

INSTRUCTIONS FOR INSERTING
DECEMBER 2012 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES
OF NAPOLEON

All new replacement pages bear the footnote "December 2012 Replacement". Please discard old pages and insert these new replacement pages immediately as directed in the following table.

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**CODIFIED
ORDINANCES
OF THE
CITY OF
NAPOLEON
OHIO**

Complete to December 31, 2012

CERTIFICATION

We, J. Ronald A. Behm, Mayor and Gregory J. Heath, Council Clerk of Napoleon, Ohio pursuant to Article II Section 2.15 of the Charter and Section 121.03 of the Administrative Code, hereby certify that the general and permanent ordinances of the City of Napoleon, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of Napoleon, Ohio, 1996, as amended to December 31, 2012.

/s/ Ronald A. Behm
Mayor

Gregory J. Heath
/s/ Gregory J. Heath
Council Clerk

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83-00	9-5-00	City alley between Lots 9 and 10, R.K. Scotts 1st Addition.
118-00	11-2-00	Amends Ord. 83-00, passed 9-5-00.
127-00	12-4-00	City alley between Lots 148-150, Adam Stouts 1st Addition.
10-01	2-19-01	Amends Ord. 127-00, passed 12-4-00.
18-02	3-18-02	City alley between Lots 32 and 33, J.A. Stout's 1st Addition.
19-02	3-18-02	City alley between Lot 44 and Lots 50 and 51, J.A. Stout's 1st Addition.
20-02	3-18-02	City alley along northside of Lots 20 - 24, Fair Ground Addition.
057-06	8-21-06	Repeals Ords. 37-86 and 31-89.
071-07	8-6-07	Amends Sec. 1 of Ord. 4-96.
017-08	3-17-08	Alley located in Block No. 1 of Phillips Addition.
054-08	7-21-08	Vacates alley located in Mary Dodd's Second Addition.
060-11	9-19-11	Vacates a certain alley located in E.T. Barnes First Addition to the Village (Now City) of Napoleon, Henry County Ohio.
061-11	9-19-11	Vacates a certain alley located in W.F. Daggett's Subdivision and of Outlot Number 7 to the Village (Now City) of Napoleon, Henry County Ohio.
068-12	11-19-12	The alley located along Lots 31, 32, 33 and 34 in the Original Plat of the Village (now City) of Napoleon, Henry County, Ohio.

- (6) To employ an Auditor to make an audit of the financial affairs of any officer, employee or department of the City whenever such audit is decided necessary;
- (7) To fix the number of employees in the various departments of the City, to fix the nature and amount of their compensation and benefits, and to require any officer, employee or member of any office, department, division, board, bureau, agency or commission of the City, whether elected or appointed, to furnish a bond at the expense of the City, which may be a bond covering all or any number of persons required to furnish a bond, for the faithful performance of his or her duties;
- (8) To make or cause to be made investigations of any office, department, division, board, bureau, agency, commission or employee of the City;
- (9) To compel, by the issuance of subpoenas, the attendance of witnesses and the production of documents and other evidence which are decided necessary in the conduct of any hearing or investigation;
- (10) To establish by ordinance or resolution the rates, fees and other charges made to consumers of all municipal utilities and services;
- (11) To adopt, amend and abolish model or standard codes, in whole or in part, prepared and published by public or private agencies on such matters as building construction, plumbing, heating, ventilating, air conditioning, electric wiring, smoke regulation, fire prevention and other similar regulatory subjects by reference to the date and source of the code without reproducing the same in full in the ordinance or resolution;
- (12) To convey upon officers, departments, divisions, boards, bureaus, agencies, commissions, or employees of the City the power and authority to administer oaths, and conduct investigations and hearings; to compel, by the issuance of subpoenas, the attendance of witnesses, the production of documents and/or other evidence necessary to conduct hearings and/or investigations; and,
- (13) To appoint an acting director when a director is ill, suspended, removed, or otherwise disqualified to act.

(f) Duties of Council President. The powers and duties of the Council President shall be as prescribed in Article II of the Charter, the rules and regulations of Council, and the ordinances and resolutions of the City

(g) Notice of Meetings. Where the Administrative Code is silent, notice of all meetings and notice of all ordinances, resolutions and other actions which are required by the Charter or the laws of Ohio, shall be as provided by the laws of Ohio, except as otherwise provided by the Charter or, where not so otherwise provided by the Charter, then, as Council may provide otherwise by ordinance or resolution.

(h) Council Powers to Establish Powers and Duties. Where the Administrative Code is silent, the officers and employees of the City shall have those powers and perform those duties customarily possessed and exercised by similarly situated officers and employees by the laws of Ohio, except as otherwise provided by the Charter or, where not so otherwise provided by the Charter, then, as Council may provide otherwise by ordinance or resolution.

(i) Rules and Regulations of Council. The rules and regulations of Council that have been adopted by ordinance or resolution of Council, shall have the legal affect of an ordinance or resolution. (Ord. 70-01. Passed 6-4-01.)

121.03 PUBLICATION OF LEGISLATION.

(a) Publication in General. All ordinances and resolutions shall be published one (1) time after passage in a newspaper of general circulation in the City, and/or Council may determine that publication shall be by other electronic media. Ordinances or resolutions in excess of 1 (one) word may be published merely by summary. A table of contents of the ordinance or resolution and, if any attachments exist to the ordinance or resolution, a table of contents for such attachments, shall be considered an adequate summary. In the event of the publication of ordinances or resolutions by summary, there shall be a notice in such publication that a copy of the complete ordinance or resolution is on file in the office of the Clerk of Council for inspection during business hours and that copies of such ordinance or resolution shall be furnished to any person, upon request, for a reasonable fee. The City Law Director shall review all proposed summary form publications for legal accuracy and sufficiency prior to publication. The Clerk of Council shall cause the ordinance or resolution to remain posted in the principal municipal building for a period not less than ten calendar days immediately following the notice. Nothing in this Section shall be construed as to prohibit publication in accordance with the laws of Ohio. (Ord. 070-12. Passed 12-3-12.)

(b) Notice When No Newspaper in City Exists. Notwithstanding any other law applicable to publication, when no newspaper of general circulation exists in the City, the means of publication of ordinances, resolutions, summaries of ordinances and resolutions, and publication of all statements, orders, proclamations, notices and reports, required by law to be published, shall be accomplished by posting copies in not less than two (unless a greater number is required specifically by the Ohio Revised Code) of the most public places in the municipal corporation, as determined by Council, for a period of not less than fifteen days. Notices to bidders for construction of public improvements and notices of the sale of bonds shall be published in not more than two newspapers, printed in this State and of general circulation in areas within a 100 mile radius of the City, for the time periods established as if a newspaper did exist in the City. Where such publication is by posting, the Clerk shall make a certificate as to such posting, and as to the times and the places where such posting is done. Such certificate shall be prima-facie evidence that copies were posted as required.

(c) Publication in Book Form. When ordinances or resolutions are revised, codified, rearranged, published in book form, and certified as correct by the Clerk of Council and the Mayor, publication of a notice of such action shall be a sufficient publication. A new ordinance or resolution so published in book form, which has not been published as required by the laws of Ohio, the Charter, or as otherwise provided by Council, and which contains entirely new matter, shall be published as required by the laws of Ohio, the Charter, or as Council may provide. If such revision or codification is made by the City and contains new matter, it shall be a sufficient publication of such codification, including the new matter, to publish, in the manner allowed by the Charter or, when permitted by the Charter, the ordinances and resolutions of the City, a notice of the enactment of such codifying ordinance or resolution, containing the title of the ordinance or resolution and a summary of the new matters covered by it. Revision and codification of ordinances and resolutions may be made under appropriate titles, chapters, and sections and in one ordinance or resolution containing one or more subjects.

(b) The Finance Director, or his duly authorized agent or employee in the Department of Taxation, is authorized to examine any person, employer, or taxpayer under oath concerning any compensation or net profits which were or should have been returned for taxation or any City tax which was or should have been withheld or paid, and for this purpose, may compel by subpoena or otherwise the production of books, papers, records and federal and state income tax returns and records and the attendance of all persons before him, whether as parties or witnesses, whenever he believes such persons have knowledge of such compensation, net profits, information or documentation.

(c) All returns, investigations, examinations and hearings, and all information and documentation produced therewith, and all information and documentation gained as a result thereof are confidential except for official purposes and except in accordance with proper judicial order and shall be carefully preserved so that they shall not be available for inspection by or dissemination to anyone other than the proper officers, agents and employees of the City for official purposes. Any person disclosing any such information or documentation is guilty of a misdemeanor of the 1st degree. Each disclosure shall constitute a separate offense. In addition to the above penalties, any officer, agent or employee of the City who violates any provision of this chapter relative to disclosures of confidential information shall be dismissed immediately from the service of the City. (Ord. 123-95. Passed 11-27-95)

193.10 (RESERVED FOR FUTURE LEGISLATION).

193.11 ALLOCATION OF FUNDS.

(a) Effective January 1, 2013, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than 62% of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least 38% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(b) Effective January 1, 2014 and thereafter, the funds collected under the provisions of this chapter shall be deposited in the "General Fund equivalent" of the City for municipal income taxes and shall be disbursed in the following order:

- (1) Such part thereof as shall be necessary to defray all costs of collecting this tax and all costs of administering and enforcing the provisions of this chapter and the rules and regulations adopted by Council in connection therewith.
- (2) Not more than 50% of the net available tax receipts received annually may be used to defray operating expenses of the City.
- (3) At least 50% of the net available tax receipts received annually shall be set aside and used for capital improvements including, but not limited to, development and construction of storm sewers and street improvements; for public buildings, parks, and playgrounds; and for equipment necessary for the Police, Fire, Street, Traffic, and Safety Departments.

(Res. 073-12. Passed 11-19-12.)

193.12 BOARD OF REVIEW.

(a) A Board of Review, consisting of the three members of the Finance and Budget Committee of Council is created by this chapter. The members of the Board of Review shall serve without compensation.

(b) A majority of the Board of Review shall constitute a quorum. The Board of Review shall adopt its own procedural rules and shall keep a record of its meetings, business and transactions for its hearings and meetings.

(c) All hearings and meetings of the Board of Review shall be conducted privately and the provisions of Section 193.09 with reference to the confidential character of information and documentation required to be disclosed by this chapter shall apply to such matters. The hearing or meeting will be informal in nature and the rules of evidence and procedure shall not apply.

(d) Any taxpayer dissatisfied with any ruling or decision of the Finance Director which was made under the authority conferred by this chapter and who or which is otherwise in compliance with the filing of tax returns and the payment of any taxes, penalties or interest due thereon, who has filed the required returns or other documents pertaining to the contested issued, may appeal therefrom to the Board of Review. This appeal must be in writing, shall state with particularity why the decision should be deemed incorrect or unlawful, and shall be filed within thirty (30) days after the Finance Director has issued the decision. The Board must schedule a hearing within forty-five (45) calendar days of receiving the appeal unless the taxpayer expressly waives the hearing and chooses instead to permit the Board to render its decision on the writings submitted by the taxpayer and the Finance Director. If the taxpayer does not waive the hearing, the taxpayer is entitled to appear before the Board and bring representation of his or her choosing. The records of the hearing are not open to the public nor is the hearing subject to the local or state open meeting laws. The Board must issue a written decision within ninety (90) days after the final hearing and send a notice of its decision to the taxpayer within fifteen (15) days after issuing its decision. (ORC 718.11)

(e) Whenever the Finance Director issues a decision that is appealable to the Board of Review, he or she must inform the taxpayer of their right of appeal and the manner in which the appeal is to be filed. (ORC 718.11; Ord. 135-04. Passed 12-6-04.)

193.13 APPLICABILITY.

This chapter shall not apply to any person as to whom or to which it is beyond the power of the City Council to impose the tax herein provided for. (1978 Code 94.14)

193.14 EXEMPTIONS.

(a) The provisions of this chapter shall not be construed as levying the City tax upon any of the following:

- (1) Compensation or allowances received from local, state or federal governments because of active duty service in the armed forces of the United States by the person rendering such service or as a result of another person rendering such service;
- (2) Poor relief, pensions, social security, unemployment compensation, except for supplemental unemployment benefits or similar payments and disability benefits due to total and permanent disability received from private industry, or from local, state or federal governments, or from charitable, religious or educational organizations;

CHAPTER 303
Enforcement, Impounding and Penalty

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| <p>303.01 Compliance with lawful order of police officer; fleeing.</p> <p>303.02 Traffic direction in emergencies; obedience to school guard.</p> <p>303.03 Officer may remove ignition key.</p> <p>303.04 Road workers, motor vehicles and equipment excepted.</p> <p>303.041 Emergency, public safety and coroner's vehicles exempt.</p> <p>303.05 Application to persons riding, driving animals upon roadway.</p> <p>303.06 Freeway use prohibited by pedestrians, bicycles and animals.</p> <p>303.07 Application to drivers of government vehicles.</p> | <p>303.08 Impounding of vehicles; redemption.</p> <p>303.081 Impounding vehicles on private residential or agricultural property.</p> <p>303.082 Private tow-away zones.</p> <p>303.083 Release of vehicle; records; charges.</p> <p>303.09 Leaving junk vehicles on private or public property without permission or notification.</p> <p>303.10 Providing false information to police officer.</p> <p>303.99 General Traffic Code penalties.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.
Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34
State point system suspension - see Ohio R.C. 4507.40
Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06
Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13
Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15
Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

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

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;
- (2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
- (3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of subsection (a) of this section or a misdemeanor violation of subsection (b) of this section, the court shall impose a class five suspension from the range specified in Ohio R.C. 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in division (A)(1) of that section. The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in Ohio R.C. 4510.021. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit or privilege required by this division on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection.
(ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership.
(ORC 4549.05)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

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

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

- (c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.
- (2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, "highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person 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 such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

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

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

(c) **Removal and Storage Charges.** The owner of a motor vehicle that is ordered into storage pursuant to Section 303.081 or of a vehicle that is removed under authority of Section 303.082 may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars (\$90.00), and storage, in an amount not to exceed twelve dollars (\$12.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle also shall be required for reclamation of the vehicle. If a motor vehicle that is ordered into storage pursuant to Section 303.081 remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply. (ORC 4513.60)

303.09 LEAVING JUNK VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality. (ORC 4513.64)

(b) Whoever violates this section is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal.

303.10 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

(a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint. (ORC 4513.361)

(b) No person shall knowingly make a false statement as to any matter or thing required by the provisions of this Traffic Code. (1978 Code 71.12)

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

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor.
(ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

(c) Felony Offenses. A prosecution for any offense which is classified as a felony under state law shall be filed under the appropriate state law section.

CHAPTER 313 Traffic Control Devices

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| <p>313.01 Obedience to traffic control devices.</p> <p>313.02 Through streets; stop and yield right-of-way signs.</p> <p>313.03 Traffic signal indications.</p> <p>313.04 Lane-use control signal indications.</p> <p>313.05 Special pedestrian control signals.</p> <p>313.06 Flashing traffic signals. (Repealed)</p> | <p>313.07 Unauthorized signs and signals, hiding from view, advertising.</p> <p>313.08 Alteration, injury, removal of traffic control devices.</p> <p>313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.</p> <p>313.10 Unlawful purchase, possession or sale.</p> <p>313.11 Portable signal preemption devices prohibited.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Designation of through streets or stop intersections - see Ohio R.C. 4511.07(F), 4511.65

Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)

Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11

Traffic control devices defined - TRAF. 301.46

313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(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.

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

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

313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All State routes are hereby designated as through streets or highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more State routes that are through streets or highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, he shall give notice, in writing, of that proposed action to the Municipality at least thirty days before installing or removing the stop sign.

(b) Other streets or highways or portions thereof, are hereby designated through streets or highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or traffic control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on such street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c) Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through street or highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right of way to or merge with all traffic proceeding on the through street or highway.

(d) Council or the authorized local authority may designate additional through streets or highways and shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection. (ORC 4511.65)

313.03 TRAFFIC SIGNAL INDICATIONS.

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

(a) Steady Green Signal Indication:

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

1. Pedestrians lawfully within an associated crosswalk;
2. Other vehicles lawfully within the intersection.
- B. In addition, vehicular traffic turning left or making a u-turn movement to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
- (2) Vehicular traffic facing a green arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
 - A. Pedestrians lawfully within an associated crosswalk.
 - B. Other traffic lawfully using the intersection.
- (3) A. Unless otherwise directed by a pedestrian signal indication, as provided in Section 313.05, pedestrians facing a circular green signal indication are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection or so close as to create an immediate hazard at the time that the green signal indication is first displayed.
- B. Pedestrians facing a green arrow signal indication, unless otherwise directed by a pedestrian signal indication or other traffic control device, shall not cross the roadway.
- (b) Steady Yellow Signal Indication:
 - (1) Vehicular traffic facing a steady circular yellow signal indication is thereby warned that the related green movement or the related flashing arrow movement is being terminated or that a steady red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady circular yellow signal indication is displayed.
 - (2) Vehicular traffic facing a steady yellow arrow signal indication is thereby warned that the related green arrow movement or the related flashing arrow movement is being terminated. The provisions governing vehicular operation under the movement being terminated shall continue to apply while the steady yellow arrow signal indication is displayed.
 - (3) Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, shall not start to cross the roadway.
- (c) Steady Red Signal Indication:
 - (1) A. Vehicular traffic facing a steady circular red signal indication, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, before then before entering the intersection; and shall remain stopped until a signal indication to proceed is displayed except as provided in subsections (c)(1), (2) and (3) of this section.

- B. Except when a traffic control device is in place prohibiting a turn on red or a steady red arrow signal indication is displayed, vehicular traffic facing a steady circular red signal indication is permitted to enter the intersection to turn right, or to turn left from a one-way street, after stopping. The right to proceed with the turn shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (2) A. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection; and shall remain stopped until a signal indication or other traffic control device permitting the movement indicated by such red arrow is displayed.
- B. When a traffic control device is in place permitting a turn on a steady red arrow signal indication, vehicular traffic facing a steady red arrow indication is permitted to enter the intersection to make the movement indicated by the arrow signal indication, after stopping. The right to proceed with the turn shall be limited to the direction indicated by the arrow, and shall be subject to the provisions that are applicable after making a stop at a stop sign.
- (3) Unless otherwise directed by a pedestrian signal indication as provided in Section 313.05 or other traffic control device, pedestrians facing a steady circular red or steady red arrow signal indication shall not enter the roadway.
- (4) Local authorities by ordinance, or the Director of Transportation on State highways, may prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Flashing Green Signal Indication. A flashing green signal indication has no meaning and shall not be used.
- (e) Flashing Yellow Signal Indication:
 - (1) A. Vehicular traffic, on an approach to an intersection, facing a flashing circular yellow signal indication, is permitted to cautiously enter the intersection to proceed straight through or turn right or left or make a u-turn movement except as such movement is modified by lane-use signs, turn prohibition signs, lane markings, roadway design, separate turn signal indications, or other traffic control devices. Such vehicular traffic, including vehicles turning right or left or making a u-turn movement, shall yield the right-of-way to both of the following:
 - 1. Pedestrians lawfully within an associated crosswalk;
 - 2. Other vehicles lawfully within the intersection.
 - B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

- (2) A. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow, or other such movement as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right or left or making a u-turn, shall yield the right-of-way to both of the following:
 - 1. Pedestrians lawfully within an associated crosswalk;
 - 2. Other vehicles lawfully within the intersection.
 - B. In addition, vehicular traffic turning left or making a u-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.
 - (3) Pedestrians facing any flashing yellow signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing yellow signal indication is first displayed.
 - (4) When a flashing circular yellow signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory or warning requirements of the other traffic control device, which might not be applicable at all times, are currently applicable.
- (f) Flashing Red Signal Indication:
- (1) Vehicular traffic, on an approach to an intersection, facing a flashing circular red signal indication, shall stop at a clearly marked stop line; but if there is no stop line, before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the provisions that are applicable after making a stop at a stop sign.
 - (2) Pedestrians facing any flashing red signal indication at an intersection, unless otherwise directed by a pedestrian signal indication or other traffic control device, are permitted to proceed across the roadway within any marked or unmarked associated crosswalk. Pedestrians shall yield the right-of-way to vehicles lawfully within the intersection at the time that the flashing red signal indication is first displayed.
 - (3) When a flashing circular red signal indication is displayed as a beacon to supplement another traffic control device, road users are notified that there is a need to pay additional attention to the message contained thereon or that the regulatory requirements of the other traffic control device, which might not be applicable at all times, are currently applicable. Use of this signal indication shall be limited to supplementing stop, do not enter, or wrong way signs, and to applications where compliance with the supplemented traffic control device requires a stop at a designated point.

- (g) General Application: In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (h) Exception. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62. (ORC 4511.13)

313.04 LANE-USE CONTROL SIGNAL INDICATIONS.

- (a) The meanings of lane-use control signal indications are as follows:
 - (1) A steady downward green arrow: A road user is permitted to drive in the lane over which the arrow signal indication is located.
 - (2) A steady yellow "X": A road user is to prepare to vacate the lane over which the signal indication is located because a lane control change is being made to a steady red "X" signal indication.
 - (3) A steady white two-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, but not for through travel, with the understanding that common use of the lane by oncoming road users for left turns also is permitted.
 - (4) A steady white one-way left-turn arrow: A road user is permitted to use a lane over which the signal indication is located for a left turn, without opposing turns in the same lane, but not for through travel.
 - (5) A steady red "X": A road user is not permitted to use the lane over which the signal indication is located and that this signal indication shall modify accordingly the meaning of other traffic controls present.
(ORC 4511.131)
- (b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.99)

313.05 SPECIAL PEDESTRIAN CONTROL SIGNALS.

- (a) Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk", or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:
 - (1) A steady walking person signal indication, which symbolizes "walk", means that a pedestrian facing the signal indication is permitted to start to cross the roadway in the direction of the signal indication, possibly in conflict with turning vehicles. The pedestrian shall yield the right-of-way to vehicles lawfully within the intersection at the time that the walking person signal indication is first shown.

- (2) A flashing upraised hand signal indication, which symbolizes "don't walk", means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady walking person signal indication shall proceed to the far side of the traveled way of the street or highway, unless otherwise directed by a traffic control device to proceed only to the median of a divided highway or only to some other island or pedestrian refuge area.
- (3) A steady upraised hand signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.
- (4) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.
- (5) A flashing walking person signal indication has no meaning and shall not be used. (ORC 4511.14)

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.99)

313.06 FLASHING TRAFFIC SIGNALS.

(Former Ohio R.C. 4511.15 from which Section 313.06 was derived was repealed by House Bill 349, effective April 20, 2012.)

313.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.

(a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, 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 hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices, or the erection upon private property of traffic control devices by the owner of real property in accordance with Ohio R.C. 4511.211 and 4511.432.

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

(b) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4511.16)

313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

- (a) No person without lawful authority, shall do any of the following:
- (1) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;
 - (2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;
 - (3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.
- (b) (1) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If a violation of subsection (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of subsection (a)(1) or (3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony and shall be prosecuted under appropriate state law.

CHAPTER 333
OVI; Willful Misconduct; Speed

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| 333.01 Driving or physical control while under the influence. | 333.04 Stopping vehicle; slow speed; posted minimum speeds. |
| 333.02 Operation in willful or wanton disregard of safety. | 333.05 Speed limitations over bridges. |
| 333.03 Maximum speed limits; assured clear distance ahead. | 333.06 Speed exceptions for emergency or safety vehicles. |
| 333.031 Approaching a stationary public safety, emergency, or road service vehicle. | 333.07 Street racing prohibited. |
| | 333.08 Operation without reasonable control. |
| | 333.09 Texting while driving prohibited. |

CROSS REFERENCES

See sectional histories for similar State law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23
 Failure to control vehicle - see TRAF. 331.34
 Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

- (a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
 - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

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

333.09 TEXTING WHILE DRIVING PROHIBITED.

(a) No person shall drive a motor vehicle on any street, highway, or property open to the public for vehicular traffic while using a handheld electronic wireless communications device to write, send, or read a text-based communication.

(b) Subsection (a) of this section does not apply to any of the following:

- (1) A person using a handheld electronic wireless communications device in that manner for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
- (2) A person driving a public safety vehicle who uses a handheld electronic wireless communications device in that manner in the course of the person's duties;
- (3) A person using a handheld electronic wireless communications device in that manner whose motor vehicle is in a stationary position and who is outside a lane of travel;
- (4) A person reading, selecting, or entering a name or telephone number in a handheld electronic wireless communications device for the purpose of making or receiving a telephone call;
- (5) A person receiving wireless messages on a device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic or weather alerts; or data used primarily by the motor vehicle;
- (6) A person receiving wireless messages via radio waves;
- (7) A person using a device for navigation purposes;
- (8) A person conducting wireless interpersonal communication with a device that does not require manually entering letters, numbers, or symbols or reading text messages, except to activate, deactivate, or initiate the device or a feature or function of the device;
- (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;
- (10) A person using a handheld electronic wireless communications device in conjunction with a voice-operated or hands-free device feature or function of the vehicle.

(c) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (a) 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.

- (d) Whoever violates subsection (a) of this section is guilty of a minor misdemeanor.
- (e) As used in this section:
 - (1) "Electronic wireless communications device" includes any of the following:
 - A. A wireless telephone;
 - B. A text-messaging device;
 - C. A personal digital assistant;
 - D. A computer, including a laptop computer and a computer tablet;
 - E. Any other substantially similar wireless device that is designed or used to communicate text.
 - (2) "Voice-operated or hands-free device" means a device that allows the user to vocally compose or send, or to listen to a text-based communication without the use of either hand except to activate, or deactivate a feature or function.
 - (3) "Write, send or read a text-based communication" means to manually write or send, or read a text-based communication using an electronic wireless communications device, including manually writing or sending, or reading communications referred to as text messages, instant messages, or electronic mail.
(ORC 4511.204)

CHAPTER 335

Licensing; Accidents

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| <p>335.01 Driver's license or commercial driver's license required.</p> <p>335.02 Permitting operation without valid license; one license permitted.</p> <p>335.03 Driving with temporary instruction permit; curfew.</p> <p>335.031 Driving with probationary license; curfew.</p> <p>335.032 Use of electronic wireless communication device prohibited while driving.</p> <p>335.04 Certain acts prohibited.</p> <p>335.05 Wrongful entrustment of a motor vehicle.</p> <p>335.06 Display of license.</p> <p>335.07 Driving under suspension or license restriction.</p> <p>335.071 Driving under OVI suspension.</p> <p>335.072 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension.</p> | <p>335.073 Driving without complying with license reinstatement requirements.</p> <p>335.074 Driving under license forfeiture or child support suspension.</p> <p>335.08 Operation or sale without certificate of title.</p> <p>335.09 Display of license plates; expired or unlawful plates.</p> <p>335.10 License plates to be unobstructed. (Repealed)</p> <p>335.11 Use of illegal license plates; transfer of registration.</p> <p>335.12 Stopping after accident upon streets; collision with unattended vehicle.</p> <p>335.13 Stopping after accident upon property other than street.</p> <p>335.14 Vehicle accident resulting in damage to realty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Deposit of driver's license as bond - see Ohio R.C. 2937.221

Motor vehicle licensing law - see Ohio R.C. Ch. 4503

Driver's license law - see Ohio R.C. Ch. 4507

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510

State point system suspension - see Ohio R.C. 4510.03.6

State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11

Motorized bicycle operator's license - see Ohio R.C. 4511.521

Glass removal from street after accident - see TRAF. 311.01

335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE REQUIRED.

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.

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

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

- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this state or any other jurisdiction, or, in a case involving the operation of a motorcycle by the offender, if the offender has never held a valid license as a motorcycle operator, either in the form of an endorsement upon a driver's or commercial driver's license or in the form of a restricted license, except as otherwise provided in this subsection, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours.

license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.

- (2) Any person who is subject to the operating restrictions established under subsection (c)(1) of this section as a result of a first moving violation may petition the court for occupational or educational driving privileges without being accompanied by the holder's parent or guardian during the period of time specified in that subsection. The court may grant the person such driving privileges if the court finds reasonable cause to believe that the restrictions established in subsection (c)(1) will seriously affect the person's ability to continue in employment or educational training or will cause undue hardship on the license holder or a family member of the license holder. In granting the driving privileges, the court shall specify the purposes, times, and places of the privileges and shall issue the person appropriate forms setting forth the privileges granted. Occupational or educational driving privileges under this subsection shall not be granted to the same person more than once. If a person is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or subsequent moving violation, any driving privileges previously granted under this subsection are terminated upon the subsequent conviction, plea, or adjudication.
- (3) No person shall violate subsection (c)(1)A. hereof.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the 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 subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

(g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
 - A. A spouse;
 - B. A child or stepchild;

- C. A parent, stepparent, grandparent, or parent-in-law;
 - D. An aunt or uncle;
 - E. A sibling, whether of the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
 - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
 - G. An eligible adult, as defined in Ohio R.C. 4507.05.
- (3) "Moving violation" means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. "Moving violation" does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.071)

335.032 USE OF ELECTRONIC WIRELESS COMMUNICATION DEVICE PROHIBITED WHILE DRIVING.

(a) No holder of a temporary instruction permit who has not attained the age of eighteen years and no holder of a probationary driver's license shall drive a motor vehicle on any street, highway, or property used by the public for purposes of vehicular traffic or parking while using in any manner an electronic wireless communications device.

- (b) Subsection (a) of this section does not apply to either of the following:
- (1) A person using an electronic wireless communications device for emergency purposes, including an emergency contact with a law enforcement agency, hospital or health care provider, fire department, or other similar emergency agency or entity;
 - (2) A person using an electronic wireless communications device whose motor vehicle is in a stationary position and the motor vehicle is outside a lane of travel;
 - (3) A person using a navigation device in a voice-operated or hands-free manner who does not manipulate the device while driving.
- (c) (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) of this section shall be fined one hundred fifty dollars (\$150.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of sixty days.
- (2) If the offender previously has been convicted of a violation of this section, whoever violates this section shall be fined three hundred dollars (\$300.00). In addition, the court shall impose a class seven suspension of the offender's driver's license or permit for a definite period of one year.

(d) As used in this section, "electronic wireless communications device" includes any of the following:

- (1) A wireless telephone;
 - (2) A personal digital assistant;
 - (3) A computer, including a laptop computer and a computer tablet;
 - (4) A text-messaging device;
 - (5) Any other substantially similar electronic wireless device that is designed or used to communicate via voice, image, or written word.
- (ORC 4511.205)

335.04 CERTAIN ACTS PROHIBITED.

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

- (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
- (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
- (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
- (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
- (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.

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

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

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

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.

- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.
- (5) The offender knows or has reasonable cause to believe that the vehicle is the subject of an immobilization waiver order issued under Ohio R.C. 4503.235 and the other person is prohibited from operating the vehicle under that order.

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

- (1) Regarding an operator allegedly in the category described in subsection (a)(1), (3) or (5) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle and shall be punished as provided in subsections (c) to (h) of this section.

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a)(1), (2) or (3) of this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02.
- (2) A. If, within three years of a violation of subsection (a)(1), (2) or (3) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of division (A)(1), (2) or (3) of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.

- B. Whoever violates subsection (a)(4) or (5) of this section is guilty of a misdemeanor of the first degree.
- (3) For any violation of this section, in addition to the penalties imposed under Section 303.99, the court may impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court may order one of the following:
- A. Except as otherwise provided in subsection (c)(3)B. or C. of this section, the court may order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
- B. If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. If issued, the order shall be issued and enforced under Ohio R.C. 4503.233.
- C. If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court may order the criminal forfeiture to the state of the vehicle involved in the offense. If issued, the order shall be issued and enforced under Ohio R.C. 4503.234.
- If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

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

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

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

- (b) (1) Except as provided in subsection (b)(2) hereof, whoever violates this section is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4507.35 or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the first degree. (ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) Except as provided under subsection (b) hereof and Sections 335.072 and 335.074, no person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

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

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

- (d) (1) Whoever violates subsection (a) or (b) hereof, is guilty of a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
- (2) A. Except as provided in subsection (d)(2)B. or C. of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or a substantially equivalent municipal ordinance, the court, in addition to or independent of any other sentence that it imposes upon the offender, may order the immobilization of the vehicle involved in the offense for thirty days and the impoundment of that vehicle's license plates for thirty days in accordance with Ohio R.C. 4503.233.
- B. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to two violations of Ohio R.C. 4510.11 or any combination of two violations of Ohio R.C. 4510.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the immobilization of the vehicle involved in the offense for sixty days and the impoundment of that vehicle's license plates for sixty days in accordance with Ohio R.C. 4503.233.
- C. If the vehicle is registered in the offender's name and if, within three years of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.11, or any combination of three or more violations of Ohio R.C. 4501.11 or Ohio R.C. 4510.111 or 4510.16, or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender may order the criminal forfeiture of the vehicle involved in the offense to the State.

(e) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(f) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.

(g) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section. (ORC 4510.11)

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

335.071 DRIVING UNDER OVI SUSPENSION.

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

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

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

- A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.
- B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).
- C. A license suspension under subsection (e) of this section.

- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
 - B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
 - A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.
 - B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
 - C. A license suspension under subsection (e) of this section.

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

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

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

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

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension.

(f) The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense that is a misdemeanor of the first degree under this section for which the offender is sentenced. (ORC 4510.14)

- (g) (1) If a person is convicted of or pleads guilty to a violation of a municipal ordinance that is substantially equivalent to Ohio R.C. 4510.14, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:
- A. If, within six years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle involved in the offense and the impoundment for thirty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - B. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle involved in the offense and the impoundment for sixty days of the license plates of that vehicle in accordance with Ohio R.C. 4503.233.
 - C. If, within six years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the State of the vehicle the offender was operating at the time of the offense.

- (2) An order for immobilization and impoundment of a vehicle under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.
 - (3) An order for criminal forfeiture of a vehicle under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of a copy of the order from the court, neither the Registrar of Motor Vehicles nor a Deputy Registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order unless, during that period, the court having jurisdiction of the offense that led to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar then shall take the necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(ORC 4510.161)
- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
 - B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
 - (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
 - (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
- (ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION; DRIVING UNDER A
NONPAYMENT OF JUDGMENT SUSPENSION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

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

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

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

- (1) Except as otherwise provided in subsection (d)(2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.16, or any combination of two violations of Ohio R.C. 4510.16 or Ohio R.C. 4510.11 or 4510.111, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.
(ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Any person who violates this subsection (e) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the Registrar of Motor Vehicles that shows the name, date of birth, and social security number of a person charged with a violation of subsection (a) of this section may be admitted into evidence as prima-facie evidence that the license of the person had not been reinstated by the person at the time of the alleged violation of subsection (a) hereof. The person charged with a violation of subsection (a) hereof may offer evidence to rebut this prima-facie evidence.

(c) Whoever violates this section is guilty of failure to reinstate a license and shall be punished as follows:

- (1) Except as provided in subsection (c)(2) of this section, whoever violates subsection (a) hereof is guilty of an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community - residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of a violation of subsection (a) of this section, the offender previously has pleaded guilty to or been convicted of two or more violations of Ohio R.C. 4510.21(A) or a substantially equivalent municipal ordinance, the offender is guilty of a misdemeanor of the first degree.
- (3) In all cases, the court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

**335.074 DRIVING UNDER LICENSE FORFEITURE OR CHILD SUPPORT
SUSPENSION.**

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

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

(c) Whoever violates subsection (a) of this section is guilty of driving under suspension and shall be punished as provided in subsection (c) of this section.

- (1) Except as otherwise provided in subsection (c)(2) of this section, the offense is an unclassified misdemeanor. The offender shall be sentenced pursuant to Ohio R.C. 2929.21 to 2929.28, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to Ohio R.C. 2929.26; notwithstanding division (A)(2)(a) of Ohio R.C. 2929.28, the offender may be fined up to one thousand dollars (\$1,000); and, notwithstanding division (A)(3) of Ohio R.C. 2929.27, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of Ohio R.C. 2705.02 that may be filed in the underlying case.
- (2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of subsection (A) of Ohio R.C. 4510.111, or any combination of two or more violations of subsection (A) of Ohio R.C. 4510.111, or Ohio R.C. 4510.11 or 4510.16, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree. (ORC 4510.111)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

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

- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;

- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

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

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.
(ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES; EXPIRED OR UNLAWFUL PLATES.

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

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

(b) No person who is the owner of a motor vehicle which is operated or driven upon the public streets or highways within this Municipality shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(c) No person shall operate or drive upon the public streets or highways within this Municipality a motor vehicle acquired from a former owner who has registered the same, while such vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(d) No person who is the owner of a motor vehicle and a resident of Ohio shall operate or drive such motor vehicle upon the public streets or highways within this Municipality, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles. (ORC 4549.12)

(e) No person shall operate or drive any vehicle upon any public street or highway within this Municipality upon which is displayed an expired license plate or an expired validation sticker.

(f) No person shall operate or drive a motor vehicle upon the public streets or highways within the Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;
- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the public streets and highways within this Municipality 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 streets and highways during the thirty day period described in Ohio R.C. 4503.12(C).

A person who fails to comply with the transfer of registration provisions of Ohio R.C. 4503.12 and is charged with a violation of that section shall not be charged with a violation of this section. (ORC 4549.08; Ord. 16-00. Passed 3-6-00.)

(g) Whoever violates Section 335.09(a), (b) or (e) is guilty of a minor misdemeanor; whoever violates Section 335.09(c) or (d) is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on each subsequent offense; whoever violates Section 335.09(f) is guilty of a misdemeanor of the fourth degree on the first offense and a misdemeanor of the third degree on each subsequent offense.

335.10 LICENSE PLATES TO BE UNOBSTRUCTED.

(EDITOR'S NOTE: Former Section 335.10 was repealed by Ordinance 112-02, passed August 19, 2002.)

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(EDITOR'S NOTE: The provisions of former Section 335.11 are now codified in Section 335.09.)

335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

(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 the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the 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 that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall 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.

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.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000)-for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

(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 driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person 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 that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, shall forward to the police authority in the municipality in which the accident or collision occurred 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.

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.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the accident or collision results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.18 or 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.021)

335.14 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 real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.

The offender shall provide the court with proof of financial responsibility as defined in Ohio R.C. 4509.01. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to Ohio R.C. 2929.28 in an amount not exceeding five thousand dollars (\$5,000) for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the motor vehicle before, during or after committing the offense charged under this section. (ORC 4549.03)

CHAPTER 337 Safety and Equipment

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CROSS REFERENCES

See sectional histories for similar State law
 Warning devices for commercial vehicles disabled upon freeways -
 see Ohio R.C. 4513.28
 Slow moving vehicle emblem - see OAC Ch. 4501.13
 Motorized bicycle lights and equipment - see Ohio R.C. 4511.521
 Vehicle lighting - see OAC 4501-15
 Use of stop and turn signals - see TRAF. 331.14
 Wheel protectors for commercial vehicles - see TRAF. 339.05
 Vehicles transporting explosives - see TRAF. 339.06
 Towing requirements - see TRAF. 339.07
 Use of studded tires and chains - see TRAF. 339.11
 Bicycle equipment - see TRAF. 373.05 et seq.

337.01 DRIVING UNSAFE VEHICLES.

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

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

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery. (ORC 4513.02)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway shall display lighted lights and illuminating devices as required by this chapter during all of the following times:

- (1) The time from sunset to sunrise;
- (2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the street or highway are not discernible at a distance of one thousand feet ahead;
- (3) At any time when the windshield wipers of the vehicle are in use because of precipitation on the windshield.

Every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway using only parking lights as illumination.

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

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

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause the operator of a vehicle being operated upon a street or highway to stop the vehicle solely because the officer observes that a violation of subsection (a)(3) 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 subsection, or causing the arrest of or commencing a prosecution of a person for a violation of that subsection.

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, 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 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.
(ORC 4513.10)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

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

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this subsection (b), "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 subsection (b) hereof 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) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, 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 subsection (b) hereof.
- (2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by Section 337.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

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

- (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
- (2) With alternate reflective material complying with rules adopted under this subsection (f);
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as 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 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.

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

- (8) 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.
- (9) Every 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:

	<u>From a speed of 20 miles per hour</u>	
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
		<u>per second</u>
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (10) 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 vehicle. (ORC 4513.20)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

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

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.21)

**337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS
OR NOISE.**

(a) 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.

(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 gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.22)

**337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES
AND REAR.**

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

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.23)

**337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR
POSTER THEREON.**

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

(b) (1) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

- (2) Subsection (b)(1) of this section does not apply to a person who is driving a passenger car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
 - A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
 - B. It does not conceal the vehicle identification number.
- (3) Subsection (b)(1) of this section does not apply to a person who is driving a commercial car with an electronic device, including an antenna, electronic tolling or other transponder, camera, directional navigation device, or other similar electronic device located in the front windshield if the device meets both of the following:
 - A. It does not restrict the vehicle operator's sight lines to the road and highway signs and signals.
 - B. It is mounted not more than six inches below the upper edge of the windshield and is outside the area swept by the vehicle's windshield wipers.

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

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side. (ORC 4513.30)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

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

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

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

- (b) Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

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

337.26 CHILD RESTRAINT SYSTEM USAGE.

(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 Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

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

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

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

(c) When any child who is less than eight years of age and less than four feet nine inches in height, who is not required by subsection (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 Ohio R.C. 4511.01 or a vehicle that is regulated under Ohio R.C. 5104.011, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions on a booster seat that meets federal motor vehicle safety standards.

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

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State that does not conform to the requirements of this section.
- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.
- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)

(c) Specifications.

- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
- (2) Maximum bumper heights shall be determined by the type of vehicle at time of manufacture. If other than a passenger vehicle, the maximum bumper height shall be determined by the gross vehicle weight rating (GVWR) at the time of manufacture. The height shall be measured in terms of the vertical distance between the ground and the bottom of the bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. Frame rail height if bumper modified or altered:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
All Other Vehicles:		
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
- A. A motor vehicle is not equipped with a front and rear bumper.
 - B. The bumper height relative to the frame rails has been altered.
 - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

337.30 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) "Directional signals" means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

CHAPTER 339 Commercial and Heavy Vehicles

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| <p>339.01 Oversize or overweight vehicle operation on State routes; State permit.</p> <p>339.02 Use of local streets; local permit and conditions.</p> <p>339.03 Maximum width, height and length.</p> <p>339.04 Route and load information.</p> <p>339.05 Wheel protectors.</p> <p>339.06 Vehicles transporting explosives.</p> | <p>339.07 Towing requirements.</p> <p>339.08 Loads dropping or leaking; removal required; tracking mud.</p> <p>339.09 Shifting load; loose loads.</p> <p>339.10 Vehicles with spikes, lugs and chains.</p> <p>339.11 Use of studded tires and chains.</p> <p>339.12 Maximum load limits for bridges.</p> |
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CROSS REFERENCES

See sectional histories for similar State law

Weighing vehicle; removal of excess load - see Ohio R.C. 4513.33

Arrest notice of driver - see Ohio R.C. 5577.14

Slower moving vehicles to be driven in right-hand lane - see
TRAF. 331.01(b)

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

(a) No person shall operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02. (ORC 4513.34)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.

(a) Except as provided in this section, no person shall operate any truck, commercial tractor (with or without a semitrailer attached) or other motor vehicle, being a gross weight of 10,000 pounds or more upon any street or highway within the City, other than U.S. routes or state routes or the intersections thereof, unless the weight limit for any particular street or highway is otherwise modified by the City. When a semitrailer is attached to another and separate motor vehicle, then the gross weight shall include the motor vehicle, semitrailer and load for determining gross weight.

(b) Any truck or commercial tractor and semitrailer, which are not overloaded by state standards while on state routes, may be driven upon any street or part of a street, for the shortest possible distance from the closest U.S. route or state route only to load or unload merchandise, freight, or material to a place or location on or off the street or part thereof, and also provided there is no other means of ingress to and egress from the place or location.

(c) Nothing in subsection (a) or (b) hereof shall be construed as to limiting the City's authority to increase or decrease weight limits on the City streets or highways. Further, it is not a violation of this section to traverse the City streets or highways with greater weight limits at the direction of a police officer or when following a posted detour. This section does not apply to any truck, commercial tractor, semitrailer vehicle, motor vehicle or other apparatus belonging to or used by the City.

(d) "Truck", "commercial tractor", "semitrailer", "motor vehicle", "vehicle", "gross weight", and "streets and highways" as used in this section shall have the meaning as defined in Section 4511.01 of the Ohio Revised Code. (Ord. 74-96. Passed 7-1-96.)

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

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

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

- (b) No such vehicle shall have a width in excess of:
- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
 - (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions of roads over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
 - (3) 132 inches for traction engines;
 - (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
 - (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions of State highways as the Director designates.
- (c) No such vehicle shall have a length in excess of:
- (1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
 - (2) 45 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State highways or portions of State highways as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semi-trailer combination on such State highways or portions of State highways as the Director designates;
 - (5) A. 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
B. 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
 - (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;
 - (7) 45 feet for recreational vehicles.
 - (8) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

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

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

(f) The widths prescribed in subsection (b) 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 subsection (b)(5) shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, nonproperty carrying devices or components that do not extend more than twenty-four inches beyond the rear of the vehicle and are needed for loading or unloading, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, that the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission of the rules, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree. (ORC 5577.99)

339.04 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

339.05 WHEEL PROTECTORS.

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

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

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

(a) Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

- (1) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.
- (2) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle. (ORC 4513.29)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

339.07 TOWING REQUIREMENTS.

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

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

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

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five 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 miles and at a speed of twenty-five miles per hour or less shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

- (1) An agricultural tractor may tow or draw more than one such vehicle;
- (2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle. (ORC 4513.32)

(e) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD.

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street, highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place.
(ORC 4513.31)

(c) No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed. (ORC 4513.31)

(e) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)

339.09 SHIFTING LOAD; LOOSE LOADS.

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 337.08.

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

339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS.

(a) No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power. (ORC 5589.08)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 5589.99)

339.11 USE OF STUDED TIRES AND CHAINS.

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meanings as given those terms in Chapter 301.

- (b) (1) Except as provided in subsection (b)(2) hereof, no person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.
- (2) A person may operate a motor vehicle that is equipped with retractable studded tires with the studs retracted at any time of the year, but shall operate the motor vehicle with the studs extended only as provided in subsection (b)(1) hereof.

(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.
(ORC 5589.081)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 5589.99)

339.12 MAXIMUM LOAD LIMITS FOR BRIDGES.

The following maximum load limits are established for the following bridges within the City of Napoleon, Ohio:

<u>Bridge</u>	<u>Load Limit (Tons)</u>
Stevenson Street	14
Rye Street	7
Reynolds Street	40
Lagrange Street	40

(Ord. 045-08. Passed 6-2-08.)

341.04 PROHIBITIONS.

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

- (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
- (2) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;
- (3) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.

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

(ORC 4506.04)

341.05 CRIMINAL OFFENSES.

(a) No person who holds a commercial driver's license or operates a motor vehicle for which a commercial driver's license is required shall do any of the following:

- (1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
- (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
- (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;
- (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
- (5) Drive a motor vehicle while under the influence of a controlled substance;
- (6) Drive a motor vehicle in violation of Ohio R.C. 4511.19 or a municipal OVI ordinance as defined in Ohio R.C. 4511.181;
- (7) Use a motor vehicle in the commission of a felony;
- (8) Refuse to submit to a test under Ohio R.C. 4506.17 or 4511.191;
- (9) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;
- (10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
- (11) Fail to stop after an accident in violation of Sections 335.12 to 335.14;
- (12) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
- (13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispose a controlled substance.

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

(ORC 4506.15)

341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
- (2) The dates the applicant was employed by these employers;
- (3) The reason for leaving each of these employers.

(b) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

- (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
- (2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
- (3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;
- (4) The driver has more than one driver's license.

(c) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.05.

(d) Whoever violates subsection (c) of this section may be assessed a fine not to exceed ten thousand dollars. (ORC 4506.20)

- (1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim. If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender. All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18. If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments. The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.
- (2) Fines. A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
 - B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
 - C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
 - D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
 - E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).
- (3) Reimbursement of costs of sanctions.
- A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
 - 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
 - B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section. (ORC 2929.28)
- (b) Jail Terms.
- (1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:
 - A. For a misdemeanor of the first degree, not more than one hundred eighty days;
 - B. For a misdemeanor of the second degree, not more than ninety days;
 - C. For a misdemeanor of the third degree, not more than sixty days;
 - D. For a misdemeanor of the fourth degree, not more than thirty days.
 - (2)
 - A. A court that sentences an offender to a jail term under this section may permit the offender to serve the sentenced in intermittent confinement or may authorize a limited release of the offender as provided in Ohio R.C. 2929.26(B). The court retains jurisdiction over every offender sentenced to jail to modify the jail sentence imposed at any time, but the court shall not reduce any mandatory jail term.
 - B.
 1. If a prosecutor, as defined in Ohio R.C. 2935.01, has filed a notice with the court that the prosecutor wants to be notified about a particular case and if the court is considering modifying the jail sentence of the offender in that case, the court shall notify the prosecutor that the court is considering modifying the jail sentence of the offender in that case. The prosecutor may request a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, and, if the prosecutor requests a hearing, the court shall notify the eligible offender of the hearing.
 2. If the prosecutor requests a hearing regarding the court's consideration of modifying the jail sentence of the offender in that case, the court shall hold the hearing before considering whether or not to release the offender from the offender's jail sentence.

(j) Surety Bond. Any holder of a license under this section, shall file with the City Manager a surety bond equivalent to or a cash sum of ten thousand dollars (\$10,000) running to the City to be used by the City for clean up efforts as a result of any garbage, refuse, rubbish, or other waste being leaked, shifted, blown away, or otherwise escaping as a result of collection or disposal efforts by the hauler onto public or private property; or to be used for the payment of any assessed but unpaid fines. Any amounts deducted from the bond or check is subject to the appeal process found in this section, except that the topic will be related to the clean up fee as being due and reasonable. Any interest accrued as a result of the posting of cash shall be the property of the City to set-off expenses related to regulation of waste.

(k) Applicant and Vehicle Compliance. No license shall be issued or remain valid under this section to any applicant or licensee unless the City Manager has found that:

- (1) Such applicant or licensee has vehicle(s) which are equipped for collection of garbage, refuse, rubbish or other waste and must be all metal, watertight, packer-type bodies or roll-off that are designed and manufactured for sanitary collection of such wastes; further,
- (2) Such applicant or licensee must be and remain in conformance with local, State and Federal law as it relates to the collection and hauling of waste; also
- (3) Such applicant or licensee must be and remain properly licensed and insured as may be otherwise required by law.

(l) Fee. The initial application/license fee shall be one hundred dollars (\$100.00) and one hundred dollars (\$100.00) for each consecutive renewal. Said amount includes both the application and license fee, nonrefundable if the application or license is denied or canceled. Renewals due to cancellation shall be the same fee as original applications/license fees. (Ord. 60-96. Passed 6-3-96.)

925.11 PRIVATE HAULERS.

Commercial producers of garbage, refuse, rubbish, yard waste, solid waste, hazardous waste or other waste, herein mentioned or not, or commercial haulers of such waste who are granted the right to convey such materials by the City in their own conveyance, shall accomplish the same in trucks or vehicles so constructed as to prevent the leakage or scattering of such material. (Ord. 28-95. Passed 4-3-95.)

925.12 ROUTE-SCHEDULES.

(a) Collections will be made in accordance with a regular route schedule established by the Operations Superintendent. Time of collections can vary due to weather conditions, City approved holidays, difference in volumes of pickup materials, failure of equipment, etc. Should a permanent change in any collection route become necessary, notification of the change will be carried in newspaper advertisements, or other convenient form of notification at least 5 days before the beginning in change of pickup time.

(b) No garbage or refuse collections will be made on Sundays and, generally, not City approved holidays. Collection schedules for weeks during which holidays occur will be carried in the local newspaper. (Ord. 28-95. Passed 4-3-95.)

925.13 RATES.

(a) The following rates are established as a monthly base fee as it relates to City bag refuse service, and shall be charged to each subscriber utilizing or mandated to utilize the City's bag refuse service. Commercial use of residential type recycling service is permitted in accordance with paragraph (c). Nothing in this provision shall be construed as mandating the City to provide refuse service outside its corporate limits.

Inside Corporate Limits
\$18.00

Outside Corporate Limits
\$24.30

(b) Each subscriber to the City's bag refuse service will be permitted to have one bag of garbage or refuse, per week, at no additional cost (without necessity of a tag), as part of the established monthly fee paid by all City bag refuse subscribers; thereafter, there will be a charge of \$2.00 per tag that shall be affixed to the outside of each bag after the first one bag as provided for in Section 925.07. Tags may be purchased at the office of the City Utilities Department or at other locations as may be designated.

(c) Commercial recycling service when provided by the City, in or outside the corporation limits, shall be at the rate of \$18.00 per month for up to six residential type recycling bins with additional bins, up to ten in total, at the rate of \$1.00 per month for each additional bin over six. Levels of service shall be established on an annual basis.

(d) Low occupancy: The City will allow residential customers to request a partial credit on the monthly refuse charge provided the residential customer demonstrates and/or proves that no garbage was generated during the entire month and/or billing cycle. Proof will be in the form of a sworn affidavit signed and notarized by the residential customer stating the reason for non-generation of garbage and requesting a partial credit for the period of the billing cycle. Refuse charge will remain on the monthly bill and requests must be made after each billing cycle, and no later than sixty (60) days after the utility bill "billing due date" for which the request of is being made. Proof will be subject to verification by the Refuse Collection Department in operations. Additionally, the customer's utility account will be checked for consumption history of electric, water, and sewer. If consumption history is minimal for electric and there is neither water nor sewer consumption during the time period of the billing the request will be approved. However, if there is average or normal consumption history for electricity or there is water or sewer usage the request will not be approved. Approved requests will be credited to customer account on the next earliest possible billing. However, the customer will not receive any credit for special sanitation services as established in Section 925.17(b). The customer's affidavit is only valid for six (6) months and must be renewed thereafter. Affidavit forms will be provided upon request. (Ord. 067-12. Passed 11-19-12.)

925.14 RULES AND REGULATIONS.

(a) The City may promulgate other rules and regulations not inconsistent herewith, pertaining to the collection and disposal of solid waste, garbage, refuse, rubbish, yard waste, hazardous waste, and all other waste herein mentioned or not, as may be deemed advisable.

(b) The City may establish rates for exceptional classifications not herein provided for. Collections may be discontinued whenever it shall appear that a person receiving service has violated any of the provisions of this chapter or any of the rules and regulations provided for herein, or has failed to pay the charges for service billed to him. Sanitation Department collection crews will carry information tags to place on container advising of infractions of the rules and regulations when a violation is found. However, the failure to place an information tag on the container does not bar prosecution of a violation.

(c) The Board of Public Affairs, in and for the City, shall recommend rules and regulations governing the disposal and dumping at a yard waste collection site of the City that may be adopted by resolution or ordinance of Council. Any rules and regulations in effect prior to the adoption of this chapter shall remain valid. Said rules and regulations shall be posted in a conspicuous place at the yard waste site and shall be filed with the office of the City's Finance Director. Said rules and regulations shall be strictly complied with by all persons. It shall be a violation of this chapter for any person to fail to comply with the rules and regulations so established.

(d) The City Manager or his designated agent of the City shall enforce this chapter and make all reasonable effort to discover alleged violators, notify the proper prosecuting authority whenever the City Manager has reasonable grounds to believe that a violation has occurred, act as a complainant in the prosecution thereof, and aid officers to the best of his ability in prosecutions. The City Manager shall direct the employees of the City's Sanitation Department to make the investigations and inspections. (Ord. 28-95. Passed 4-3-95.)

925.15 UNAUTHORIZED REMOVAL OF GARBAGE OR REFUSE.

Except as provided for in Section 925.06, it shall be unlawful for any person, other than a duly authorized employee of the City Sanitation Department or an authorized licensed collection service, to take, collect, or remove any garbage, refuse, rubbish or other waste, herein mentioned or not, of another which has been placed for collection or disposal. (Ord. 28-95. Passed 4-3-95.)

925.16 PURCHASE OF TAGS AND UTILITY PAYMENTS

(a) Tags shall be purchased in advance from the Utilities Department of the City or their designated agent and, when required, shall be firmly affixed to the bag containing the garbage or refuse. If no tag is found affixed at time of scheduled collection (except for the one weekly bag of garbage or refuse that is allowed at no additional charge by the City), the garbage or refuse will not be collected.

(b) If a customer makes payment on or before the due date of a bill to an agent designated or authorized by the public utility to accept payment, the payment shall not be considered past due regardless of whether or not it is received in the company offices by the due date. (ORC. 4905.775) (Ord. 28-95. Passed 4-3-95.)

925.17 CHARGE FOR SPECIAL SANITATION SERVICES.

(a) No additional fee, except as may be otherwise provided in this chapter, shall be charged to subscribers utilizing the City's bag refuse service within the corporation limits of the City for the purpose of providing the following special sanitation services:

- (1) The City's seasonal pickup program at a time or times as determined by the City;
- (2) Limited leaf collection each year;
- (3) Mosquito control (within the City);
- (4) Specially-announced pickups for storm debris;
- (5) Yard-waste drop-off site operation;
- (6) Equipment and supply costs for a curbside recycling program;
- (7) Operating costs for a curbside recycling program;
- (8) Pickup of public garbage containers (within the City).

(b) The sum of \$5.00 per month shall be charged to all electric utility accounts, other than all subscribers utilizing the City's bag refuse service as provided in division (a) above, within the corporation limits of the City for the purpose of providing the following special sanitation services:

- (1) Mosquito control;
- (2) Specially-announced pickups for storm debris;

- (3) Yard-waste drop-off site operation;
- (4) Pickup of public garbage containers.
(Ord. 088-08. Passed 12-8-08.)

925.18 DISPOSAL REGULATIONS AND EXTRAORDINARY FEES DURING CITY'S SEASONAL PICKUP PROGRAMS.

The City hereby establishes an additional charge for the disposal of all white ware (which shall include, but not be limited to, refrigerators, stoves, freezers, washers, dryers, air conditioners and water heaters, regardless of their color) and tires during times of the City's seasonal pickup program, which charge shall be the approximate disposal cost thereof incurred by the City. The City will publish in advance of the pickup the number of tags to be affixed to each item. Only those items properly tagged and properly placed for pickup will be picked up, except as herein provided. During the City's seasonal pickup program, improperly prepared, tagged, or placed material or other items found along a curb, alley, or other area, that appear to be placed for purpose of pickup, shall be deemed authorized for pickup by the City's Sanitation Department. Improperly prepared, tagged, or placed material or other items shall be considered a specially requested pickup service as provided for in Section 925.19.
(Ord. 088-08. Passed 12-8-08.)

925.19 CHARGES FOR SPECIALLY REQUESTED PICKUP SERVICES.

The following items, although not an exhaustive list, shall be considered specially requested pickup services by the Sanitation Department of the City. Any such item shall incur additional charges, which charges shall be closely calculated as the actual labor, equipment and disposal cost thereof as incurred by the City. Such labor, equipment and disposal cost shall be recommended by the Board of Public Affairs, approved by motion of Council and placed on file with the City Finance Director, subject to modification. Any modification of rates shall be on file 7 days prior to the effective date for public viewing:

- (a) All appliances, which shall include, but not be limited to, refrigerators, stoves, freezers, washers, dryers, air conditioners, water heaters, dishwashers, compactors.
- (b) Furniture, including, but not limited to, couches, chairs and tables.
- (c) Loose yard waste, including, but not limited to, brush, leaves and other vegetative wastes.
- (d) All other items and loose materials.
- (e) Tires and automotive parts and any other item, mentioned or not, that is not part of the normal weekly garbage or refuse pickup. (Ord. 28-95. Passed 4-3-95.)

925.20 ESTABLISHMENT OF YARD WASTE MANAGEMENT PROGRAM.

There has been and is established a yard waste management program in and for the City, which includes the mandatory separation of yard waste from other waste material discarded for collection, removal and disposal by the City's Sanitation Department.
(Ord. 28-95. Passed 4-3-95.)

925.21 SEPARATION OF YARD WASTE.

Prior to placing garbage, refuse, or rubbish for collection, removal and disposal by the City's collection service, every person shall separate yard waste from other garbage, refuse, or rubbish. (Ord. 28-95. Passed 4-3-95.)

925.22 PROHIBITION AGAINST PLACING YARD WASTE FOR COLLECTION.

Except as provided for in Section 925.19, it shall be a violation of this chapter for any person to place yard waste for collection, removal or disposal by the City's Sanitation Department.
(Ord. 28-95. Passed 4-3-95.)

- (c) The capacity of service shall be determined by the City and, normally, shall be equal to the size of the consumer's water meter.

*Except for bulk sales direct from the Water Plant, both capacity and commodity water charges outside the City are charged at approximately fifty percent (50%) higher than in the City, unless otherwise modified by rule or terms of a contract. Nothing in this section shall be construed to prohibit the City from increasing or decreasing the percentage stated in a contract where not otherwise prohibited by law.

- (d) No deduction in capacity charge (from the beginning of time) is applicable as it relates to governmental buildings, schools, and charitable institutions.

- (e) Water testing fees shall be as follows:

- | | | | |
|-------------------------------|----------|------|---------|
| (1) Testing bacteria | mmo/mugg | /Smp | \$12.00 |
| (2) Calibrate chlorine meters | | /Mtr | \$25.00 |

(Ord. 080-11. Passed 12-19-11.)

931.08 WATER TAP AND SERVICE LINE FEES.

The water tap rates and service line fees charged by the City shall be as follows, except as may be permitted by rule:

- (a) Water tap and service line fees shall be as follows:

<u>DIA</u> <u>Size Tap</u>	<u>Meter Size</u>	<u>Tap and Service Line Charge</u>	
		<u>Inside City</u>	<u>Outside City</u>
1.00"	5/8"	\$ 1,200.00	\$ 1,680.00
1 00"	3/4"	1,300.00	1,820.00
1.00"	1"	1,400.00	1,960.00

- (b) For water tap and service lines of one and one-half inch or larger in nominal diameter, regardless of the meter size, the fee shall be based on the City's actual incurred labor and material costs associated with installation of the larger service, including but not limited to: the tap, lines, meter, meter installation, and other appurtenances and costs associated thereto, plus twenty-five percent (25%). The labor costs shall be based on an established hourly rate that will be on file in the City's Department of Utility Collections, which may be amended from time to time.

- (c) Any water tap made outside the City limits, on City owned lines, shall pay in addition to what has been stated in subsection (a) or (b) hereof, a four thousand dollar (\$4,000) fee.

- (d) A service connection fee is established to pay for the City's share of facilities required to serve the premises and to offset the cost of the City providing a copper setter, meter, installation, wiring and any applicable transmitter in multiple lot subdivisions and developments within the corporate limits that are or have been constructed to City standards. A service connection fee shall be in lieu of a tap fee for water service as follows for 1" inch taps, except as may otherwise be provided by rule.

For 1" tap that has been provided by property developer, builder or contractor:

5/8" meter \$350.00

3/4" meter \$440.87

1" meter \$525.00

A 1 1/2" tap or larger service connection fee shall be based on time and material plus 25%. The labor costs shall be based on an established hourly rate that will be on file in the City's Department of Utility Collections, which may be amended from time to time.

- (e) Service connection fees for secondary metering shall be based on time and material plus 25%. The labor costs shall be based on an established hourly rate that will be on file in the City's Department of Utility Collections, which may be amended from time to time.
- (f) All known fees shall be paid by the applicant in advance of any work or design being performed by the City. All estimated fee amounts related to water tap and service charges shall be deposited, in cash, money order, or certified check, with the City Department of Utility Collections before any work or design by the City will commence. Any deposit over the actual fee shall be returned to the applicant within sixty days of completion of work; further, any amounts incurred over the deposit amount shall be paid by the applicant to the City within thirty days of being invoiced.
- (g) In the event that a person (person being defined as any individual, corporation, business trust, estate, trust, partnership; or association) acquires nuisance property within the corporation limits of the City of Napoleon and said person demolishes the nuisance property the City will waive the fee for the new water tap if within two (2) years from the date of the issuance of the demolition permit the person builds a code compliant structure that requires water service, so long as the tap on the new structure is the same size as the previous tap.
(Ord. 060-12. Passed 9-17-12.)

931.09 SANITARY SEWER RATES FOR INSIDE AND OUTSIDE CORPORATION LIMITS.

The sanitary sewer rates charged by the City shall be as follows, except as may otherwise be permitted by rule:

- (a) It is determined and declared to be necessary to the protection of the public health, safety, welfare, and convenience of the City to establish and collect charges upon all lots, lands, and premises which are served by the municipal sanitary sewer system of the City.
- (b) The following measures shall be used to determine the sewer charges provided to a premises served by the City sanitary sewer system:
 - (1) Any premises using water exclusively supplied by the City and having a water meter acceptable to the City shall be measured by said meter for determining the sanitary sewer charge for the premises.
 - (2) Any owner or other interested party of a premises using water supplied either in whole or in part from sources other than the waterworks system of the City may be required to install water meters satisfactory to the City to the extent necessary to measure all such supplies of water. The quantity of water consumed on said premises shall be deemed to be the aggregate amount disclosed by said meter for the purpose of determining the sanitary sewer charge for the premises.
 - (3) In the event it can be shown to the satisfaction of the City that a portion of the water from any source consumed on said premises does not and cannot enter the City sanitary sewer system, then in such case the owner or other interested party may, at the owner's or interested party's expense, install and maintain separate metering devices, subject to inspection and testing by the City, to the extent necessary to demonstrate to the satisfaction of the City that only a portion of the water consumed on the premises is being discharged into the City sanitary sewer system, which portion shall constitute the basis for measuring the sanitary sewer charge for said premises. In the event that such metering devices are impractical, then

- other reliable evidence produced by the owner or other interested party may be considered by the City Manager, in the City Manager's sole discretion, in adjusting sewer charges. (Ord. 107-07. Passed 11-5-07.)
- (4) Effective with the billing cycle in July of the year 2010, to be reflected in the first billing in August of the year 2010, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$25.34	\$25.34
Outside Corporation Limits	\$50.85	\$50.85

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100cf	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$4.03	\$4.03
Outside Corporation Limits	\$8.55	\$8.55

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L	\$0.15
Charge per pound of SS above 250 MG/L	\$0.15
Charge per pound of phosphorus above 7 MG/L	\$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12: (To be charged in addition to the Capacity and Commodity Charge)

- (5) Effective with the billing cycle in January of the year 2011, to be reflected in the first billing in February of the year 2011, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$26.61	\$26.61
Outside Corporation Limits	\$53.39	\$53.39

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100CF	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$4.23	\$4.23
Outside Corporation Limits	\$8.98	\$8.98

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L \$0.15

Charge per pound of SS above 250 MG/L \$0.15

Charge per pound of phosphorus above 7 MG/L \$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12: (To be charged in addition to the Capacity and Commodity Charge)

- (6) Effective with the billing cycle in January of the year 2012, to be reflected in the first billing in February of the year 2012, and each billing thereafter, the following rate structure related to sanitary sewer charges shall be charged as follows, except as may otherwise be permitted by rule:

Wastewater (Sanitary Sewer) Service Charge:

Capacity Charge (Base Charge):

Charges per Month	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$27.94	\$27.94
Outside Corporation Limits	\$56.06	\$56.06

Commodity Charge: (To be charged in addition to the Capacity Charge)

Commodity Charge/100CF	<u>Residential</u>	<u>Commercial or Industrial</u>
Inside Corporation Limits	\$4.44	\$4.44
Outside Corporation Limits	\$9.43	\$9.43

Industrial metering and monitoring charge: \$25.00 per sample

Excess Strength surcharges:

Charge per pound of CBOD above 200 MG/L \$0.15

Charge per pound of SS above 250 MG/L \$0.15

Charge per pound of phosphorus above 7 MG/L \$0.15

CBOD = Carbonaceous Biological Oxygen Demand

SS = Suspended Solids

MG/L = Milligrams per Liter

CF = Cubic Feet

Overflow Abatement Charge pursuant to Section 931.12: (To be charged in addition to the Capacity and Commodity Charge)

(c) Disposal of Domestic Septage.

- (1) Domestic septage accepted. The City accepts hauled domestic septage from approved hauling companies for disposal at the City's Wastewater Treatment Plant or other place as may be designated by the City's Wastewater Superintendent. The City's Wastewater Superintendent shall

- determine what constitutes an "approved hauling company". As used in this Ordinance, septage is considered waste collected from septic tanks in place for domestic type use. It contains partially treated household waste disposed through a homes plumbing system or other similar type waste commonly disposed in toilets, sinks, and showers.
- (2) Company information required. Companies wishing to haul septage to the City's disposal site must apply to the City's Wastewater Superintendent and provide:
 - A. Company contact and ownership information;
 - B. Information about the types and capacities of the trucks used to haul septage;
 - C. Information about the source and characteristics of the septage to be hauled; and,
 - D. Approximate daily/weekly/monthly volumes which are planned to be hauled.
 - (3) Internal Policy Compliance. All hauled septage accepted at the City's dumping site must comply with any internal policies as may be established by the City's Wastewater Superintendent.
 - (4) Testing. Testing of the septage may be required prior to the disposal to ensure compliance with the internal policies.
 - (5) Waste manifest. A manifest document as provided by the Henry County, Ohio, Health Department, or other approved manifest as approved by the City's Wastewater Superintendent, is required for each load, prior to disposal. The City Wastewater Superintendent or designee may request to review this septage manifest document and/or inspect and test the load to confirm that the material being delivered can be accepted.
 - (6) Prior disposal arrangements. The City's Wastewater Treatment Plant or other designated facility must be contacted prior to each disposal so that arrangements can be made to access the facility.
 - (7) Rates. The rate for dumping septage shall be six cents (.06) per gallon. (Ord. 019-10. Passed 5-3-10.)

931.10 SANITARY SEWER TAP FEES.

(a) A sanitary sewer tap fee (service connection fee) shall be charged for each connection to the City's sanitary sewer system as follows: (This fee does not cover any labor and material required. Any such labor or materials is a separate charge based on actual cost.)

(b) Charges as contained in this section are applicable and shall be charged for all tributary parcels now in the City to which a sanitary sewer has not been assessed and also for all parcels hereafter annexed to the City. This charge is also applicable and shall be made for all new buildings, major additions, or alterations; to buildings causing increased sewage discharge; any land use causing the discharge of sewage into the sewage system; and any change in sewage flow distribution ordered by the City Manager when the redistribution of sewage flow requires the construction of a new trunk line sewer and a new service connection thereto.

- (1) For Lots with single-family dwellings, two family dwellings, or three family dwellings, the sanitary sewer tap charge shall be based upon a minimum of eighty-seven dollars (\$87.00) per 7,200 square feet of land exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis. However, there shall be a cap to the sewer tap charge as follows:

- A. Single-family dwellings maximum charges is \$150.00;
- B. Two family dwellings maximum charge is \$300.00;
- C. Three family dwellings maximum charge is \$450.00.
- (2) For manufactured homes courts, the sanitary sewer tap charge shall be based upon a minimum of eighty-seven dollars (\$87.00) per 7,200 square feet of land exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per dwelling unit location whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.
- (3) For all other developments of any kind, excluding commercial or industrial, the sanitary sewer tap charge shall be based upon a minimum of eighty-seven dollars (\$87.00) per 7,200 square feet of land, exclusive of dedicated streets, or a charge of eighty-seven dollars (\$87.00) per dwelling unit location, whichever is greater. Anything over the first 7,200 square feet of land shall be on a pro rata basis.
- (4) All commercial or industrial uses: the sanitary sewer tap charge shall be six hundred (\$600.00) dollars.
- (5) All sanitary sewer tap fees outside the corporation limits shall be increased fifty percent (50%) from what is stated in this provision.
- (c) Inspection fees for sanitary sewer taps shall be as follows:
 - (1) Single-family and duplex residential: \$60.00
 - (2) Multifamily residential, commercial, and industrial fifty feet in length or less: \$100.00
 - (3) Multifamily residential, commercial, and industrial fifty-one feet in length or more: \$100.00, plus an additional \$10.00 for each fifty foot increment over and above the initial fifty foot length.
 - (4) Inspection fees outside the corporation limits shall be increased by fifty percent (50%) of the rates established in this inspection fee section.
(Ord. 048-12. Passed 7-2-12.)

931.11 NORTH POINTE SERVICE AREA RECOUPMENT FEES.

The purpose of the recoupment fee is to assist in the recoupment of monies paid or be paid by the City for installation of water and sewer services in the North Pointe Service Area: therefore, notwithstanding any other ordinance, resolution, or rule, in addition to any other fee required by the City to be paid for water and sewer service, for the defined area known as "The North Pointe Service Area No. ENG 2004-1", as on file in the Department of Engineering and/or Finance Department, there shall be paid the fees as found in this section in order to receive the respective service, regardless if the property is annexed or not. The rate is based upon the total project cost incurred by the City to provide water and sewer service to the North Pointe Service Area divided by the North Pointe Service Area Benefited Acreage. This fee shall continue for a period of twenty (20) years effective with the passage of this section or until the bonded debt issued by the City to pay those project costs is retired, whichever comes first. Any fee established in this section is not required for those properties or portions thereof located in the North Pointe Service Area that have already been assessed for any of the below mentioned items pursuant to Assessment Ordinance Numbers 27-04, 28-04, 29-04, 30-04 and/or 31-04.

Water Main	\$526.48	per acre
Pump Station	\$536.69	per acre
Collector	\$1,906.40	per acre
East Interceptor	\$896.46	per acre
West Interceptor	\$833.78	per acre.

(Ord. 069-04. Passed 6-21-04.)

- (b) Any person found violating Rules 26.3 or 26.15(C) shall be deemed guilty of a misdemeanor of the fourth degree and the penalties as contained in Section 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.
- (c) Any person found violating Rules 26.1 (A-4); 26.4; 26.5; 26.8; 26.10; 26.11 (A-1); 26.12; 26.14; or 26.15 (A),(B) or (D); 26.17; 26.18 shall be deemed guilty of a misdemeanor of the minor degree and the penalties as contained in Section 501.99 of the Codified Ordinances of the City of Napoleon, Ohio shall apply. Each day a violation continues constitutes a separate violation.
- (d) When a person is found violating any Sub Rule ("provision") found in Rule 26, the appeal procedure as set forth in these Rules shall not apply.
- (e) In addition to any criminal, civil, or administrative penalty that may be applied for a violation of any Rule contained within these Rules, if such violation creates a condition which may be harmful to the health, safety, and welfare of the public, the violation shall be deemed a public nuisance and the City may seek a civil injunction and abatement from a court of competent jurisdiction; further, violations of any water or sewer Rule or the failure to pay in a timely manner an administrative fine will be just cause for termination of service.
- (f) Organizational penalties as provided for in Chapter 501 of the Codified Ordinances of the City of Napoleon, Ohio shall apply to this penalty section.
(Ord. 82-97. Passed 10-20-97.)

CHAPTER 939
Electric Rates

939.01	Authority to establish electric regulations and rates.	939.04	Reserved.
939.02	Rates.	939.05	Net metering.
939.03	Energy Reduction Program.		

CROSS REFERENCES

Power to establish electric light and power rates -
see Ohio R.C. 715.03, 715.06

Power to furnish light power and heat -
see Ohio R.C. 715.06, 717.01

Power to erect electric works - see Ohio R.C. 743.34

939.01 AUTHORITY TO ESTABLISH ELECTRIC REGULATIONS AND RATES.

(a) The Board of Public Affairs of the City shall advise and recommend electric rates and City of Napoleon rules, terms, and conditions governing the sale of electrical service and use of the electric system of the City, subject to enactment by ordinance or resolution of Council. Nothing in this section shall be construed to limit Council's authority to establish, adjust or amend electric rates and amend City of Napoleon rules, terms and conditions governing the sale of electrical service and use of the electrical system in a manner that may be inconsistent with the advice and recommendation of the Board.

(b) The Board shall review monthly, or at times otherwise directed by Council, the PCF rates as it pertains to the City and report its findings to Council.

(c) Except as otherwise provided by law, the rates and rules, terms and conditions governing the sale of electricity by the City, and use of its electrical system established and approved by legislation of Council, shall regulate the use and sale of electricity when furnished by the City, and use of its electrical system when used in the City, unless a separate contract prevails. (Ord. 88-99. Passed 11-15-99.)

939.02 RATES.(a) Residential Service (RS).

- (1) Availability for residential service. Applicable and available to residential users at the residential rate. Applicable and available to persons that live in or occupy single family dwelling units, or houses whether in a form of a house, or multiple apartments when individually metered, used strictly for "residential" or "domestic" purposes. Domestic purposes also includes agricultural pursuits where service is taken through one (1) meter primarily for residential purposes and secondary for the usual farm uses outside the home, but it is not extended to operations of a commercial nature or operations such as processing, preparing or distributing products not raised or produced on the farm, unless such operation is incidental to the usual domestic and farm uses. Is not applicable where more than one (1) dwelling unit (such as an apartment complex or manufactured home park (mobile home park)) is served through a single meter.

Where service is supplied through one (1) meter to an apartment house or multiple dwelling, for billing purposes, the rates will be applied as a single Commercial Customer. The Customer may arrange Customer's service, at Customer's expense, so as to separate the combined service and permit the Utility to install a separate meter for each individual apartment. In such cases, each individual apartment shall be billed as a single Residential Customer.

Except as may be provided herein, if a residential unit is used for both residential and commercial purposes, the applicable Commercial Service Rates shall apply unless the wiring is so arranged so that the residential usage can be separately metered. Hallways and other common facilities of an apartment and condominium building or complex will be billed on the Commercial Service Rate when metering is possible.

- (2) Residential rates schedule.

Customer Charge (per month)

Domestic: \$ 6.00

Rural: \$10.00

Distribution Charge (all kWh)

Domestic: \$0.0169

Rural: \$0.0216

- (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, Demand Charge, and Transition Cost Riders.

(b) Commercial Service (CS).

- (1) Availability for commercial service. Applicable and available to multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes) or apartment complexes when master metered; also applicable and available to commercial, business, professional, industrial, agricultural, and other similar pursuits requiring electrical service.

- (2) Commercial rate schedule.

Customer Charge (Single Phase): \$12.00

Customer Charge (Three Phase): \$18.00

Distribution Charge

All kWh: \$0.0181

- (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, Demand Charge, and Transition Cost Riders.
- (c) Commercial Service-Demand (CSD).
- (1) Availability for commercial service-demand. Applicable and available to multiple dwelling units containing two (2) or more living quarters or dwelling units such as manufactured housing (mobile homes) or apartment complexes when master metered; also available and applicable to commercial, business, professional, industrial, agricultural and other similar pursuits requiring electrical service.
- (2) Rates.
Customer Charge (Single Phase): \$12.00
Customer Charge (Three Phase): \$18.00
Distribution Charge
All kW: \$ 4.57
- (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, Demand Charge, and Transition Cost Riders.
- (4) Adjustment for primary metering. Where the transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the utility may meter the service on the primary side of the transformers, and in such case, the measured values of the meter shall be reduced by five percent (5%), unless otherwise certified by testing at a lesser or greater percentage.
- (5) Substation credit. When the customer furnishes and maintains the complete substation equipment including any other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which said customer is to receive service, the monthly bill shall be credited by an amount equal to \$0.15 multiplied by the billing demand.
- (6) Billing demand. Billing demand shall be the measured demand during the month.
- (d) Large Power Service (LPS).
- (1) Availability for large power service. Applicable and available for service to customers with contracted measured demands of 50 kW or greater and less than 1,500 kW having an average monthly usage of 300 or more kWh (less amount of kWh may qualify at request of customer and approval of City) per 1 kW of demand over a twelve month calendar year and used for nonresidential purposes.
- (2) Rates.
Customer Charge: \$100.00
Distribution Charge
All kVa: \$ 5.52
- (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, Demand Charge, and Transition Cost Riders.

- (4) Adjustment for primary metering. Where the transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the Utility may meter the service on the primary side of the transformers, and in such case, the measured values of the meter shall be reduced by five percent (5%), unless otherwise certified by testing at a lesser or greater percentage.
- (5) Substation credit. When the customer furnishes and maintains the complete substation equipment including any other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which said customer is to receive service, the monthly bill shall be credited by an amount equal to \$0.15 multiplied by the billing demand.
- (6) Billing demand. Billing demand shall be calculated in kVa and be the greatest of:
 - A. The calculated kVa demand during the month.
 - B. The highest calculated kVa for the eleven (11) months prior to the current month, multiplied by 0.70.
- (7) Power factor. The average power factor shall be determined for each month by comparing the kilowatt-hours of power consumed during the month with the reactive power consumed during the month. The Billing Demand (kVa) shall be determined by multiplying the maximum demand (kVa), as calculated for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = Customer Power Factor

- (e) Industrial Power Service (IPS).
 - (1) Availability for industrial power service. Applicable and available for service to customers with contracted measured demands of 1,500 kW or greater and used for nonresidential purposes.
 - (2) Rates for industrial power service.

Customer Charge:	\$100.00
Distribution Charge	
All kVa:	\$ 3.20
 - (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, Demand Charge, and Transition Cost Riders.
 - (4) Adjustment for primary metering. Where the transformer installation (regardless of ownership) is utilized solely to furnish service to a single customer, the Utility may meter the service on the primary side of the transformers, and in such case, the measured values of the meter shall be reduced by five percent (5%), unless otherwise certified by testing at a lesser or greater percentage.
 - (5) Substation credit. When the customer furnishes and maintains the complete substation equipment including any other apparatus necessary for the customer to take service at the voltage of the primary transmission or distribution line from which said customer is to receive service, the monthly bill shall be credited by an amount equal to \$0.15 multiplied by the billing demand.

- (6) Billing demand. Billing demand shall be calculated in kVa and be the greatest of:
 - A. The calculated kVa demand during the month.
 - B. The highest calculated kVa for the eleven (11) months prior to the current month, multiplied by 0.70.
- (7) Power factor. The average power factor shall be determined for each month by comparing the kilowatt-hours of power consumed during the month with the reactive power consumed during the month. The Billing Demand (calculated in kVa) shall be determined by multiplying the maximum demand (kVa), as calculated for the billing period, by the multiplier as indicated in the calculation below:

$$1 + (.9 - pf)$$

where:

pf = Customers Power Factor

- (f) Interdepartmental Service.
 - (1) Availability for interdepartmental service. Applicable and available for electrical energy used for City-owned and operated facilities, excluding street lighting.
 - (2) Rate for interdepartmental service.
Distribution Charge
All kWh: \$0.015
 - (3) Riders. Customers under this schedule shall be subject to the applicable Generation Charge, and Transition Cost Rider as specified in the Generation, Demand and Transition Cost Riders.

(g) Generation, Demand, and Transition Cost Riders. The Generation Charge to the Residential Service (RS) and Interdepartmental Service (IDS) Schedules shall be identical. The Commercial Service Schedule shall have a separate Generation Charge. The Commercial Service Demand (CSD), Large Power Service (LPS) and Industrial Service (IS) Schedules shall have separate Generation and Demand Charges. The calculation of Generation and Demand Charges shall be determined as a product of the following factors:

- (1) Determination of demand and energy costs. The total cost of purchased power is derived primarily from monthly bills rendered by AMP-Ohio. The bills are divided into demand charges (those charges applied by kW) and energy charges (those charges applied by kWh). Any adjustments, fees, and taxes shall be allocated by the percentage of the demand and energy charges of the individual elements of the bills. An additional \$60,000.00 shall be included in the monthly demand and energy costs.
- (2) Allocation of demand and energy costs. Energy costs shall be allocated to customers of the Residential Service (RS), Interdepartmental Service (IDS), Commercial Service (CS), Commercial Service Demand (CSD), Large Power Service (LPS), and Industrial Service (IS) Schedules on the basis of kWh sales during the previous month. The sales totals shall be adjusted to include system losses (kWh deliveries minus kWh sales) and City service not billed.

The demand allocator of the respective classes of customers shall be calculated by the average and excess methodology. The respective demand allocator of each class shall be applied to total demand cost to determine the allocated demand charge to each customer group.

- (3) Reconciliation of revenue collection from previous month. Since the recovery of costs on a going forward basis is determined in part by sales from the previous month, there will be an over or under recovery of costs in the preceding month. Reconciliation is attained by applying the Demand and Generation Charges of the previous month to the respective billing units (kWh, kW and kVa). The actual recovery is then subtracted from the allocated demand and energy costs from the previous month. This will yield over/under recovery of Demand Charge revenue of the CSD, LPS, and IS customers and the respective Generation Charge revenue of the RS, IDS, CS, CSD, LPS and IS customers.

Calculation of Demand and Generation Charges.

The calculation of Demand and Generation Charges is a product of the following:

$$D1 = \frac{CDD + R}{kW}$$

$$D2 = \frac{LPD + R}{KV_{a1}}$$

$$D3 = \frac{ID + R}{KV_{a2}}$$

$$G1 = \frac{RD + RE + R}{kWh1}$$

$$G2 = \frac{CD + CE + R}{KWh2}$$

$$G3 = \frac{CDE + R}{KWh3}$$

$$G4 = \frac{LPE + R}{KWh4}$$

$$G5 = \frac{IE + R}{KWh5}$$

where:

- D1 = Demand charge of the CDS customers;
- D2 = Demand charge of the LPS customers;
- D3 = Demand charge of the IS customers;
- G1 = Generation charge of the RS/IDS customers;
- G2 = Generation charge of the CS customers;

G3 = Generation charge of the CDS customers;
 G4 = Generation charge of the LPS customers;
 G5 = Generation charge of the IS customers;
 RD = Allocated demand costs of the RS/IDS customers;
 CD = Allocated demand costs of the CS customers;
 CDD = Allocated demand costs of the CDS customers;
 LPD = Allocated demand costs of the LPS customers;
 ID = Allocated demand costs of the IS customers;
 RE = Allocated energy costs of the RS/IDS customers;
 CE = Allocated energy costs of the CS customers;
 CDE = Allocated energy costs of the CDS customers;
 LPE = Allocated energy costs of the LPS customers;
 IE = Allocated energy costs of the IS customers;
 kW = Demand billing units (kW) of the CDS customers;
 kVa1 = Demand billing units (kVa) of the LPS customers;
 kVa2 = Demand billing units (kVa) of the IS customers;
 kWh1 = Sales billing units (kWh) of the RS/IDS customers;
 kWh2 = Sales billing units (kWh) of the CS customers;
 kWh3 = Sales billing units (kWh) of the CDS customers;
 kWh4 = Sales billing units (kWh) of the LPS customers;
 kWh5 = Sales billing units (kWh) of the IS customers; and
 R = Allocated over/under recovery of costs from the previous month, by rate class.

(h) Determination of Transition Costs. The Transition Cost Rider shall be calculated and implemented upon the offering of Open Access Service.

Transition costs shall be calculated yearly. The Transition Cost Rider may be adjusted each year based on projected market price, average cost of power from transition cost sources, fixed costs of contracted power supply, implementation costs of the offering of Open Access Service and sales of the previous year. A reconciliation of over or under recovery of transition costs is taken forward to the next year as a debit or credit to transition costs. Projected transition cost recovery is allocated between demand and energy costs and credited to total demand and energy costs of generation. This credit ensures that there will be no double recovery of transition costs.

The Transition Cost Rider shall be applicable to all rate schedules.

(i) Security/Outdoor Light Rate Schedule (non-metered).

175 watt mercury vapor - \$8.25 (when City provides fixture)
 175 watt mercury vapor - \$16.25 (when City provides pole and fixture)
 100 watt and below high pressure sodium - \$6.75 (when City provides fixture)
 100 watt and below high pressure sodium - \$14.74 (when City provides pole and fixture)
 150 watt high pressure sodium - \$7.75 (when City provides fixture)
 150 watt high pressure sodium - \$15.75 (when City provides pole and fixture)
 250 watt mercury vapor - \$10.00 (when City provides fixture)
 250 watt mercury vapor - \$18.00 (when City provides pole and fixture)
 400 watt high pressure sodium - \$13.25 (when City provides fixture)
 400 watt high pressure sodium - \$21.25 (when City provides pole and fixture)

* in the event that a bulb is used that is not listed, the rate shall be the rate as established for the closest in size and type as herein listed.

(j) Definitions.

"City". Means the City of Napoleon, Ohio and its electric utility service.

"Customer Charge". Means a charge resulting from connections to the system, regardless of usage. These costs include portion of lines, service drops, meters, meter reading, billing customer information and records.

"Demand". Means the rate at which electric energy is delivered expressed in kilowatts, or kilovolt amperes.

"Demand Charge". Means a charge to recover demand related costs associated with purchased power.

"Distribution Charges". Means charges that are designed to recover costs associated with the operation of the transmission and distribution systems, with the exception of those costs recovered in the customer charge.

"Generation Charge". Means a charge to recover commodity related (and some demand) costs of producing and/or purchasing power.

"Kilovolt Ampere (KVA)". Means 1,000 voltamperes.

"Kilowatt (KW)". Means 1,000 watts.

"Kilowatt-hour (KWH)". Means the basic unit of electric energy equal to one (1) kilowatt of power supplied to or taken from an electric circuit steadily for one (1) hour.

"Transition Costs". Generally defined as the difference between purchased power costs of those sources where construction costs, market price at the time of contractual obligation, and/or other factors that may cause the fixed and/or average cost of that power to be significantly higher than average market prices. In addition, significant additional system cost assumed as a result of the offering of open access service may also be included.

(Ord. 003-08. Passed 1-7-08.)

939.03 ENERGY REDUCTION PROGRAM.

The City Manager may initiate an Energy Reduction Program to users of electricity having an account classification of commercial, large power or industrial customers whereby credits shall be applied to the customer's electrical invoice, up to 1/2% per 100 KW of pre-selected and approved reduction of electricity use during a rolling 12 continuous month period basis, in return for reduction of electrical consumption by the customer at times of approach of a peaking condition, during an electrical peak condition, or when there has been declared by the City Manager an emergency electrical condition. The program shall be as established in the City's rules, terms and conditions governing sale of electrical service.

(Ord. 87-05. Passed 10-3-05.)

939.04 RESERVED.

EDITOR'S NOTE: This section is reserved for future legislation.

939.05 NEW METERING.

(a) Net Metering. Net Metering means measuring the difference between the electricity supplied over the electric distribution system (power grid) and the electricity generated by the consumer's solar power system which is fed back into the electric distribution system over a specific billing period.

(b) Availability of Service. Net Metering is available to qualifying consumers on a first come, first served basis, who own and operate qualifying consumer-generator facilities designed to operate in parallel with the City's Electric System. The City Manager reserves the right to deny any consumer, for any reason, the ability to enter into a net metering agreement with the City.

(c) Conditions of Service.

- (1) A qualifying consumer is one whose generating facility complies with all the following requirements:
 - A. Is fueled by solar power not to exceed seventy-five percent (75%) of consumer's personal usage load, as determined by the City of Napoleon's Electric Department;
 - B. Is owned and operated by the consumer and is located on the consumer-generator's premises;
 - C. Is designed and installed to operate in parallel with the City's Electric System without adversely affecting the operation of equipment and service of the City and its consumers and without presenting safety hazards to City and consumer personnel; and
 - D. Is intended primarily to offset part or all of the consumer-generator's electricity needs.
- (2) The consumer's generating equipment shall be installed in accordance with the manufacturer's specifications as well as all applicable provisions of the National Electrical Code. All equipment and installations shall comply with all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronic Engineers, and Underwriters Laboratories.
- (3) An application for interconnection with the City's distribution system must be made by the consumer or the consumer's authorized representative. The interconnection permit must provide at least the following information regarding the consumer-generator's facility: Inverter type, size, certification, and manufacturer's specifications including details about circuit protective devices; generation facility certifications; the installing electrician name, address, and phone number; and proof of inspection and approval from the appropriate City inspector(s).

(d) Metering. Net energy metering shall be accomplished using a single meter capable of registering the flow of electricity in each direction. If the existing electrical meter installed at the consumer's facility is not capable of measuring the flow of electricity in two directions, the consumer shall be responsible for all expenses for the purchase and installation of an appropriate meter with such capability. The City may, at the consumer's or the City's expense and with written consent of the consumer, install one or more additional meters to monitor the flow of electricity.

(e) Rate. At the end of the billing period a calculation will be made to determine the difference, if any, between the amount of kWh supplied to the consumer from the City's system and the amount of kWh supplied to the City's system from the consumer.

- (1) Credit: If the consumer generator's facility feeds more kWh of electricity back to the City's system than the City supplies to the consumer, at the same site, during the billing period, then fifty percent (50%) of the excess kWh will be given as a kWh credit for the beginning of the next billing period for the same site. At no time will the consumer be entitled to, nor compensated for, any monetary payout of the excess electricity fed back to the City's system.
- (2) Billing Period: The billing period is January 1st through either December 31st of each calendar year or the last day of the month in which the consumer ceases operation of the net metering agreement, whichever comes first.
- (3) For Example: At the end of the billing period it was determined that consumer X's solar system delivered to the City's system 100 kWh, then consumer X would receive a credit of 50 kWh for that same site.

(f) Special Terms and Conditions.

- (1) Each consumer under a net meter system must carry a minimum of \$100,000.00 in liability insurance naming the City as an additional insured.
- (2) The consumer-generator must install and maintain a manual disconnect switch that will disconnect the net metering facility from the Napoleon Utilities electric system. The disconnect switch must be a lockable, load-break switch that plainly indicates whether it is in the open or closed position. The disconnect switch must be readily accessible to Napoleon Utility personnel at all times and located within 10 feet of the meter. The disconnect switch may be located more than 10 feet from the billing meter provided that permanent instructions are posted at the meter indicating the precise location of the disconnect switch. This information must be indicated on the application form and approved by the Utility.

(g) Additional Charges. The consumer shall pay any additional charges, as determined by the City, for equipment, labor, metering, testing or inspections that are requested by the consumer or needed by the City.

(h) Length of Term. Contracts under this schedule shall be automatically renewed on January 1st of each year, unless either the consumer or the City provides written notice to terminate the agreement within ten (10) calendar days of the renewal.
(Ord. 056-12. Passed 9-17-12.)

(EDITOR'S NOTE: The next printed page is page 65.)