

ORDINANCE NO. 02021-003

AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – TRAFFIC CODE, AS REVISED THROUGH SEPTEMBER 14, 2020, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF Rising Sun, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has prepared and published a Model Ohio Municipal Code – Traffic Code, as revised through September 14, 2020, which components are based upon and consistent with State law through September 14, 2020; and

WHEREAS, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

WHEREAS, Article XVIII, Section 3, of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF Rising Sun, OHIO:

SECTION 1. The 2021 Edition of the Model Ohio Municipal Code – Traffic Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

SECTION 2. One book-form copy of the 2021 Edition of this Model Ohio Municipal Code – Traffic Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

SECTION 3. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2021 Edition of the Model Ohio Municipal Code – Traffic Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

- A. The enactment of the 2021 Edition of the Model Ohio Municipal Code – Traffic Code shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.
- B. The repeal provided above shall not affect:
 - (1) The grant or creation of a franchise, license, right, easement or privilege;
 - (2) The purchase, sale, lease or transfer of property;
 - (3) The appropriation or expenditure of money or promise or guarantee of payment;
 - (4) The assumption of any contract or obligation;
 - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
 - (6) The levy or imposition of taxes, assessments or charges;
 - (7) The establishment, naming, vacating or grade level of any street or public way;
 - (8) The dedication of property or plat approval;
 - (9) The annexation or detachment of territory;
 - (10) Any legislation enacted subsequent to the adoption of this ordinance.


SECTION 4. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23, the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matters covered by it, which summary is attached hereto and marked "Exhibit A."

SECTION 5. Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Model Ohio Municipal Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.


SECTION 6. This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing a Municipal Code that is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including the 2021 Edition of the Model Ohio Municipal Code – Traffic Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all members elected to Council, otherwise from and after the earliest period allowed by law.

Date Passed: 2-23-21

Attest:



Mayor



Clerk of Council

EXHIBIT A

SUMMARY OF NEW MATTER CONTAINED IN THE 2021 EDITION OF THE MODEL OHIO MUNICIPAL CODE – TRAFFIC CODE

PART FOUR - TRAFFIC CODE

TITLE TWO - Administration, Enforcement and Penalties

Chap. 402. Definitions

- 402.01 Meaning of words and phrases

Chap. 404. Enforcement; Impounding

- 404.01 Police may remove ignition key
- 404.02 Resisting an enforcing official
- 404.03 Road workers, motor vehicles and equipment excepted
- 404.04 Emergency, public safety and coroners' vehicles excepted
- 404.05 Application to persons riding, driving animals upon roadway
- 404.06 Application to drivers of government vehicles
- 404.07 Impounding of vehicles; redemption
- 404.08 Traffic direction in emergencies; obedience to school guards
- 404.09 Furnishing false information incident to traffic citation
- 404.99 Penalty

Chap. 406. Traffic Control

- 406.01 Authority and considerations for placement of devices
- 406.02 Conformity with State Manual
- 406.03 Powers of designated person
- 406.04 Posting of signs and signals required
- 406.05 Designated person's powers not limited
- 406.06 Records of designated person
- 406.07 Reservation of power to Council
- 406.08 Violations subject to general code penalty

Chap. 408. Penalties

- 408.01 Penalties for misdemeanor
- 408.02 General code penalty
- 408.03 Suspension of driver's license

TITLE FOUR - Public Ways and Traffic-Control Devices

Chap. 412. Obstruction and Special Uses of Public Ways

- 412.01 Placing injurious material or obstruction in street
- 412.02 Zones of quiet
- 412.03 Play streets
- 412.04 Toy vehicles on roadway
- 412.05 Freeway use prohibited by pedestrians, bicycles and animals
- 412.99 Penalty

Chap. 414. Traffic-Control Devices

- 414.01 Obedience to traffic-control devices
- 414.02 Through streets; stop and yield right-of-way signs
- 414.03 Traffic-control signal terms and lights
- 414.04 Signal to control lane direction of travel
- 414.05 Pedestrian control signals
- 414.06 Unauthorized signs and signals, hiding from view, advertising
- 414.07 Alteration, injury, removal of traffic-control devices
- 414.08 Unauthorized possession or sale of devices
- 414.09 Signal preemption devices; prohibitions
- 414.99 Penalty

Chap. 416. Pedestrians

- 416.01 Duties of pedestrians and drivers at crosswalks
- 416.02 Right-of-way of blind person
- 416.03 Right-of-way yielded by pedestrian; crossing roadways
- 416.04 Moving in crosswalks
- 416.05 Walking on sidewalks and streets
- 416.06 Soliciting rides or business; riding on outside of vehicle or in cargo storage area
- 416.07 Passing through bridge signals or railroad barriers
- 416.08 Right-of-way of public safety vehicles
- 416.09 Right-of-way on sidewalks
- 416.10 Intoxication
- 416.11 Motorized wheelchair operators
- 416.12 Operation of electric personal assistive mobility devices
- 416.13 Operation of personal delivery device on sidewalks and crosswalks
- 416.99 Penalty

TITLE SIX - Operation and Vehicles

Chap. 432. Operation Generally

- 432.01 Driving upon right side of roadway; exceptions
- 432.02 Passing to right when proceeding in opposite directions
- 432.03 Overtaking, passing to left; driver's duties
- 432.04 Overtaking, passing to right of vehicle
- 432.05 Overtaking, passing to left of centerline
- 432.06 Driving upon left side of roadway
- 432.07 Hazardous or no passing zones
- 432.08 Driving within lanes or continuous lines of traffic
- 432.09 Following too closely
- 432.10 Turning at intersections
- 432.11 "U" turns restricted
- 432.12 Starting and backing vehicles
- 432.13 Signals before changing course, turning or stopping
- 432.14 Hand and arm signals
- 432.15 Right-of-way at intersections
- 432.16 Intersections at which traffic-control signals fail or malfunction
- 432.17 Right-of-way when turning left
- 432.18 Operation of vehicle at stop and yield signs

- Chap. 432. Operation Generally (Cont.)
- 432.19 Emergency or public safety vehicles at stop signals or signs
 - 432.20 Right-of-way of public safety or coroner's vehicle
 - 432.21 Driving while approaching stationary public safety vehicle and certain other vehicles with caution
 - 432.22 Right-of-way at private driveway, alley or building
 - 432.23 Stop signs on private roads and driveways
 - 432.24 Right-of-way of funeral procession
 - 432.25 Driving upon sidewalks, tree lawns or curbs
 - 432.26 Driver's view and control to be unobstructed by load or persons
 - 432.27 Driving upon street posted as closed for repair
 - 432.28 Following and parking near emergency or safety vehicles
 - 432.29 Driving over fire hose
 - 432.30 Driving through safety zone
 - 432.31 One-way streets and rotary traffic islands
 - 432.32 Driving upon divided roadways
 - 432.33 Stopping for school bus; actuating visual signals; discharging children
 - 432.34 Driving across grade crossings
 - 432.35 Stopping at grade crossings
 - 432.36 Slow-moving vehicles or equipment at grade crossings
 - 432.37 Obstructing intersections, crosswalks or grade crossings
 - 432.38 "Peeling"; cracking exhaust noises
 - 432.39 Shortcutting across private property
 - 432.40 Entering and exiting controlled-access highway
 - 432.41 Weaving; full time and attention
 - 432.42 Operation on paths set aside for bicycles
 - 432.43 Littering from motor vehicles
 - 432.44 Use of earphones while driving
 - 432.45 Texting while driving prohibited
 - 432.46 Use of electronic wireless communication devices by minors or probationary drivers while driving prohibited
 - 432.99 Penalty
- Chap. 434. O.V.I.; Reckless Operation; Speed
- 434.01 Driving or physical control of vehicle while under the influence of alcohol or drugs
 - 434.02 Immobilizing or disabling device violation
 - 434.03 Reckless operation on streets, public or private property
 - 434.04 Maximum speed limits; assured clear distance ahead
 - 434.05 Speed limits on private roads and driveways
 - 434.06 Slow speed; posted minimum speeds
 - 434.07 Speed limitations over bridges
 - 434.08 Speed exceptions for emergency or safety vehicles
 - 434.09 Reasonable control
 - 434.10 Street racing prohibited
 - 434.11 Vehicular homicide; vehicular manslaughter; vehicular assault
 - 434.12 Operation restricted for mini-trucks and low-speed, under-speed, or utility vehicles
 - 434.99 Penalty

Chap. 436. Licensing; Accidents

- 436.01 Driver's or commercial driver's license required
- 436.02 Possession of more than one license prohibited
- 436.03 Driving with temporary instruction permit
- 436.04 Driving with probationary license
- 436.05 Certain acts prohibited
- 436.06 Owner or operator allowing another to drive
- 436.07 Display of license
- 436.08 Driving under suspension or in violation of license restriction
- 436.09 Operating motor vehicle or motorcycle without valid license
- 436.10 Driving under O.V.I. suspension
- 436.11 Driving under financial responsibility law suspension or cancellation; driving under a nonpayment of judgment suspension
- 436.12 Failure to reinstate license
- 436.13 Operation or sale without certificate of title
- 436.14 Display of license plates; registration; obstructions
- 436.15 Use of illegal license plates
- 436.16 Failure to stop after accident
- 436.17 Stopping after accident on other than public roads or highways
- 436.18 Vehicle accident resulting in damage to realty
- 436.19 Removal of vehicles after accidents
- 436.99 Penalty

Chap. 438. Safety and Equipment

- 438.01 Driving unsafe vehicles; application
- 438.02 Lighted lights; measurement of distances and heights
- 438.03 Headlights on motor vehicles and motorcycles
- 438.04 Tail light; illumination of rear license plate
- 438.05 Rear red reflectors
- 438.06 Safety lighting on commercial vehicles
- 438.07 Obscured lights on vehicles in combination
- 438.08 Red light or red flag on extended loads
- 438.09 Lights on parked or stopped vehicles
- 438.10 Lights on slow-moving vehicles; emblem required; lights and reflectors on multi-wheel agricultural tractors or farm machinery
- 438.11 Spotlight and auxiliary lights
- 438.12 Cowl, fender and back-up lights
- 438.13 Two lights displayed
- 438.14 Use of headlight beams
- 438.15 Lights of less intensity on slow-moving vehicles
- 438.16 Number of lights permitted; red and flashing lights
- 438.17 Lights and sound-producing devices on coroners' vehicles
- 438.18 Vehicles transporting preschool children
- 438.19 Focus and aim of headlights
- 438.20 Motor vehicle and motorcycle brakes
- 438.21 Horn, siren and theft alarm signal
- 438.22 Muffler; muffler cutout; excessive smoke, gas or noise
- 438.23 Rear-view mirror; clear view to front, both sides and rear
- 438.24 Windshield required; sign or poster upon windshield; windshield wiper

Chap. 438. Safety and Equipment (Cont.)

- 438.25 Tinted glass; materials on glass
- 438.26 Limited load extension on left side of passenger vehicle
- 438.27 Motor vehicle stop lights
- 438.28 Bumpers
- 438.29 Air cleaner required
- 438.30 Use of child restraints
- 438.31 Use of occupant restraining devices
- 438.32 Air bags
- 438.99 Penalty

Chap. 440. Commercial and Heavy Vehicles

- 440.01 Load limits
- 440.02 Maximum width, height and length
- 440.03 Wheel protectors
- 440.04 Vehicles transporting explosives
- 440.05 Towing requirements; exception to size and weight restrictions
- 440.06 Loads dropping or leaking; tracking mud; removal required
- 440.07 Vehicles with spikes, lugs and chains
- 440.08 Occupying travel trailer or manufactured home while in motion
- 440.09 Route and load information
- 440.10 Shifting load; loose loads
- 440.11 Chauffeured limousines
- 440.99 Penalty

Chap. 442. Drivers of Commercial Vehicles

- 442.01 Definitions
- 442.02 Use of actual gross weight in lieu of rating
- 442.03 Licensing requirements
- 442.04 Physical qualification to operate commercial motor vehicles
- 442.05 Criminal offenses
- 442.06 Application of 49 C.F.R. Part 383
- 442.07 Information required of prospective drivers by employers; unauthorized driving
- 442.08 Authority of peace officers re drunk driving
- 442.09 Permitting or driving while fatigued or ill prohibited
- 442.99 Penalty

Chap. 444. Bicycles and Motorcycles Generally

- 444.01 Code application to bicycles
- 444.02 Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses
- 444.03 Attaching bicycles, motorcycles to other vehicles
- 444.04 Riding on right side of roadway; riding abreast
- 444.05 Lights, signal devices, brakes on bicycles
- 444.06 Operation of motorized bicycles
- 444.07 Safe riding regulations for bicycles
- 444.08 Parking; locks
- 444.09 Parent's responsibility
- 444.10 Suspension of riding privileges; impounding of bicycles

Chap. 444. Bicycles and Motorcycles Generally (Cont.)

- 444.11 Electric bicycles
- 444.99 Penalty

Chap. 446. Snowmobiles, Off-highway Motorcycles and All-purpose Vehicles

- 446.01 Definitions
- 446.02 Equipment
- 446.03 Code application; prohibited operation
- 446.04 Permitted operation
- 446.05 Licensing requirements of operator
- 446.06 Accident reports
- 446.07 Local control within police power
- 446.08 Registration of vehicles
- 446.09 Operation of off-highway motorcycle or all-purpose vehicle without certificate of title; failure to surrender
- 446.99 Penalty

Chap. 448. Watercraft

- 448.01 Definitions; applicability
- 448.02 Flashing lights prohibited; exceptions
- 448.03 Siren prohibited; exceptions
- 448.04 Regulations for operation of powercraft of more than ten horsepower
- 448.05 Restrictions on child operators; duty of supervisory adult
- 448.06 Reckless operation; maintaining sufficient control; wakes restricted
- 448.07 Unsafe conditions
- 448.08 Marking of bathing and vessel areas
- 448.09 Mooring prohibited in certain areas
- 448.10 Operating under influence of alcohol or drugs prohibited
- 448.11 Implied consent
- 448.12 Incapacitated operators prohibited
- 448.13 Water skiing confined to ski zones
- 448.14 Observer required when towing skier
- 448.15 Water skiing after dark prohibited
- 448.16 Personal flotation device required for towed person
- 448.17 Ski jumps prohibited
- 448.18 Permit for special water events
- 448.19 Sale of single celled inflatable vessels prohibited
- 448.20 Sitting, standing, walking on moving vessels restricted
- 448.21 Engine warm-up required
- 448.22 Personal flotation devices for children under ten
- 448.23 Operation without personal flotation devices prohibited
- 448.24 Distress signal or flag required
- 448.25 Anchor requirements
- 448.26 Specification for fire extinguishers
- 448.27 Backfire flame control device required
- 448.28 Ventilation requirement on powercraft
- 448.29 Abandonment of junk vessels or outboard motors
- 448.30 Exhaust muffler required; noise levels; exceptions
- 448.31 Safety equipment on rental vessels

Chap. 448. Watercraft (Cont.)

- 448.32 Capacity plate
- 448.33 Dwellings; sanitary systems
- 448.34 Prima facie evidence of negligence
- 448.35 Requirements for operating personal watercraft
- 448.36 Numbering
- 448.37 Registration
- 448.38 Altering of serial numbers; false information prohibited
- 448.39 Accident reports
- 448.40 Enforcement
- 448.41 Certificate of title; exceptions
- 448.42 Manufacturer's or importer's certificate
- 448.43 Prohibitions
- 448.44 Permanently displayed hull identification number
- 448.45 Firearms offenses; signaling devices
- 448.46 Tampering with navigation aid or vessel prohibited
- 448.99 Penalty

TITLE EIGHT - Parking

Chap. 452. Parking Generally

- 452.01 Prohibition against parking on streets or highways
- 452.02 Police may remove illegally parked vehicle
- 452.03 Prohibited standing or parking places
- 452.04 Manner of parallel and angle parking; handicapped persons
- 452.05 Willfully leaving vehicles on private or public property
- 452.06 Parking prohibitions on private property; private tow-away zones
- 452.07 Unattended vehicles; duty to lock ignition, remove key, set brake and the like
- 452.08 Opening doors on side available to traffic
- 452.09 Selling, washing or repairing vehicle upon roadway
- 452.10 Truck loading zones
- 452.11 Bus stops and taxicab stands
- 452.12 Parking in alleys and narrow streets; exceptions
- 452.13 Registered owner prima facie liable for unlawful parking
- 452.14 Waiver
- 452.99 Penalty

