revised Code*, a limited access highway as defined in *Section 5511.02* of the *Ohio Revised Code*, or a highway with four (4) or more lanes, is not required to signal audibly to the vehicle or trackless trolley being overtaken and passed. (RC §4511.27) Penalty, see §7.09.99.

**§7.04.09. Overtaking and passing on the right.**

A. The driver of a vehicle or trackless trolley may overtake and pass upon the right of another vehicle or trackless trolley only under the following conditions:

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

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

B. The driver of a vehicle or trackless trolley may overtake and pass another vehicle or trackless trolley only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway. (RC §4511.28) Penalty, see §7.09.99.



**§7.04.10. Driving to left of center line.**

No vehicle or trackless trolley shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite directions or any traffic overtaken. In every event the overtaking vehicle or trackless trolley must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle. (RC §4511.29) Penalty, see §7.09.99.

**§7.04.11. Driving to left of center line forbidden, when.**

A. No vehicle or trackless trolley shall be driven upon the left side of the roadway under the following conditions:

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

(2) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, or tunnel;

(3) When approaching within one hundred (100) feet of or traversing any intersection or railroad grade crossing.

B. This section does not apply to vehicle or trackless trolleys upon a one-way roadway or upon a roadway where traffic is lawfully directed to be driven to the left side, or under the conditions described in *division (b)* of *Section 7.04.06*. (RC §4511.30) Penalty, see §7.09.99.

**§7.04.12. Hazardous zones.**

When signs or markings are in place and clearly visible indicating those portions of any street or highway where overtaking and passing other traffic or driving to the left of the center or center line of the roadway would be especially hazardous, every operator of a vehicle or trackless trolley shall obey the directions thereof, notwithstanding the distances set out in *Section 7.04.17*. (RC §4511.31) Penalty, see §7.09.99.

**§7.04.13. One-way traffic.**

A. Upon a roadway, or alley designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated.

B. *Division (A)* of this section does not apply when all of the following apply:

1. The slower vehicle proceeding at less than one-half (1/2) the speed of the speed limit is applicable to the location;

2. The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit; and

3. There is sufficient clear sight distance

to the left of the center or center line of the roadway to meet the overtaking and padding provisions of *Section 7.04.10*, considering the speed of the slower vehicle. (RC §4511.32) Penalty, see §7.09.99.

**§7.04.14. Passing traffic islands.**

A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (RC §4511.32) Penalty, see §7.09.99.

**§7.04.15. Multiple lane traffic.**

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, or wherever within a municipal corporations traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules shall apply:

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

B. Upon a roadway which is divided in three (3) lanes and provides for two-way movement of traffic, a vehicle or trackless trolley shall not be driven in the center lane except when overtaking or passing another vehicle or trackless trolley where the roadway is clearly visible and such center lane is clear of traffic within safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle or trackless trolley is proceeding and is posted with signs to give notice of such allocation.

C. Official signs may be erected directing specific traffic to use a designated lane or designating lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles or restricting the use of a particular lane to only buses during certain hours or during all hour and trackless trolleys shall obey the directions of such signs.

D. Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. (RC §4511.33) Penalty, see § 7.09.99.

**§7.04.16. Space between moving vehicles.**

A. The operator of a motor vehicle, streetcar or trackless trolley shall not follow another vehicle, streetcar or trackless trolley more closely than is reasonable and prudent, having due regard for the speed of such vehicle, streetcar or trackless trolley and the traffic upon and the condition of the highway. (RC 4511.34)

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

C. Motor vehicles being driven upon any roadway outside of a business or residential district in a caravan or

motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions. (RC §4511.34) Penalty, see §7.09.99.

**§7.04.17. Driving on divided roadways.**

Whenever any highway has been divided into two roadways by an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening, crossover or intersection therein established by public authority. This section shall not prohibit the occupancy of such dividing space, barrier, or section for the purpose of an emergency stop or in compliance with an order of a police officer. (RC §4511.35) Penalty, see §7.09.99.

**§7.04.18. Turn, proper lane.**

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

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

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

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

D. Markers, buttons, painted markings or signs may be placed within or adjacent to intersections thereby requiring and directing that a different course from that specified in this section be traveled by vehicles or certain types of vehicles, streetcars, or trackless trolleys turning at an intersection, and when markers, buttons, painted markings or signs are so placed, no operator of a vehicle, streetcar or trackless trolley shall turn such vehicle, streetcar or trackless trolley at an intersection other than as directed and required by such markers, buttons or signs. (RC §4511.36) Penalty, see §7.09.99.

**§7.04.19. Turning in road or shortcutting at intersections prohibited.**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or

near the crest of a grade if such vehicle cannot be seen within five hundred (500) feet by the driver of any other vehicle approaching from either direction nor shall any person operate a motor vehicle through a service station or parking lot of any place of business to pass from one street to an intersecting street without stopping for service provided by such service station or place of business except emergency vehicles as provided by *Section 4511.37 of the Ohio Revised Code*.

This section does not apply to the driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, and they may turn the vehicle so as to proceed in the opposite direction. This exception applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle, or bell. This exception does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property on the highway. (RC §4511.37) Penalty, see §7.09.99.

**§7.04.20. Designated one-way streets.**

The following are the designated one-way streets of the City of Nelsonville:

Watkins: from Jackson to HVSR Railroad heading South

Jefferson: from E. Franklin to E. Washington heading South

Daugherty Drive: from Washington to Franklin heading North

Presbyterian Church Alley: from Columbus to Washington heading North

Cables Alley: from Washington to Columbus heading South.

South Lane of High: from Third to Burr Oak Blvd. heading East.

North Lane of High: from Third to Burr Oak Blvd. heading West

Pleasantview: from Fort to Scott heading Northeast

Scott: from Pleasantview to Fourth heading Southwest

Harper: from Canal to Jackson heading South

City Bldg Alley: from Canal to Fayette heading North

First Alley East of Daugherty Drive: from Canal to Franklin heading North

Fairview: from Verity to Grover heading South

Third: from Chestnut Canal heading South

Monroe: from Fayette to Canal heading South

Alley that Runs ~~South~~: from Adams Street to Cross Street: from Adams heading north to Cross

**§7.04.21. Two way traffic permitted on Monroe.**

A. Traffic on Monroe Street is regulated to be two (2) way traffic between Canal Street and Fayette Street in the City of Nelsonville.

B. The parking is hereby restricted upon the east side of Monroe Street between Canal Street and Fayette Street in the City of Nelsonville

C. Any portion of any ordinances in conflict with this ordinance is hereby repealed. (Ord. 20-86) Penalty, see §7.09.99

**§7.04.22. Starting vehicles.**

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

(RC §4511.38) Penalty, see §7.09.99

**§7.04.23. Limitations on backing.**

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

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle. (RC §4511.38) Penalty, see §7.09.99

**§7.04.24. Signals before stopping, turning or changing course.**

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

B. When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last one hundred (100) feet traveled by the vehicle or trackless trolley before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

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

D. Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post of the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post of the rear limit of the body or load thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles.

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

(RC §4511.39) Penalty, see §7.09.99.

**§7.04.25. Hand and arm signals.**

All signals herein required, when given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- A. Left turn. Hand and arm extending horizontally.
- B. Right turn. Hand and arm extended upward.
- C. Stop or decrease speed. Hand and arm extended

downward.

As an alternate to *division (B)* of this section, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle. (RC §4511.40)

Penalty, see §7.09.99.

**§7.04.26. Right of way at intersections.**

A. When two (2) vehicles, including any trackless trolley or streetcar, approach or enter an intersection from different streets or highways at approximately the same time; the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

B. The right-of-way rule declared in *division (a)* of this section is modified at through highways and otherwise as stated in *Chapter 4511* of the *Ohio Revised Code*. (RC §4511.41) Penalty, see §7.09.99.

**§7.04.27. Right of way when vehicle turning left.**

The operator of a vehicle, streetcar, or trackless trolley intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle, streetcar, or trackless trolley approaching from the opposite direction, whenever the approaching vehicle, streetcar, or trackless trolley is within the intersection or so close to the intersection, alley, private road, or driveway as to constitute an immediate hazard. (RC §4511.42)

Penalty, see §7.09.99.

**§7.04.28. Right of way at through highways; stop signs; yield signs.**

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

B. The driver of a vehicle or trackless trolley approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle or trackless trolley in the

intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle or trackless trolley in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way. (RC §4511.43)  
Penalty, see §7.09.99.

**§7.04.29. Right of way on public highway.**

The operator of a vehicle, streetcar, or trackless trolley about to enter or cross a highway from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed. (RC §4511.44) Penalty, see §7.09.99.

**§7.04.30. Intersections to be kept clear.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, or pedestrians, notwithstanding any traffic-control signal indication to proceed. Penalty, see §7.09.99.

**§7.04.31. Driving on closed streets prohibited.**

No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction or reconstruction, or repair, and posted with appropriate signs by the authority having jurisdiction to close such street highway. (RC §4511.71) Penalty, see §7.09.99.

**§7.04.32. Speed limits; emergency vehicles.**

The prima-facie speed limitations set forth in *Section 4511.21* of the *Ohio Revised Code* do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one (1) flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (RC §4511.24) Penalty, see §7.09.99.

**§7.04.33. Emergency vehicles to proceed cautiously past red or stop signal.**

The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway. (RC §4511.03)  
Penalty, see §7.09.99.

**§7.04.34. Emergency vehicles; right-of-way.**

Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one (1) flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of any other vehicle shall fail to yield the right of way, immediately drive to a position parallel to, and as close as possible to, the right edge or curb of the highway clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

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

This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (RC §4511.45) Penalty, see §7.09.99.

**§7.04.35. Pedestrians yield right-of-way to public safety vehicle.**

A. Upon the immediate approach of a public safety vehicle, as stated in *Section 4511.45* of the *Ohio Revised Code*, every pedestrian shall yield the right-of-way to the public safety vehicle.

B. This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian. (RC §4511.452) Penalty, see §7.09.99.

**§7.04.36. Following emergency vehicles prohibited.**

The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm unless directed to do so by a police officer or firefighter. (RC §4511.72)  
Penalty, see §7.09.99.

**§7.04.37. Crossing fire hose.**

No streetcar, trackless trolley, or vehicle shall, without the consent of the fire department official in command, be driven over any unprotected hose of a fire department, when said hose is laid down on any street, private driveway, or streetcar track to be used at any fare or alarm of fire. (RC §4511.73) Penalty, see §7.09.99.

**§7.04.38. Funeral procession has right of way.**

A. Excepting public safety vehicles proceeding in accordance with *Section 7.04.35*, herein, or when directed otherwise by a police officer, pedestrians and the operators of all vehicles, street cars and trackless trolleys shall yield the right of way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in a funeral procession

lawfully enters an intersection the remainder of the vehicles in such procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control devices or right of way provisions of the Traffic Code, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the roadway.

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

(RC §4511.451) Penalty, see §7.09.99.

**§7.04.39. Processions and parades; permit required.**

A. Funeral or other processions and parades shall not be conducted without having first procured a written permit from the Chief of Police, designating the date, time and exact route and direction of march or travel for which the permit is allowed.

B. It shall be unlawful for any person to conduct or participate in any procession or parade in violation of this section; except that the provisions hereof shall not apply to the marching or maneuvering of members of the military forces of the United States. Penalty, see §7.09.99

**§7.04.40. Funeral processions to use right side of street.**

Funeral processions and each vehicle comprising the same shall at all times be kept as near to the right curb of the roadway as is practicable. Penalty, see §7.09.99

**§7.04.41. Pedestrian on crosswalk has right-of-way.**

A. When traffic, control signals are not in place or not in operation the driver of a vehicle, trackless trolley, or streetcar shall yield the right-of-way, slowing down or stopping if need be to so yield, 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, trackless trolley, or streetcar which is so close as to constitute an immediate hazard.

C. *Division (a)* of this section does not apply under the conditions stated in *division (b)* of Section 4511.48 of the *Ohio Revised Code*.

(RC §4511.46) Penalty, see §7.09.99.

**§7.04.42. Passing stopped vehicles at crosswalks prohibited.**

Whenever any vehicle, trackless trolley, or streetcar is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle, trackless trolley, or streetcar approaching from the rear shall not overtake and pass the stopped vehicle. (RC §4511.46) Penalty, see §7.09.99.

**§7.04.43. Right-of-way yielded to blind person.**

A. As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual activity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends at an angle no greater than twenty (20) degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominantly white or metallic in color, with or without a red tip.

B. No person, other than a blind person, while on any public highway, street, alley, or public thoroughfare shall carry a white or metallic cane, with or without a red tip. (RC §4511.47) Penalty, see §7.09.99.

**§7.04.44. Right-of-way yielded by pedestrians.**

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, trackless trolleys, or streetcars upon the roadway,

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

C. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

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

E. This section does not relieve the operator of a vehicle, streetcar, or trackless trolley from exercising due care to avoid colliding with any pedestrian upon any roadway. (RC §4511.48) Penalty, see §7.09.99.

**§7.04.45. Pedestrians yield right-of-way to public safety vehicle.**

A. Upon the immediate approach of a public safety vehicle, as stated in *Section 7.04.35* herein, every pedestrian shall yield the right-of-way to the public safety vehicle.

B. This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian. (RC §4511.452) Penalty, see §7.09.99.

**§7.04.46. Right half of crosswalk to be used.**

Pedestrians shall move, whenever practicable upon the right one-half (1/2) of crosswalks.

(RC §4511.49) Penalty, see §7.09.99.

**§7.04.47. Duty of pedestrians to look in both directions.**

Pedestrians shall not step into or upon a public road or highway without looking in both directions to see what is approaching. (RC §4511.49)

Penalty, see §7.09.99

**§7.04.48. Use of walks, crosswalks, etc.**

A. Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along upon an adjacent roadway.

B. Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

C. Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

D. Except as otherwise provide in *Sections 4511.13* and *4511.46* of the *Ohio Revised Code*, any pedestrian upon a roadway shall yield the right-of-way to all vehicles, trackless trolleys, or streetcars upon the roadway. (RC §4511.50) Penalty, see §7.09.99.

**§7.04.49. Intoxicated or drugged pedestrian hazard on highway.**

A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders the pedestrian a hazard shall not walk or be upon a highway. (RC §4511.481) Penalty, see §7.09.99.

**§7.04.50. Stop signs at grade crossings.**

The Ohio Department of Transportation and local authorities in their respective jurisdiction with the approval of the Department may designate dangerous highway crossings over railroad tracks whether on State, county, or township highways or on streets or ways within municipal corporations, and erect stop signs thereat. When such stop signs are erected, the operator of any vehicle, streetcar or trackless trolley shall stop within fifty (50) feet, but not less than fifteen (15) feet, from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing. (RC §4511.61) Penalty, see §7.09.99.

**§7.04.51. Obedience to signal indicating approach of railroad train.**

A. Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:

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

(2) A crossing gate is lowered;

(3) A flag person gives or continues to give a signal of the approach or passage of a train;

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

(5) An approaching train transmitting an audible signal or is plainly visible and is in hazardous proximity to the crossing;

(6) There is insufficient undercarriage clearance to safely negotiate the crossing.

A person who is driving a vehicle or trackless trolley and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in the divisions in 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 a flag person that it is permissible to do so.

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

**§7.04.52. Special provisions for buses and hazardous cargoes.**

The operator of any bus, any school vehicle, or any vehicle transporting a material or materials required to be placarded under *C.F.R. Parts 100-185*, 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 shall proceed only upon exercising due care after stopping, looking, and listening as required by this section. Upon proceeding, the operator of such 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. (RC §4511.63) Penalty, see §7.09.99.

**§7.04.53. Slow moving vehicles or equipment crossing railroad tracks.**

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 *paragraph (B)* and *(C)* of this section.

B. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train and shall proceed only upon exercising due care.

C. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flag person or otherwise of the immediate approach of a railroad train or car.

D. If the normal sustained speed of such 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 such intended crossing to a station agent or superintendent of such railroad and a reasonable time shall be given to such railroad to provide proper protection for such crossing. Where such vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in such construction or repair it is necessary to repeatedly move such vehicles or equipment over such crossing, one daily notice specifying when such work will start and the hours during which it will

be prosecuted shall be sufficient. (RC §4511.64) Penalty, see §7.09.99.

**§7.04.54. Obstruction of roads by railroads.**

A. No railroad company shall obstruct, or permit or cause to be obstructed a public street, road, or highway, by permitting a railroad car, locomotive, or other obstruction to remain upon or across it for longer than five (5) minutes, to the hindrance or inconvenience of travelers or a person passing along or upon such street, road, or highway. No railroad company shall fail, at the end of each five (5) minute period of obstruction of a public street, road, or highway, to cause such railroad car, locomotive, or other obstruction to be removed for sufficient time, not less than three (3) minutes, to allow the passage of persons and vehicles waiting to cross.

B. This section does not apply to obstruction of a public street, road, or highway by a continuously moving-through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation, those caused by stopped trains and trains engaged in switching, loading, or unloading operations.

C. The maximum speed a railroad train may travel through the City is twenty (20) mph. Penalty, see §7.09.99

**§7.04.55. Operating school buses.**

A. The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child or person attending programs offered by community boards of mental health and developmental disability 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 such school bus resumes motion, or until signaled by the school bus driver to proceed.

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

B. Every school bus shall be equipped with amber and red visual signals meeting the requirements of *Section 4511.771* of the *Ohio Revised Code*, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children or 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 red 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 offered by head start agencies are loading or unloading at curbside. The visual signals and stops

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, streetcar, or trackless trolley 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 or 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, streetcar, or trackless trolley overtaking the school bus shall comply with *division (A)* of this section.

D. School buses operating on divided highways or on highways with four (4) or more traffic lanes shall receive and discharge all school children or 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 on their residence side of the highway.

E. No school bus driver shall start his/her bus until after any child or person attending programs offered by community boards of mental health and county boards of developmental disabilities or children attending programs offered by head start agencies who may have alighted there from has reached a place of safety on the child's or person's residence side of the road.

F. Whoever violates *division (A)* of this section may be fined an amount not to exceed five hundred dollars (\$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.

G. In addition to an independent of any other penalty provided by law, the Court or Mayor may impose upon an offender who violates *section (A)*, a class seven (7) suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in *division (A) (7)* of *Section 4510.02* of the *Ohio Revised Code*. When a license is suspended under this section, the Court or Mayor shall cause the offender to deliver the license to the court, and the court or clerk of court immediately shall forward the license to the registrar of motor vehicles, together with notice of the court's action. (RC §4511.75) Penalty see §7.09.99.

**§7.04.56. Action against violators.**

When the operator of a school bus believes that a motorist has violated *division (A)* of *Section 7.04.58*, the operator shall report the license plate number and general description of the vehicle to the law enforcement agency exercising jurisdiction over the area where the alleged violation occurred. The information contained in the report relating to the license plate number and to the general description of the vehicle and the operator of the vehicle at the time of the alleged violation may be supplied by any person with first-hand knowledge of the information. Information of which the operator of the school bus has first-hand knowledge also may be corroborated by any other individual.

Upon receipt of the report of the alleged violation of *division (A) of Section 7.04.58*, the law enforcement agency shall conduct an investigation to attempt to determine the identity of the operator of the vehicle at the time of the alleged violation. If the identity of the operator at the time of the alleged violation is established, the reporting of the license plate number of the vehicle shall establish probable cause for the law enforcement agency to issue a citation for the violation of *division (A) of Section 7.04.58* of this code. However, if the identity of the operator of the vehicle at the time of the alleged violation cannot be established, the law enforcement agency shall issue a warning to the owner of the vehicle at the time of the alleged violation, except in the case of a leased or rented vehicle when the warning shall be issued to the lessee at the time of the alleged violation. (RC §4511.751) Penalty, see §7.09.99.

**§7.04.57. State school bus regulations.**

No person shall operate a school bus within this City in violation of the regulations of the State Department of Education or the State Department of Highway Safety adopted pursuant to *Section 4511.76* of the *Ohio Revised Code*; and no person, being the owner thereof or having the supervisory responsibility therefore, shall permit the operation of such a school bus within this City in violation of such regulations. (RC 4511.76) Penalty, see §7.09.99.

**§7.04.58. Display of inspection decal.**

No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefore permit the, operation of, a school bus within this State unless there is displayed thereon the decal issued by the State Highway Patrol bearing the proper date of inspection for the calendar year for which the inspection decals were issued.

The owner or other operator of a bus may drive the bus directly to an inspection site conducted by the State Highway Patrol and directly back to the person's place of business without a valid registration and without displaying a safety inspection decal, provided that no passengers may occupy the bus during such operation.

Whoever violates this section is guilty of a misdemeanor of the first degree. (RC §4511.761) Penalty, see §7.09.99.

**§7.04.59. Registration and identification required.**

The Superintendent of the State Highway Patrol shall require school buses to be registered, in the name of the owner, with the State Highway Patrol on forms and in accordance with regulations as the Superintendent may adopt.

When the Superintendent is satisfied that the registration has been completed, he shall assign an identifying number to each school bus registered in accordance with this section. The number so assigned shall be marked on the front and rear of the vehicle in black lettering not less than six (6) inches in height and will remain unchanged as long as the ownership of that vehicle remains the same.

No person shall operate, nor shall any person, being the owner thereof or having supervisory responsibility therefore, permit the operation of a school bus within this State unless there is displayed thereon an identifying number

in accordance with this section. (RC §4511.764) Penalty, see §7.09.99.

**§7.04.60. School bus not used for school purposes.**

A. No person who is the owner of a school bus which is used or is to be used exclusively for purposes other than the transportation of children, shall operate such bus or permit it to be operated within this State unless such bus has been painted a color different from that prescribed for school buses by *Section 7.04.64*, herein, and painted in such a way that the letters "stop" and "school bus" are obliterated.

B. Any church bus that previously was registered as a school bus and is registered under the *Ohio Revised Code* may retain the paint color prescribed for school buses by *Ohio Revised Code* if the bus complies with all of the following:

(1) The words "school bus" required by *Ohio Revised Code* are covered or obliterated and the bus is marked on the front and rear with the words "church bus" painted in black lettering not less than ten inches in height;

(2) The automatically extended stop warning sign required by *Ohio Revised Code* is removed and the word "stop" required by *Ohio Revised Code* are covered or removed;

(3) The flashing red and amber lights required by the *Ohio Revised Code* are covered or removed;

(4) The inspection decal required by *Ohio Revised Code* is covered or removed;

(5) The identification number assigned under the *Ohio Revised Code* and marked in black lettering on the front and rear of the bus is covered or obliterated. (RC §4511.762) Penalty, see §7.09.99.

**§7.04.61. School bus marking.**

No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefore permit the operation of, a school bus within this State unless it is painted national school bus yellow and is marked on both front and rear with the words "school bus" in black lettering not less than eight (8) inches in height and on the rear of the bus with the word "stop" in black lettering in not less than ten (10) inches in height. (RC §4511.77) Penalty, see §7.09.99.

**§7.04.62. Light requirements.**

Every school bus shall, in addition to any other equipment and distinctive markings required herein *Sections 7.04.60, 7.04.62, 7.04.64* be equipped with signal lamps mounted as high as practicable, which shall display to the front two (2) alternately flashing red lights and two (2) alternately flashing amber lights locate at the same level and to the rear two (2) alternately flashing red lights and two (2) alternately flashing amber lights located at the same level, and these lights shall be visible at five hundred (500) feet in normal sunlight. The alternately flashing red lights shall be spaced as widely as practicable, and the alternately flashing amber lights shall be located next to them. (RC §4511.771) Penalty, see §7.09.99.



**§7.04.63. Lights and sign requirements for transportation of preschool children.**

A. No person shall operate any motor vehicle, owned, leased, or hired by a nursery school, kindergarten, or day-care center, while transporting preschool children to or from such an institution unless the motor vehicle is equipped with and displaying two (2) amber flashing lights mounted on a bar attached to the top of the vehicle, and a sign bearing the designation "caution-children," which shall be attached to the bar carrying the amber flashing lights in such a manner as to be legible to persons both in front of and behind the vehicle. The lights and sign shall meet standards and specifications adopted by the Director of Highway Safety. The Director, subject to *Chapter 119* of the *Ohio Revised Code*, shall adopt standards and specifications for the lights and sign, which shall include, but are not limited to, requirements for the color and size of letter to be used on the sign, the type of material to be used for the sign, and the method of mounting the lights and sign so that they can be removed from a motor vehicle being used for purposes other than those specified in this section

B. No person shall operate a motor vehicle displaying the lights and sign required by this section for any purpose other than the transportation of preschool children as provided in this section. (RC §4513.182) Penalty, see §7.09.99.

**§7.04.64. Operating motorcycle, number of passengers.**

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

B. A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one (1) leg on each side of the motorcycle.

C. No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one (1) hand upon the handle bars.

D. No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen (15) inches higher than the seat or saddle for the operator.

E. No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen (18) years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in *Section 4507.13* of the *Ohio Revised Code*, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on his/her head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform to regulations prescribed and promulgated by the director of

public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action.

F. Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle. (RC§ 4511.53) Penalty, see §7.09.99.

**§7.04.65. Riding motorcycles abreast.**

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles or motorcycles upon a roadway shall ride not more than two (2) abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

C. This section does not require a person operating a bicycle to ride at the edge of the roadway when it's unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked for moving vehicles, surface hazards, or if it otherwise is unsafe or impractical to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane. (RC §4511.55) Penalty see §7.09.99.

**§7.04.66. Signal devices on bicycle.**

A. Every bicycle when in use at the times specified in *Section 4513.03* of the *Ohio Revised Code*, shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a red reflector on the rear of a type approved by the director of public safety that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle, and a lamp emitting a red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the red reflector. The bicycle also needs to be equipped with an essentially colorless reflector on the front of a type approved by the director and either with tires with retro reflective sidewalls or with an essentially colorless or amber reflector mounted on the spokes of the front wheel and an essentially colorless or red reflector mounted on the spokes of the rear wheel. Each reflector shall be visible on each side of the wheel from a distance of six hundred (600) feet when directly in front of lawful lower beams of head lamps on a motor vehicle. Retro reflective tires or reflectors shall be of a type approved by the Director.

B. A bicycle may be equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred (100) feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

C. Every bicycle shall be equipped with an adequate brake when used on a street or highway. (RC §4811.56) Penalty, see §7.09.99.

**§7.04.67. First National Bank, drive-in bank.**

All traffic entering Columbus Street from the drive-in facility of the First National Bank shall turn right, left turns are prohibited.

**§7.04.68. Fruth parking lot.**

All traffic entering Washington Street from the Fruth Parking lot shall turn right, left turns are prohibited.

**§7.04.69. Watkins Street speed limit.**

The speed limit for vehicular traffic on Watkins Street South of Canal Street shall be twenty-five (25) miles per hour.

**Chapter 7.05. Parking Regulations.**

- §7.05.01. Parking prohibited in certain place.
- §7.05.02. Vehicles left unattended; brakes to be set, engine stopped, ignition locked, and keys removed.
- §7.05.03. Continuous parking in same location.
- §7.05.04. Parking on highways.
- §7.05.05. Police or meter attendants may remove illegally parked vehicle.
- §7.05.06. Parking near curb.
- §7.05.07. Compliance with "no parking" or "limited parking" signs.
- §7.05.08. Fire lane blocking prohibited.
- §7.05.09. Unlawful display of vehicles.
- §7.05.10. Repairing of vehicles on highway unlawful.
- §7.05.11. Conducting business from parked vehicle unlawful.
- §7.05.12. Special parking locations for the handicapped.
- §7.05.13. Impounding of vehicles.
- §7.05.14. Sale of impounded vehicle when unclaimed.
- §7.05.15. Truck parking.
- §7.05.16. Location of meters; failure to deposit coins.
- §7.05.17. Construction of meters.
- §7.05.18. Meter spaces.
- §7.05.19. Exempted parking times.
- §7.05.20. Overtime parking.
- §7.05.21. Parking meter rates, regulations, and penalties.
- §7.05.22. Tokens or slugs.
- §7.05.23. Tampering with meters.
- §7.05.24. Holiday and evening parking.
- §7.05.25. Designation of city motorcycle parking areas.
- §7.05.26. Application of chapter.
- §7.05.27. Towing from public and private property.
- §7.05.28. Private tow-away zones.
- §7.05.29. RESERVED.
- §7.05.30. Private property: officer's duties.
- §7.05.31. Rules and regulations.
- §7.05.32. Parking in downtown areas; loading and unloading.
- §7.05.33. Parking garbage or rubbish collection vehicles.
- §7.05.34. Loading zones; hours and days of operation.
- §7.05.35. Prohibited parking areas.
- §7.05.36. RESERVED.
- §7.05.37. Metered zones; hours and days of operation.
- §7.05.38. Purpose of charges.
- §7.05.39. Disabled veteran's park free.

- §7.05.40. Reserved spaces for municipal use.
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- §7.05.43. Off street parking rules and regulations.
- §7.05.43.1. Definitions.
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- §7.05.43.6. Variances.
- §7.05.43.7. Penalties.

**§7.05.01. Parking prohibited in certain places.**

No person shall stand or park a trackless trolley or vehicle, except when necessary to avoid conflict with other traffic or to comply with other sections of this Traffic Code or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- A. On a sidewalk, except bicycle;
- B. In front of a public or private driveway;
- C. Within an intersection;
- D. Within ten (10) feet of a fire hydrant;
- E. On a crosswalk;
- F. Within twenty (20) feet of a crosswalk at an intersection;
- G. Within thirty (30) feet of, and upon the approach to, any flashing beacon, stop sign, or traffic control device;
- H. Between a safety zone and the adjacent curb or within thirty (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;
- I. Within fifty (50) feet of the nearest rail of a railroad crossing;
- J. Within twenty (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 seventy-five (75) feet of the entrance when it is properly posted with signs;
- K. Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- L. Alongside any vehicles stopped or parked at the edge or curb of a street;
- M. Upon any bridge or elevated structure upon a highway, or within a highway tunnel;
- N. At any place where signs prohibit stopping;
- O. Within one (1) foot of another parked vehicle;
- P. On the roadway portion of a freeway, expressway, or thruway; (RC 4511.68)
- Q. Alongside any section or portion of a curb officially painted white, red, yellow, orange, or blue to prohibit parking; after 6:00 a.m. every day of the week; or
- R. In any area designated by posted sign, handicapped symbol, and/or blue markings as a handicapped parking space, without displaying a valid handicap parking sticker or card. Penalty, see §7.09.99

**§7.05.02. Vehicles left unattended; brakes to be set, engine stopped, ignition locked and keys removed.**

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any street

unattended without first setting the brakes thereon, stopping the motor of such vehicle, locking the ignition and, when standing upon a perceptible grade, without turning the wheels of such vehicle to the curb or the side of the street or highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition, and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or public safety vehicle. Penalty, see §7.09.99

**§7.05.03. Continuous parking in same location.**

No person who is the owner, agent, operator or other person in charge of any vehicle shall permit said vehicle to remain parked, standing or abandoned upon any street for a continuous period longer than twenty-four (24) hours. This section shall not be construed as affecting any other parking regulation now in effect or that hereafter may become effective but shall be construed as additional parking limitation. The purpose of this section is to prohibit the continuous longtime parking and the storage of vehicles on the streets of the city. Penalty, see §7.09.99

**§7.05.04. Parking on highways.**

A. Upon any highway outside a business or residential district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway if it is practicable to stop, park, or so leave such vehicle off the paved or main traveled part of said highway. In every event, a clear and unobstructed portion of the highway opposite such standing vehicle shall be left for the free passage of other vehicles, and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway. (RC §4511.66)

B. This section does not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in such position or to any driver of a vehicle authorized by the City of Nelsonville to be used as a means of public transportation. Penalty, see §7.09.99

**§7.05.05. Police or meter attendants may remove illegally parked vehicle.**

A. Whenever any police officer or meter attendant find a vehicle standing upon a highway in violation of *Section 7.05.04*, herein, such officer or meter attendant may move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

B. Whenever any police officer or meter attendant finds a vehicle unattended upon any highway, bridge, or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer or meter attendant may provide for the removal of such vehicle to the nearest garage or other place of safety.

(RC §4511.67) Penalty, see §7.09.99.

Cross reference:

See §7.05.13 and §7.05.14, herein.

**§7.05.06. Parking near curb.**

A. Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked (except on one-way streets) with the right-hand wheels of such vehicle parallel with and not more than twelve (12) inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

B. No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

C. Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a flagman is on duty or warning signs or lights are displayed as may be prescribed by the State Director of Transportation. (RC §4511.69) Penalty, see §7.09.99

**§7.05.07. Compliance with "no parking" or "limited parking" signs.**

When signs are placed pursuant to *Section 7.01.09 (k)* marking "no parking zones", no person shall park any vehicle in any such designated place or they are in violation of the instructions contained on such signs. Penalty, see §7.09.99

**§7.05.08. Fire lane blocking prohibited.**

Fire lane defined: under this section, a "fire lane", shall mean any street, alley, thoroughfare or other means of ingress or egress which shall be kept free from any blocking or obstruction in order to permit the ingress or egress of fire and/or emergency vehicles.

The Chief of the Fire Department shall cause to be erected in and about said fire lanes signs designating such places as fire lanes and said signs shall contain at least the following language: "Fire Lane No Blocking".

It shall be unlawful for any person, except as provided in this section, to block or obstruct a fire lane or permit any vehicle, structure, merchandise, garbage or any other substance to obstruct or block a fire lane. Vehicles used for loading or unloading purposes serving adjoining property of the designated fire lanes only may park during such times as loading or unloading is in progress in designated loading or unloading areas in the fire lanes; however, any unattended vehicle must have on the windshield of the vehicle the location of the driver who is then in the process of delivering or taking merchandise from or to the adjoining property.

The Chief of Police of the City of Nelsonville or the Fire Chief or an authorized representative, is hereby empowered to remove or cause to be removed any vehicle or other thing obstructing or blocking a fire lane. Penalty, see §7.09.99

**§7.05.09. Unlawful display of vehicles.**

No person shall park upon a highway any vehicle displayed for sale, or operate or park on any highway any vehicle for the primary purpose of display advertising. Penalty, see §7.09.99

**§7.05.10. Repairing of vehicles on highway unlawful.**

No person shall upon any highway repair, wash, and polish or clean any vehicle for commercial purposes, or park any vehicle for the purpose of so doing. This section shall not be construed to prohibit the making of such necessary emergency repairs as will permit a vehicle to proceed. Penalty, see §7.09.99

**§7.05.11. Conducting business from parked vehicle unlawful.**

The owner or operator of any vehicle shall not use such vehicle or permit the same to be used on the streets and public places of the city for the manufacture or repair of shoes, clothing, furniture, metal ware, tools or other articles of personal or household use. Penalty, see §7.09.99

**§7.05.12. Special parking locations for the handicapped.**

A. The Mayor or City Manager shall designate by the use of a sign bearing the international wheelchair symbol, special parking locations for handicapped persons in accordance with *Section 4511.69* of the *Ohio Revised Code*. The City Manager shall place on new or replacement signs a notice that states the applicable fine for the offense. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division (C) of *Section 3881.11* of the *Ohio Revised Code* shall be mounted on a fixed or movable post and the distance from the ground to the top edge of the sign shall measure five (5) feet.

B. No person who is not handicapped or not operating a motor vehicle to transport a handicapped person shall stop, stand, or park any motor vehicle at special parking locations provided for under *division (A)* of this section, or at a clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division

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

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

E. If a person is charged with a violation of *division (B)* of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two (72) hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one (1) of the criteria contained in *division (A) (1)* of *Section 4503.44* of the *Ohio Revised Code*.

F. The clerk of the court shall pay every fine collected under this section to the political subdivision in which the violation occurred. Except as provided in this section, the political subdivision shall use the fine moneys it receives under this section to pay the expenses it incurs in complying with the signage and notice requirements contained in *division (A)* of this section. The political subdivision may use up to fifty percent (50%) of each fine it receives under this section to pay the costs of educational advocacy, support, and assistive technology programs for person with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or non profit organizations offer the programs.

G. As used in this section, "handicapped person" means any person who has lost the use of one or both legs or one or both arms, or any combination thereof, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition. [RC 4511.69 (K) (1)].

H. Whoever violates this division is subject to a fine of one hundred dollars (\$100.00).

**§7.05.13. Impounding of vehicles.**

Any police officer or meter attendant may order into storage any vehicle parked at a place where parking is prohibited, or which has been parked for more than one (1) hour in excess of the time allowed for parking in that place, or which has been involved in one (1) or more violations of traffic ordinances for which citation tags have been issued and not presented as required by *Section 7.08.01* herein. Any person desiring to redeem such impounded vehicle, and having the right to possession of such vehicle, shall first pay to the city of Nelsonville the value of those unpaid citations that caused such impoundment. The Chief of Police shall designate the place of storage of any motor vehicle found in violation of this ordinance. Any person desiring to redeem such impounded vehicle and having the right to the possession of such vehicle shall pay all towing and storage charges as set forth in *Section 7.06.17* herein. Violations of this ordinance shall be a minor misdemeanor. Penalty, see §7.09.99

**§7.05.14. Sale of impounded vehicle when unclaimed.**

Whenever any vehicle which has been impounded by a police officer or meter attendant remains in the

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possession of the city unclaimed by any person having the right to the possession of such vehicle after giving notice thereof by advertisement, published once a week for at least two (2) successive weeks in a newspaper of general circulation in the county, such vehicle shall be sold under the direction of the City Manager or his/her agent to a junkyard or scrap metal processing facility as defined in *Section 4737.05* of the *Ohio Revised Code*, or shall be sold by the City Manager or his/her agent, or licensed auctioneer at public auction. Any moneys accruing from the disposition of unclaimed motor vehicle that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the general fund of the City of Nelsonville. (RC §4513.62) Penalty, see §7.09.99.

### §7.05.15. Truck parking.

No truck and/or trailer shall park or stop or stand or be permitted to remain on any thoroughfare in the city longer than four (4) hours between the hours of 9:00 p.m. and 7:00 a.m. of the day following such 9:00 p.m.; truck as used in this chapter shall exclude all vehicles that have a gross unloaded weight of five thousand (5,000) pounds or less. Penalty, see §7.09.99

### §7.05.16. Location of meters; failure to deposit coins.

The City Manager, unless City Council shall revise or reverse his/her act or decision, or the City Council by administrative order, may install and provide for the maintenance and use of parking meters and meter spaces in any area or zone where in his/her or its opinion the use of such parking meters would benefit parking and traffic conditions. The provisions of this code relating to parking meters shall not affect the validity of signs relating to parking or other parking regulations of the code as they may apply to unmetered zones or to metered zones when such meters are not required to be operated. The City Manager shall establish the charge for each metered parking space unless council shall revise or reverse his/her act or decision, and said City Manager shall keep a record of each metered parking space and designate each parking space by number. Penalty, see §7.09.99

### §7.05.17. Construction of meters.

Each parking meter shall be constructed so that upon the insertion of a required coin, in some cases followed by the turning of a handle, a specified time or period for lawful parking will be displayed by an indicator in or on its dial. Upon expiration of such period, unless or until further coins are inserted, notice of a parking violation will be displayed on the dial of such meter. Each meter shall indicate by proper legend the legal parking time limits and the meter rates. Penalty, see §7.09.99

### §7.05.18. Meter spaces.

Meter spaces of proper dimensions shall be designated for each meter by appropriate markings on the curb or street, but the absence of such markings shall not be a defense for overtime parking at any meter. Vehicles, unless oversized, shall be parked entirely within the areas designated by such markings, and it shall be unlawful to park any standard sized vehicle across any such marking, or to park

more than one (1) motor vehicle within a designated parking space. Penalty, see §7.09.99

### §7.05.19. Exempted parking times.

The provisions requiring the deposit of coins in parking meters shall not apply at times exempted by proper legend appearing on such meters, but shall apply at all other times. Penalty, see 7.09.99

### §7.05.20. Overtime parking.

It shall be unlawful during the hours and times not excluded by this Code or by legend appearing on such meter, to park and leave standing in any metered parking space, a motor vehicle at or after the time when the meter displays a notice of expiration of lawful parking time. Penalty, see §7.09.99

### §7.05.21. Parking meter rates, regulations, and penalties.

Cost of parking tickets paid within twenty-four (24) hours	\$5.00
After forty-eight (48) hours	\$10.00
After thirty (30) days	\$20.00
Expired Registration	\$50.00
No Parking Area	\$50.00
Wrong Direction/ Wrong Side of Street	\$25.00
Yellow Line	\$25.00
Twelve (12) inches from Curb Violation	\$25.00
Driveway/ Cross	\$25.00
Fire Lanes/Hydrant	\$50.00
Twenty-four (24) 48 Hour Parking Violations	\$25.00
Two (2) Hour Parking Violations	\$20.00
Meter Rates - per hour	\$0.25

There shall be no limit on the length of time a meter can be occupied by a vehicle. Vehicles can be ticketed once each hour after the initial violation. Vehicles with two (2) unpaid parking tickets are subject to being towed.

### §7.05.22. Tokens or slugs.

It shall be unlawful to insert or attempt to insert any token, slug or other substitute for a lawful coin of the United States of America, in a parking meter. Penalty, see §7.09.99

### §7.05.23. Tampering with meters.

It shall be unlawful to break, injure or tamper with a parking meter. Penalty, see §7.09.99

### §7.05.24. Holiday and evening parking.

The provisions relating to parking meters shall not apply on Sundays or holidays, or on other days between the hours of 6:00 p.m. and 8:00 a.m. Penalty, see §7.09.99

**§7.05.25. Designation of city motorcycle parking areas.**

A. That the designated city motorcycle parking areas located at:

**§7.05.26. Application of chapter.**

The provisions of this chapter shall apply to on-street parking meters and parking meters located in off-street parking lots owned or operated by the City of Nelsonville, Ohio.

**§7.05.27. Towing from public and private property.**

A. The parking of vehicles on public or private property, excluding dedicated streets and ways set out for public travel and heretofore regulated, shall be prohibited without the consent of the owner of private property or the proper governmental agencies in charge of public property.

B. No vehicle shall be parked on public property in violation of rules and regulations set out by the governmental agencies controlling the public property.

C. No vehicles shall be parked on any private property in violation of any regulations set down by the owner of the private property.

**§7.05.28. Private tow-away zones.**

A. An owner of a private parking area may create a "Private Tow-Away Zone: only if all of the following conditions are satisfied:

(1) The owner posts on his/her property a sign that is at least eighteen (18) inches by twenty-four (24) inches in size, that is visible from all entrances to the property and that contains at least all of the following information:

a) A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;

b) The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and from which it may be recovered;

c) A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge in an amount in accordance with *Section 4513.60 (E) of the Ohio Revised Code*.

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

(3) Any other information as required or modified by *Section 4513.60 of the Ohio Revised Code*.

B. The City of Nelsonville shall make available to any resident the above-described signs for a price equal to the City's cost for said signs.

C. By parking on a properly posted private tow-away zone without the consent of the owner of the property, the owner or operator of a vehicle shall be deemed to have consented to the removal and storage of such vehicle and the payment of the costs of removal and storage in an amount not

to exceed the rates established by *Section 4513.60 of the Ohio Revised Code*.

Penalty, see §7.09.99

D. If an owner or private tow-away-zone, or their agent, removes or causes the removal of a vehicle pursuant to this section, the owner, or agent promptly shall notify the Nelsonville Police Department of the removal, the 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.

**§7.05.29. RESERVED.**

**§7.05.30. Private property: officer's duties.**

No person shall remove or cause to be removed any vehicle from a private tow-away zone unless in conformance with *Sections 7.05.31 and 7.05.32* of this code. Nothing in this Code shall be deemed to prevent any police officer from towing any vehicle while in the performance of his/her duty. Provided all relevant provision of the *Nelsonville City Code* have been satisfied. Penalty, see §7.09.99

**§7.05.31. Rules and regulations.**

The City Manager shall promulgate and publish a set of rules and regulations to implement this Chapter.

**§7.05.32. Parking in downtown areas; loading and unloading.**

A. Notwithstanding any provision of this Traffic Code to the contrary, no person shall park any vehicle, except in cases where the driver of the vehicle is directed to do otherwise by a police officer, within the area of meters numbered 4, 5, and 6, on Rocky Boot Way, for the purpose of loading or unloading passengers or material between the hours of 6:00 p.m. and 12:00 p.m. on Tuesday and Friday; within the area on West Washington Street immediately in front of the United States Post Office Building, unless the vehicle is parked in a space where parking is permitted by this Traffic Code, and parallel with and not more than twelve (12) inches from the right hand curb.

B. "Commercial vehicles while loading and/or unloading shall be permitted to park for period of ten (10) minutes in the closest available parking space to the business from which they are receiving , or to which they are delivering.

**§7.05.33. Parking garbage or rubbish collection vehicles.**

No person shall park a truck or motor vehicle loaded with trash, garbage, or rubbish on the street of the municipality except for the purpose of loading or unloading or emergency repairs.

No person shall park a shall park a truck or motor vehicle used for garbage purposes and which is empty on the streets of the municipality, except for the purposes of loading or unloading or emergency repairs.

**§7.05.34. Loading zones; hours and days of operation.**

A. The following shall be the loading zones of the municipality:

Fayette: East from Rocky Boot Way a distance of eighty (80) feet on the South side.

Chestnut: East from Shriver's Drug Store parking lot entrance a distance of fifty (50) feet on the South side.

B. The loading zones of the municipality shall operate from the hours of 8:00 a.m. to 5:00 p.m.

C. From time to time hereafter as traffic conditions require, the City Manager shall establish loading zones subject to this chapter in such other streets and areas as are designated by Council for the location of such zones.

D. In loading zones, the City Manager shall cause the street curbs to be painted a highway yellow and the ends of such zones shall be marked by signs stating "No Parking Loading Zone". The City Manager shall also indicate the limitations, by designating the same on the signs.

**§7.05.35. Prohibited parking areas.**

Parking of Motor Vehicles in the following areas is prohibited:

East Grover: Between Fort Street and Oak Street on the South Side

Watkins: South of Canal on the East side of Watkins

Mill: Entire South side

Jefferson: Between Washington Street and Fayette Street: on the West side

Adams: Between Franklin Street and Cross Street on the West side

Canal: Entire North side and Entire South side

Short: Entire South Side

Fulton: From Canal Street to the HVSR railroad tracks on both sides

Scott: Between Fort Street and Pleasantview Street on the South side

Pleasantview: Between Fort Street and Scott Street on the North side

Franklin: Between Adams Street and Daugherty Drive on the North side

Franklin: Between Fort Street and the West end of the Kroger lot on the South side

Madison: From the East side of Canal Street to the North City Limits on the East side

Kontner: Between Franklin Street and Mill Street on the West side

Myers: From Canal Street at western intersection for seventy-seven (77) feet in an easterly direction on the South side

Myers: From Canal Street at western intersection for **sixty-six** (66) feet in an easterly direction North side

Clinton: Between Fort Street and Oak Street on the South side

Monroe: Between Fayette Street and Columbus Street on the West side.

**§7.05.36. RESERVED.**

**§7.05.37. Metered zones; hours and days of operation.**

A. The following shall be the metered zones of the municipality:

(1) Washington Street, both sides (north and south) from Presbyterian Alley to Bell Telephone Alley, here after know as Bell Alley. Columbus Street, both sides from Presbyterian Alley to Cables Alley and then extended on the north side of Columbus Street to Bell Alley. Fulton Street, both sides from Columbus Street to Canal Street. Rocky Boot Way on the east side only from Canal Street to Columbus Street. Fort Street from Washington Street to Franklin Street on the east side only.

(2) The metered zones shall operate between the hours of 8:00 A.M. to 5:00 P.M. each day except Sundays and holidays.

(3) From time to time hereafter as traffic conditions require, the City Manager shall establish parking meter zones subject to this chapter in such other streets as are designated by Council for the location of such zones.

(4) In parking meter zones, the City Manager shall cause parking meters to be installed and parking meter spaces to be designated hereinafter provided, and shall fix a time limitation for legal parking in such zones, and the hours during the day or night when parking meters shall be used and when the time limitation shall be effective, in compliance with provisions of this chapter. He shall also indicate the time limitation by designating the same on the parking meters or by appropriate signs posted in proximity to the meters in the zones, and shall also designate the excluded days as set forth herein.

**§7.05.38. Purpose of charges.**

The coins required to be deposited in parking meters as provided in this chapter are levied and assessed as fees to provide for the proper regulation and control of traffic upon the public streets; the cost and supervision of regulating the parking vehicles in the parking meter zones created hereby; the acquisition, establishment, construction, maintenance, supervision and control of metered off-street parking lots; and cover the cost of purchase, supervision, protection, inspection, installation, operation, maintenance, control and use of the parking meters described in this chapter.

**§7.05.39. Disabled veteran's park free.**

That any motor vehicle bearing disabled veteran's license plates shall be exempt from the provisions of this chapter of the *Nelsonville Traffic Code* requiring money to be deposited in parking meters for parking privileges on streets with the municipality.

**§7.05.40. Reserved spaces for municipal use.**

The City Manager is authorized to establish a sufficient number of parking spaces for use by municipality-owned vehicles and vehicles under control of the Municipal Court. Such parking spaces shall be clearly marked giving notice of restricted use of such space. No person shall park any vehicle which is not municipally owned or under the control of the Municipal Court in any space marked off for such use. A violator, upon conviction, shall be subject to the penalty described by *Section 7.09.99*.

**§7.05.41. Metered area regulations and violations.**

The City Manager shall cause all spaces in off-street metered parking lots, except those as set forth in *Section*

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7.05.46 to be allotted and marked for parking spaces and shall cause a parking meter to be installed for each parking space so marked off.

No person shall park any vehicle across any line or marking or park a vehicle in such position that the same shall not be entirely within the parking space designated by such line or markings. Conviction of a violation of this section shall be subject to the penalty described by Section 7.09.99.

The parking meters operated, erected and installed hereunder shall be operated, regulated and controlled and subject to the same regulations as those provided in Chapter 7.05, and the funds derived from their operation shall be deposited in accordance with the provisions of this section.

**§7.05.42. Snow streets.**

In order to facilitate the movement of traffic and to combat the hazards of excessive snow or ice on streets the following streets are designated snow streets on which is prohibited when the surface of said street is covered with snow or ice, and/or said snow or ice is in the process of being removed:

- (1) Canal Street.

**Chapter 7.06. RESERVED.**

**Chapter 7.07. Impounding Vehicles.**

- §7.07.01. Definitions.
- §7.07.02. Abandoned vehicles and abandoned junk motor vehicles.
- §7.07.03. Disposition of abandoned junk motor vehicles.
- §7.07.04. Impounding of motor vehicles or junk motor vehicles on private property.
- §7.07.05. Disposition of abandoned motor vehicles.
- §7.07.06. Disposition of unclaimed motor vehicles.
- §7.07.07. Collector's vehicles.

**§7.07.01. Definitions.**

A. "Abandoned Junk Motor Vehicle" means any motor vehicle meeting all of the following requirements:

- (1) Left on private property for more than forty-eight (48) hours or on a public street or other property open to the public for purposes of vehicular travel or parking for more than forty-eight (48) hours, or upon or within the right-of-way of any road or highway for more than forty-eight (48) hours; and

- (2) Meeting the requirements as outlined in paragraph (E) above.

B. "Automobile Salvage Yard" means a place of business which is maintained, used or operated for the sole purpose of storing, keeping, buying or selling wrecked or scrapped, ruined or dismantled motor vehicles or motor vehicle parts. It does not include an automobile body shop or an automobile service station. (RC 4737.05)

C. "Junk Motor Vehicle" means any motor vehicle meeting all of the following requirements:

- (1) Three (3) years old or older;
- (2) Extensively damaged, such damage including, but not limited to any of the following: a broken window or windshield, missing tire (s), wheel (s), motor or transmission;

- (3) Apparently inoperable;

- (4) Having a fair market value of Two Hundred Dollars (\$200.00) or less.

D. "Junkyard" means an establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling junk, or for the maintenance or operation of any automobile graveyard, and includes garbage dumps and sanitary landfills. For the purpose of this ordinance, the term "junkyard" shall also include scrap metal processing facilities which are located within one thousand (1,000) feet of the nearest edge of the right-of-way of State highway, and any site, location, or premise on which are kept two (2) or more junk vehicles, whether or not for a commercial purpose.

E. "Person" means any person, firm, partnership, association, corporation or organization of any kind.

F. "Property" means any real property within the City which is not a street or highway.

G. "Street or Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

H. "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels or treads and transporting persons or property or pulling machinery and includes, without limitations, automobiles, trucks, trailers, buses, motorcycles and/or tractors.

**§7.07.02. Abandoned vehicles and abandoned junk motor vehicles.**

A. No person shall willfully park, store, leave or consent to the parking or storing on any public or private property in the City of Nelsonville unlicensed, unused, wrecked, partly dismantled or abandoned junk motor vehicles or any other motor vehicle which is not in operating condition except in an enclosed building or garage, or in a duly licensed junkyard; or towing service yard for a period not to exceed thirty (30) days. The absence of current license plates from any such motor vehicle shall be prima facie evidence that the same is unlicensed and not in operating condition.

B. The City Manager of the City of Nelsonville, or his/her agent, or the Chief of Police, may send notice, by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipts of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure, or shall be removed from the property.

C. No person shall willfully leave a junk motor vehicle uncovered in the open for no more than ten (10) days after receipt of a notice as provided in this section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice, and each subsequent period of thirty days that a junk motor vehicle continued to be left so constitutes a separate offense.

D. Whoever violates this section is guilty of a minor misdemeanor on their first offense, a fourth degree misdemeanor if the person has on prior conviction of this offense, and a third degree misdemeanor if the person has two (2) or more prior convictions.



**§7.07.03. Disposition of abandoned junk motor vehicles.**

A. The Chief of Police shall order any abandoned junk motor vehicle to be photographed by a law enforcement officer in the place where abandoned. The officer shall record the make of motor vehicle, the serial number when available, and shall also detail the damaged or missing equipment to substantiate the value of one thousand five hundred dollars (\$1,500) or less. The Chief of Police shall thereupon immediately dispose of the abandoned junk motor vehicle to a junkyard or scrap metal processing facility as defined herein, or to any other facility under contract with the City of Nelsonville for the disposal of such motor vehicles. The records and photographs relating to the abandoned junk motor vehicle shall be retained by the Nelsonville Police Department for a period of at least two (2) years. The law enforcement agency shall execute in quadruplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the subject motor vehicle and the manner in which it was disposed of, indicating that all requirements of this section have been complied with, and filing the same with the Clerk of Courts of Athens County. The Clerk of Courts shall retain the original of the affidavit for the files, furnish one copy thereof to the Registrar, one copy to the junkyard or other facility handling the disposal of the vehicle, and one to the Nelsonville Police Department, who shall file such copy with the records and photographs relating to the vehicle. Any moneys arising from the disposal of an abandoned junk motor vehicle in excess of the expenses resulting from the removal of the vehicle shall be credited to the General Fund of the City of Nelsonville. The City assumes no liability for towing costs not covered by the sale of such vehicle.

B. If, at the expiration of five (5) days after any motor vehicle or abandoned junk motor vehicle meeting the requirements of *Section 7.07.01 (E)* or *(F)* herein, has been impounded, the owner, or other person empowered to act therefore, has not contacted the Police Department, it shall be the duty of the Police Department to notify, as soon as possible, either in person or by certified mail with return receipt requested sent to the last known place residence, the owner or any person known to the police to have charge of such vehicle on behalf of the owner, or, if neither can be notified, any known mortgagee of such vehicle, informing him/her of the nature and circumstances of the violation for which such vehicle has been impounded and the rate of storage charges.

C. Any motor vehicle meeting the requirements of *Section 7.07.01 (E)* or *(F)* herein, which has remained unclaimed by the owner or lien holder for a period of ten (10) days or longer following notification as provided for in *Section 7.07.03 (B)* herein, shall be disposed of as provided for in *Section 7.07.03 (A)* herein. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility, the chief of police 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 of Police 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 thirty (30) days of the presentation, shall issue to such owner a salvage certificate of title, free and clear of all liens and encumbrances.

D. The removal by a police officer of a motor vehicle, junk motor vehicle, abandoned junk motor vehicle, unlicensed motor vehicle or inoperative motor vehicle for any of the reasons stated in this ordinance shall be at the risk of the owner or person in charge of said vehicle, and there shall be no liability on the part of the City of Nelsonville for any damage caused by such removal.

1) The storage of any such vehicle, when impounded by the City of Nelsonville or by order of its designated police officers or other officials, shall be at the risk of the chauffeur, driver or owner thereof, and the City of Nelsonville shall not be liable for any damage of any nature or for the theft or destruction by fire or otherwise of any property so impounded.

**§7.07.04. Impounding of motor vehicles or junk motor vehicles on private property.**

A. No person in charge or control of any private property within the corporation limits of the City of Nelsonville, whether as owner, tenant, occupant, lessee or otherwise, shall leave or suffer to remain on his/her said property licensed, unused, wrecked, partly dismantled, inoperative, and/or abandoned vehicle, whether owned by him or another person, except in an enclosed building in a duly licensed junkyard.

B. Any motor vehicle parked or stored in violation of *Section 7.07.04 (A)* herein, other than an abandoned junk motor vehicle as defined in *Section 7.07.01 (F)* herein and vehicles in a towing service yard as specifically regulated in *Section 7.07.02 (A)* and *Section 7.07.06* shall, after ten (10) days be removed to a motor vehicle pound or any other place of storage by order of the City Manager of the City of Nelsonville or his/her agent or the Chief of Police, and shall not be released except upon payment of towing and storage charges and fines as specified in *Section 7.07.04 (D)* herein. The absence of current license plates from any such motor vehicle shall be prima facie evidence that the same is unlicensed and not in operating condition.

C. The fact that an unlicensed motor vehicle is so left is prima facie evidence of willful failure to comply with *Section 7.07.02 (A)* and/or *Section 7.07.04 (A)* herein, and each subsequent period of thirty (30) days after notification to remove such vehicle, that such vehicle continues to be left constitutes a separate offense.

**§7.07.05. Disposition of abandoned motor vehicles.**

Motor vehicles ordered into storage pursuant to *Section 7.07.02 (A)*, *(B)* and/or *Section 7.07.04 (B)* herein, shall be disposed of by the order of the City Manager or his/her agent to a junkyard or automobile salvage yard as defined in *Sections 7.07.01 (G)* and *(H)* (RC 4737.05), or shall be sold by the City Manager or his/her agent or licensed auctioneer at public auction. Such public auction shall be advertised once a week for two (2) consecutive weeks in a newspaper of general circulation in the county. Any moneys accruing from the disposition of such vehicle that are in excess of the expenses resulting from the removal and storage of the

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vehicle shall be credited to the General Fund of the City of Nelsonville. (RC §4513.62).

### **§7.07.06. Disposition of unclaimed motor vehicles.**

That any vehicle ordered into storage under *Section 7.05.30* of the *Nelsonville City Code* in substantial compliance with *Sections 7.06.15, 7.06.16, 7.06.17, 7.06.20* and/or *7.06.21*, other than an abandoned junk motor vehicle as defined in *Section 7.07.02 (F)* herein, which has been left as a garage or place of storage for a period longer than thirty (30) days, shall be taken to a City lot as designated by the City Manager and disposed of in compliance with *Section 7.07.03 (A)* or *Section 7.07.05* herein at the discretion of the City Manager.

### **§7.07.07. Collector's vehicles.**

No person shall be prevented from storing or keeping or restricted in the method of storing or keeping any collector's vehicle on private property with the permission of the person having the right to the possession of the property, except that a person having such permission shall be required to conceal, by means of an enclosed building, garage or other suitable enclosure, any unlicensed collector's vehicle.

## **Chapter 7.08. Citation Tags.**

- §7.08.01. Citation tags.
- §7.08.02. Use of fictitious name after citation.
- §7.08.03. Defacing citation.
- §7.08.04. Record of violations; abstract of record to bureau of motor vehicles; contents.

### **§7.08.01. Citation tags.**

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

### **§7.08.02. Use of fictitious name after citation.**

No person charged with violating any of the provisions of the Traffic Code shall present a citation tag or file a written plea of guilty with the clerk of the court under a name other than his/her correct and true name. Penalty, see §7.09.99

### **§7.08.03. Defacing citation.**

No person shall print or draw any obscene writing, words or pictures on citations issued by authority of this chapter. Penalty, see §7.09.99

### **§7.08.04. Record of violations; abstract of record to bureau of motor vehicles; contents.**

A. Every county court judge, mayor, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of the Traffic Code or of any other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any of such sections or other law or ordinance regulating the operation of vehicles, streetcars, and trackless trolleys on highways, said judge, mayor, or clerk shall prepare and immediately forward to the department of highway safety an abstract of the court record covering the case in which said person was convicted or forfeited bail, which abstract must be certified by the person required to prepare the same to be true and correct.

C. Said abstract shall be made upon a form approved and furnished by the department and shall include the name and address of the party charged, the number of his/her driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited, and the amount of the fine or forfeiture.

D. Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

E. The failure, refusal, or neglect of such officer to comply with this section constitutes misconduct in office and is ground for removal there from.

F. The department shall keep all abstracts received under this section at its main office. (RC §4513.37)

## **Chapter 7.09. Penalties.**

- §7.09.99. Penalties.

### **§7.09.99. Penalties.**

A. Whoever violates *division (B)* of *Section 7.01.06* is guilty of a misdemeanor of the first degree as defined in *Ohio Revised Code Section 2929.21*.

B. Whoever violates *Section 7.01.17* is guilty of a misdemeanor of the first degree as defined in *Ohio Revised Code Section 2929.21*.

C. Whoever violates *Sections 7.02.02 to 7.02.07, 7.02.09 to 7.02.24, 7.02.26 to 7.02.27 or 7.02.29 to 7.02.32* is guilty of a minor misdemeanor on a first offense; on a second offense within one (1) year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense, the person is guilty of a misdemeanor of the third degree.

D. Whoever violates the weight provisions of *Sections 7.02.33, 7.02.34, 7.02.35, and 7.02.36* of the *Nelsonville City Code* shall be fined:

(1) Twenty-five dollars (\$25.00) for the first two thousand (2,000) pounds, or fraction thereof, of overload, for overloads in excess of two thousand (2,000) pounds, but not in excess of five thousand (5,000) pounds, such person shall be fined twenty-five (\$25.00), and in

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addition thereto, \$1.00 per one hundred (100) pounds of overload;

(2) for overloads in excess of five thousand (5,000) pounds, but not in excess of 10,000 pounds, such persons shall be fined twenty-five dollars (\$25.00) and in addition thereto, \$2.00 per 100 pounds of overload, or imprisoned not more than thirty (30) days, or both.

(3) For all overloads in excess of ten thousand (10,000) pounds, such persons shall be fined twenty-five dollars (\$25.00), and in addition thereto, three dollars (\$3.00) per one hundred (100) pounds of overload, or imprisoned not more than thirty (30) days, or both.

(4) Whoever violates the weight provisions of vehicle and load relating to gross load limits shall be fined not less than one hundred dollars (\$100.00), provided that no penalty prescribed in this section for those vehicles weighed by the axle load shall be imposed on any vehicle combination if:

a) the overload on any axle does not exceed one thousand (1,000) pounds; and if;

b) the immediately preceding or following axle, excepting the front axle of the vehicle combination, is under loaded by the same or a greater amount. For purposes of this paragraph, two (2) axles on one vehicle less than eight (8) feet apart shall be considered as one (1) axle.

E. Whoever violates the provisions of Section 7.02.41, of the *Nelsonville City Code* for which no other penalty is provided, shall be fined:

(1) For violations of sections (A) through (C)

a) for a first offense not more than twenty-five dollars (\$25.00);

b) for a second offense within one (1) year thereafter not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00); imprisoned not more than ten (10) days, or both;

c) for a third or subsequent offense within one (1) year after the first offense, such persons shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00), or imprisoned not more than thirty (30) days, or both.

(2) A violation of section (E) (1) shall be fined thirty dollars (\$30.00).

(3) A violation of section (E) (3) shall be fined by twenty dollars (\$20.00).

(4) Except as otherwise provided, whoever violates division (E) (4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of division (E) (4) of this section, whoever violates division (E) (4) of this section is guilty of a misdemeanor of the third degree.

(5) All fines collected for violations of division (E) shall be forwarded to the Treasurer of the State of Ohio for deposit as follows:

a) Eight percent (8%) shall be deposited into the seat belt education fund, which is hereby created in the State treasury, and shall be used by the Department of Public Safety to establish a seat belt education program.

b) Eight per cent (8%) shall be deposited into the elementary school program fund, which is hereby created in the State treasury, and shall be used by the

department of public safety to establish and administer elementary school programs that encourage seat safety belt use.

c) Two per cent (2%) shall be deposited into the Ohio Medical Transportation Trust Fund created by Section 4766.05 of the *Ohio Revised Code*.

d) Twenty-eight per cent (28%) shall be deposited into the trauma and emergency medical services fund, which is hereby created in the State treasury, and shall be used by the Ohio Department of Public Safety for the administration of the division of emergency medical services and the State board of emergency medical services.

e) Fifty-four per cent (54%) shall be deposited into the trauma and emergency medical services grant fund, which is hereby created in the State treasury, and shall be used by the State board of emergency medical services to make grants, in accordance with Section 4765.07 of the *Ohio Revised Code* and rules the board adopts under Section 4765.11 of the *Ohio Revised Code*.

G. Whoever violates 7.02.42 (A) shall be fined a follows:

(1) Whoever is a resident of this State shall be punished as follows:

a) Except as otherwise provided in division (1) (B) of this section, the offender is guilty of a minor misdemeanor.

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

(2) Whoever is not a resident of this State, and fails to prove by a preponderance of the evidence that the offender's use or non use of a child restraint system was in accordance with the law of the state of which the offender is a resident, is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree. (3) All fines imposed pursuant to division (H) (1) or (2) of this section shall be forwarded to the treasurer of the State for deposit in the "child highway safety fund" created by the *Ohio Revised Code*.

H. Whoever violates section 7.03.02, is guilty of a minor misdemeanor. If within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one (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.

I. Whoever violates section 7.03.07 of the *Nelsonville City Code*, in addition to the license suspension or revocation provided in section 4507.16 of the *Ohio Revised Code*, shall be punished as follows:

(1) For a violation of 7.03.07 (A) (1), (2), (3), (4) or (5), if, within six (6) years of the offense, the offender has not been convicted of or pleaded guilty to a violation of section 7.03.07 of the *Nelsonville City Code*, Section 4511.19 of the *Ohio Revised Code*, 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

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abuse, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three (3) consecutive days and may sentence the offender pursuant to Section 2929.21 of the *Ohio Revised Code* to a longer term of imprisonment. In addition, the Court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00).

The Court may suspend the execution of the mandatory three consecutive days of imprisonment that is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and required the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Section 3720.06 of the *Ohio Revised Code*. The Court also may suspend the execution of any part of the mandatory three (3) consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three (3) consecutive days; requires the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to Section 3720.06 of the *Ohio Revised Code*; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The Court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3720 of the *Ohio Revised Code* by the Director of Health, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report to the Court on his/her progress in the programs. The Court may also impose any other conditions of probation on the offender that it considers necessary. As used in this section, three consecutive days means seventy-two consecutive hours.

(2) For a violation of 7.03.07 (A) (6), (7), (8), or (9) or 7.03.07 (C), if, within six (6) years of the offense, the offender has not been convicted or pleaded guilty to a violation of Section 7.03.07 of the *Nelsonville City Code* Section 4511.19 of the *Ohio Revised Code*, 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or of a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three (3)

consecutive days, a driver's intervention program that is certified pursuant to section 3793.10 of the *Ohio Revised Code* and may sentence the offender pursuant to Section 2929.21 of the *Ohio Revised Code* to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred fifty nor more than one thousand dollars (\$1,000.00). If the court determined that the offender is not conducive to treatment in a driver's intervention program, if the offender refuses to attend a driver's intervention program, or the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six (6) consecutive days. The court may require the offender, a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3720 of the *Ohio Revised Code* by the Director of Health, in addition to the required attendance at a driver's intervention program, that the operator's of the driver's intervention program determine that the offender should attend and to report to the court on their progress in the programs. The court may also impose any other conditions of probation on the offender that it considers necessary. As used in this section, three (3) consecutive days means seventy-two consecutive hours.

(3) For violation of 7.03.07 (A) (1), (2), (3), (4) or (5), if, within six (6) years of the offense, the offender has been convicted or has pleaded guilty to a violation of Section 7.03.07 of the *Nelsonville City Code*, Section 4511.19 of the *Ohio Revised Code*, 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor in the first degree and the court shall sentence the offender to a term of ten consecutive days and may sentence the offender pursuant to Section 2929.21 of the *Ohio Revised Code* to longer term of imprisonment. As an alternative to a mandatory jail term of ten (10) consecutive days required by this section, the court, under this division, may sentence the offender to five (5) consecutive days in jail and not less than eighteen (18) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The five (5) consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. In addition, the court shall impose upon the offender a fine of not less than three hundred fifty dollars (\$350.00) nor more than one thousand five hundred dollars (\$1,500.00). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a driver's intervention program that is certified pursuant to Section 3729.06 of the *Ohio Revised Code*.

(4) For a violation of 7.03.07 (A) (6), (7), (8), or (9) or 7.03.07 (C), if, within six (6) years of the offense, the offender has been convicted or pleaded guilty to a violation of

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Section 7.03.07 of the *Nelsonville City Code* Section 4511.19 of the *Ohio Revised Code*, 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or of a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of twenty (20) consecutive days. The court shall impose the twenty (20) day mandatory jail term under this division unless; it instead imposes a sentence consisting of both a jail term and term of house arrest with electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six (6) months. As an alternative to the mandatory jail term of twenty (20) consecutive days, the court may sentence the offender to fifteen (15) consecutive days in jail and not less than fifty-five (55) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen (15) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one (1) year. The fifteen (15) consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest. In addition the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00). If the court determined that the offender is not conducive to treatment in a driver's intervention program, if the offender refuses to attend a driver's intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six (6) consecutive days. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standard adopted pursuant to Chapter 3720 of the *Ohio Revised Code* by the Director of Health in addition to the required attendance at a driver's intervention program, that the operators of the driver's intervention program determine that the offender should attend and report to the court on their progress in the programs. The court may also impose any other conditions of probation on the offender that it considers necessary, as used in this section, three (3) consecutive days' means seventy-two (72) consecutive hours.

(5) For a violation of 7.03.07 (A) (1), (2), (3), (4) or (5) , if, within six (6) years of the offense, the offender has been convicted or pleaded guilty to two (2) violations of Section 7.03.07 of the *Nelsonville City Code* Section 4511.19 of the *Ohio Revised Code*, 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, of a municipal ordinance relating to operating a vehicle with a

prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or of a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of thirty (30) consecutive days and may sentence the offender to a longer definite term of imprisonment if not more than one (1) year. As an alternative to a mandatory jail term of thirty consecutive days required by this section, the court, under this division, may sentence the offender to fifteen (15) consecutive days in jail and not less than fifty-five (55) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen (15) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one (1) year. The fifteen (15) consecutive days in jail do not have to be served prior to or consecutively to the period house arrest. In addition, the court shall impose upon the offender a fine of not less than five hundred fifty dollars (\$550.00) nor more than two thousand five hundred dollars (\$2,500.00). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a driver's intervention program that is certified pursuant to Section 3720.06 of the *Ohio Revised Code*.

(6) For a violation of 7.03.07 (A) (6), (7), (8), or (9) or 7.03.07 (C), if, within six (6) years of the offense, the offender has been convicted or pleaded guilty to two violations of Section 7.03.07 of the *Nelsonville City Code*, Section 4511.19 of the *Ohio Revised Code*, 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, of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, or of Sections 2903.06 or 2903.07 of the *Ohio Revised Code* or of a municipal ordinance that is substantially similar to Section 2903.07 of the *Ohio Revised Code* in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of sixty (60) consecutive days and may sentence the offender to a longer definite term of imprisonment if not more than one (1) year. As an alternative to a mandatory jail term of sixty (60) consecutive days required by this section, the court, under this division, may sentence the offender to thirty (30) consecutive days in jail and not less than one-hundred ten (110) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty (30) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty (30) consecutive days in jail do not have to be served prior to or consecutively during house arrest. In addition, the court shall impose upon the

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offender a fine of not less than five-hundred fifty dollars (\$550.00) nor more than two thousand five hundred dollars (\$2,500.00). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a driver's intervention program that is certified pursuant to Section 3720.06 of the *Ohio Revised Code*.

(7) An offender who is convicted of or pleads guilty to a violation of 7.03.07 (A) and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or non resident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F) (2) of Section 4511.191 of the *Ohio Revised Code*.

(8) a) If an offender is sentenced to a jail term under division (H) (3) or (4) or (H) (5) or (6) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty (60) day period following the date of sentencing, the court may impose an alternative sentence under this division that included term of house arrest with electronic monitoring, with continuous alcohol monitoring or with both electronic monitoring and continuous alcohol monitoring. As an alternative to a mandatory jail term of ten (10) consecutive days required by division (G) (1) (B) (I) of this section, the court, under this division, may sentence the offender to five consecutive days in jail and not less than eighteen (18) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five (5) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed sixth (6) months. The five (5) consecutive days in jail do not have to served prior to or consecutively to the period of house arrest.

b) As an alternative to the mandatory jail term of twenty (20) consecutive days required by (H) (4) of this section, the court, under this division, may sentence the offender to ten (10) consecutive days in jail and not less than thirty-six (36) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten (10) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed sixth months. The ten (10) consecutive days in jail do not have to served prior to or consecutively to the period of house arrest.

c) As an alternative to a mandatory jail term of thirty consecutive days required by division (H) (5) of this section, the court, under this division, may sentence the offender to fifteen (15) consecutive days in jail and not less than fifty-five (55) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen (15) consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one (1) year. The fifteen

(15) consecutive days in jail do not have to served prior to or consecutively to the period of house arrest.

d) As an alternative to a mandatory jail term of sixty (60) consecutive days required by division (H) (6) of this section, the court, under this division, may sentence the offender to thirty (30) consecutive days in jail and not less than one hundred ten (110) consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one (1) year. The thirty (30) consecutive days in jail do not have to served prior to or consecutively to the period of house arrest.

(9) In an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under this section and if Section 4510.13 of the *Ohio Revised Code* permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A) (7) of that section requires that 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 Section 4503.231 of the *Ohio Revised Code*, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Section 4503.231 of the *Ohio Revised Code*.

(10) Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (H) (1) to (6) of this section to continue his/her employment, the Court may authorize that the offender be granted work release from imprisonment after the offender has served three (3), ten (10), or thirty (30) consecutive days of imprisonment that the court is required by division (H) (1) to (6) of this section to impose. No court shall authorize work release from imprisonment during the three (3), ten (10), or thirty (30) consecutive days of imprisonment that the court is required by division (H) (1) to (6) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and that time actually spent under employment.

(11) Notwithstanding any section of the *Ohio Revised Code* or the *Nelsonville City Code* that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the mandatory term of imprisonment required to be imposed by division (H) (3) to (6) of this section or place an offender who is sentenced pursuant to division (H) (3) to (6) of this section in any treatment program in lieu of imprisonment until after the offender has served the mandatory term of imprisonment required to be imposed pursuant to division (H) (3) to (6) of this section. Notwithstanding any section of the *Ohio Revised Code* or the *Nelsonville City Code* that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (H) (1) of this section, shall suspend the three (3)

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consecutive days of imprisonment required to be imposed by division (H) (1) of this section or place an offender who is sentenced pursuant to division (H) (1) of this section in any treatment program in lieu of imprisonment until after the offender has served the three (3) consecutive days of imprisonment required to be imposed pursuant to division (H) (1) of this section.

(12) Whoever is convicted of a violation of 7.03.07 (B) shall be sentenced as follows:

a) Except as otherwise provided in division (A) (2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition, to another sanction imposed for the offense, the court shall impose a class six (6) 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 division (A) (6) of Section 4510.02 of the *Ohio Revised Code*.

b) 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 7.03.07 (A) or (B) or other equivalent offense, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege form the range specified in division (A) (4) of Section 4510.02 of the *Ohio Revised Code*.

(13) No court shall sentence an offender to an alcohol treatment program pursuant to division (H) (3) to (6) of this section, unless the treatment program complies with the minimum standards adopted pursuant to Chapter 3720 of the *Ohio Revised Code* by the Director of Health.

J. Whoever is found guilty of a violation of Section 7.03.09 is guilty of a minor misdemeanor for a first offense. If the individual has previously been convicted of a violation of Section 7.03.09 or *Ohio Revised Code* Sections 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, or 4511.77 or a municipal ordinance that is substantially similar to any of those sections, a violation is a misdemeanor of the fourth degree.

K. Whoever violates Sections 7.03.11, or 7.03.15 to 7.03.24 of the *Nelsonville City Code* shall be deemed guilty of a misdemeanor of the first degree as defined in Section 2929.21 of the *Ohio Revised Code*.

L. Whoever violates Section 7.03.12 is guilty of a minor misdemeanor on a first offense and if previously convicted or pleaded guilty to two (2) or more violations of this section or a substantially equivalent municipal ordinance within the past three (3) years, the offense is a misdemeanor of the first degree.

M. Whoever violates Section 7.03.25 with respect to Section 4510.16 of the *Ohio Revised Code*, Driving under financial responsibility law suspension or cancellation, is guilty of an unclassified misdemeanor and if previously convicted or pleaded guilty to two (2) or more violations of this section or a substantially equivalent municipal ordinance within the past three (3) years, the offense is a misdemeanor of the first degree.

N. Whoever violates Section 7.03.25 who has been notified with respect to Section 3123.54 of the *Ohio Revised Code*, Notice to obligor and registrar (by a child support enforcement agency), is guilty of an unclassified misdemeanor and if previously convicted or pleaded guilty to three (3) or more violations of this section or a substantially equivalent municipal ordinance within the past three (3) years, the offense is a misdemeanor of the first degree.

O. Whoever violates Section 7.03.29 or 7.03.30 is guilty of a minor misdemeanor on a first offense and fourth degree misdemeanor on every subsequent offense.

P. Whoever violates the provisions of Sections 7.03.38 and 7.03.39 of the *Nelsonville City Code* shall be fined twenty dollars (\$20.00) if paid within the first forty-eight (48) hour following time of citation and thirty dollars (\$30.00) if paid after the first forty-eight (48) hours following the time of citation.

Q. Whoever violates Sections 7.03.43, 7.03.44, or 7.03.45 of the *Nelsonville City Code* shall be fined not more than one thousand dollars (\$1000.00) or imprisoned not more than six (6) months, or both.

R. Except as otherwise provided, a violation of Section 7.04.01 is a minor misdemeanor. If, within one (1) year of the offense, the offender previously has been convicted of or pleaded guilty to two violation of any provision of Section 7.04.01, *Ohio Revised Code* Section 4511.21 or of any provision of a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor or the fourth degree. 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 Section 7.04.01, *Ohio Revised Code* Section 4511.21, or any provision of a municipal ordinance that is substantially similar to any provision of this section, misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 7.04.01 of the *Nelsonville City Code* upon a finding that he operated a motor vehicle faster than thirty-five (35) miles an hour in a business district of a municipal corporation, or faster than fifty (50) miles an hour in other portions, or faster than thirty-five (35) miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree. If the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Section 4511.98 of the *Ohio Revised Code*, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation.

S. Except otherwise provided, whoever violates any provision in Sections 7.04.06 through 7.04.32, 7.04.34 through 7.04.39, 7.04.44 through 7.04.49, 7.04.51 through 7.04.53, 7.04.56, 7.04.59 or 7.04.65 through 7.04.69 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.

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T. Whoever violates Section 7.04.35 is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and on each subsequent offense within one (1) year after the first offense; the person is guilty of a misdemeanor of the second degree.

U. Whenever a person is found guilty in a court of record of a violation of Sections 7.04.60, 7.04.62, or 7.04.63 of the *Nelsonville City Code* the trial judge may, in addition to, or independent of, all other penalties provided by law, suspend for any period of time not 7.05.07 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.

X. Whoever violates any provision of Section 7.05.08 of the *Nelsonville City Code* shall be deemed guilty of a misdemeanor of the fourth degree as defined in *Ohio* exceeding three (3) years, or revoke the license of any person, partnership, association, or corporation, issued under Section 4511.763 of the *Ohio Revised Code*.

V. Whoever parks in violation of Chapter 7.05, not otherwise covered by another section of 7.09.99, shall be deemed guilty of a minor misdemeanor. In lieu of a court appearance, an administrative fine of twenty dollars (\$20.00) may be paid within the first forty-eight (48) hours and thirty dollars (\$30.00) if paid after the first forty-eight (48) hours. Every consecutive hour of violation shall be deemed a complete and separate offense.

W. Except otherwise provided, whoever violated any provision in Sections 7.05.02, 7.05.04 or *Revised Code* Section 2929.21 and shall be fined not more than two hundred and fifty dollars (\$250.00), or imprisoned not more than thirty (30) days, or both.

Y. Any person, firm or corporation violating Section 7.05.12 (B) shall be fined not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00). In lieu of court appearance, an administrative fine of one hundred dollars (\$100.00) may be paid within the first forty-eight (48) hours following the time of citation and an administrative fine of one hundred fifty dollars (\$150.00) if paid after the first forty-eight (48) hours following the time of citation. Whoever violates Section 7.05.12 (D) shall be issued a warning unless they have been previously convicted of a violation of Section 7.05.12 (D), or similar state or municipal ordinance, at which point the individual shall be fine of twenty-five dollars (\$25.00) for each parking location that is not properly marked or whose markings are not properly maintained.

An offender who violates Section 7.05.12 (B) shall be fined not more than one hundred dollars (\$100.00) if the offender, prior to sentencing, proves either of the following to the satisfaction of the court:

(1) At the time of the violation of Section 7.05.12 (B), the offender or the person for whose transport the motor vehicle was being operated has been issued a removable

windshield placard that then was valid or special license plates that then were valid but the offender or the person neglected to display the placard or license plates as described in Section 7.05.12 (B).

(2) At the time of the violation of Section 7.05.12 (B), the offender or the person for whose transport the motor vehicle was being operated had been issued a parking card that then was valid or special handicapped license plates that then were valid but the offender or the person neglected to display the card or license plates as described in Section 7.05.12 (B).

Z. Whoever violates Section 7.05.20 of the *Nelsonville City Code*, (Overtime parking) shall pay a fine of five dollars (\$5.00) if paid within the first forty-eight (48) hours and ten dollars (\$10.00) if paid after the first forty-eight (48) hours. Every consecutive hour of violation of 7.05.20 after the initial expiration of metered time shall be deemed a complete and separate offense.

AA. Whoever violates division (B) or (C) of Section 7.05.22 of the *Nelsonville City Code*, (2-hour limit) shall pay a fine of ten dollars (\$10.00) if paid within the first twenty-four (24) hours and twenty dollars (\$20.00) if paid after the first forty-eight (48) hours. Every consecutive hour of violation of division (B) of Section 7.05.22 after the expiration of the initial two (2) hour limit shall be deemed a complete and separate offense;

BB. Whoever violated Section 7.05.23 or 7.05.24 is guilty of a misdemeanor of the fourth degree.

CC. Whoever violates Section 7.05.27 of the *Nelsonville City Code* shall pay a fine of five dollars (\$5.00) if paid within the first forty-eight (48) hours, and ten dollars (\$10.00) if paid after the first forty-eight (48) hours.

DD. Whoever violates Sections 7.05.30 to 7.05.33 of the *Nelsonville City Code* shall pay a fine of not more than one hundred dollars (\$100.00) for the first offense and not more than five hundred dollars (\$500.00) for each subsequent offense

EE. Whoever violates Section 7.07.02 or Section 7.07.04 of the *Nelsonville City Code* is guilty of a minor misdemeanor as defined in *Ohio Revised Code* Section 2929.21 for the first offense. Each subsequent offense under Section 7.07.02 may be brought as fourth degree misdemeanor.

FF. Whoever violates Sections 7.03.09, 7.04.55, 7.04.59, 7.04.60, 7.04.61, 7.04.62 or 7.04.63 of the *Nelsonville City Code* is guilty of a minor misdemeanor on a first offense; on a second offense, such person is guilty of a misdemeanor of the fourth degree.

GG. Whoever violates Sections 7.08.02 or 7.08.03 is guilty of a first degree misdemeanor.

HH. Whoever violates any provision of Title VII (7) of the *Nelsonville City Code*, for which no penalty is otherwise provided, is guilty of a minor misdemeanor as defined in *Ohio Revised Code* Section 2929.21, punishable by a fine not to exceed one hundred fifty dollars (\$150.00).

II. Terms of imprisonment for misdemeanors shall be imposed as follows:

(1) For a misdemeanor of the first degree, not more than six (6) months;

(2) For a misdemeanor of the second degree not more than ninety (90) days;



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(3) For a misdemeanor of the third degree, not more than sixty (60) days;

(4) For a misdemeanor of the fourth degree, not more than thirty (30) days;

JJ. Fines for misdemeanors shall be imposed as follows:

(1) For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);

(2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);

(3) For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);

(4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00).

KK. Whoever is convicted of or pleads guilty to a minor misdemeanor shall be fined not more than one hundred fifty dollars (\$150.00) (RC §2929.21)