

**URBANA CITY COUNCIL  
PUBLIC HEARING  
TUESDAY, NOVEMBER 1, 2022, AT 6:00 P.M.**

The Urbana City Council will hold a public hearing at 6:00 pm on Tuesday, November 1, 2022 in the City Municipal Building Council Chambers located at 205 South Main St. in Urbana, OH 43078 to consider the following proposals:

1. Amend the City of Urbana's official zoning map by rezoning parcels in the area of Lionel Drive, Fulton Avenue and Railroad Street currently designated R-2 Medium Density Residential to R-3 High Density Residential.
2. Amend the City of Urbana's official zoning map by rezoning parcel K48-25-11-04-34-018-00 currently designated M-1 Manufacturing to R-2 Medium Density Residential.
3. Amend the City of Urbana's official zoning map by rezoning parcels in the area of Gwynne Street and North Russell Street currently designated M-1 Manufacturing to BR-1 Business Residential as well as parcels in the same area currently designated R-2 medium density residential to M-1 manufacturing.
4. Amend the City of Urbana's official zoning map by rezoning parcels in the area of Dellinger Road currently designated R-3 high density residential to R-1 low density residential as well as establish zoning for newly annexed parcels in the same area as R-1 low density residential.

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**URBANA CITY COUNCIL  
REGULAR SESSION MEETING**

**November 1, 2022**

**(To be held in the Training Room on the 3<sup>rd</sup> Floor of the Municipal Building)**

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**Urbana City Council meetings will now be streamed via Facebook Live. These live streams can be found by visiting the City Council of Urbana, Ohio Facebook page via clicking on the link on the City Council's website: <https://www.urbanaohio.com/city-council.html>**

**All comments must continue to be made in person. Due to this, the ability to comment on City Council Facebook streams will be disabled.**

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- **Call to Order**
- **Roll Call**

- **Pledge of Allegiance**
- **Approval of Minutes:** Urbana City Council Regular Meeting Minutes of October 18, 2022.
- **Communications:**
  1. Urbana Shade Tree Commission Meeting Minutes from September 2022. (See Attached)
- **Board of Control:**
  1. The Board of Control recommends Council authorize the Director of Administration to finalize a contract for the purchase of land, parcel no. K48.25.00.02.18.102.00, at the NW corner of the intersection of E. Water St. and S. Locust St., at a cost not to exceed \$115,000.00. This property is adjacent to City of Urbana property, and is the remaining parcel not owned by the City in the block bounded by S. Main St., E. Market St., E. Water St.. This expenditure is not in the 2022 budget and will be paid from the 2022 General Fund Reserves. See attached. **VOTE: 3-0**

**Citizen Comments:** (In Person Only; Must Sign-in)

**Ordinances and Resolutions**

**Old Business:**

**Third Reading:** None

**Second Reading:**

**Ordinance 4580-22:** An ordinance to amend the City of Urbana’s official zoning map by rezoning parcels in the area of Lionel Drive, Fulton Avenue and Railroad Street currently designated R-2 Medium Density Residential to R-3 High Density Residential. (Three readings required, Public Hearing required)

**Ordinance 4581-22:** An ordinance to amend the City of Urbana’s official zoning map by rezoning parcel K48-25-11-04-34-018-00 currently designated M-1 Manufacturing to R-2 Medium Density Residential. (Three readings required, Public Hearing required)

**Ordinance 4582-22:** An ordinance to amend the City of Urbana’s official zoning map by rezoning parcels in the area of Gwynne Street and North Russell Street currently designated M-1 Manufacturing to BR-1 Business Residential as well as parcels in the same area currently designated R-2 medium density residential to M-1 manufacturing. (Three readings required, Public Hearing required)

**Ordinance 4583-22:** An ordinance to amend the City of Urbana’s official zoning map by rezoning parcels in the area of Dellinger Road currently designated R-3 high density residential to R-1 low density residential as well as establish zoning for newly annexed parcels in the same area as R-1 low density residential. (Three readings required, Public Hearing required)

**New Business:**

**First Reading:**

**Ordinance 4552-22 (Tabled by Mr. Paul on 10/18/22):** An ordinance to revise the Codified Ordinances by adopting current replacement pages. (Requires one reading)

**Ordinance 4584-22:** An ordinance approving an application for a “Designated Outdoor Refreshment Area” and establishing the Downtown Urbana Designated Outdoor Refreshment Area (“Downtown Urbana DORA”) in the City of Urbana, Ohio. (Three readings required, Public Hearing required)

**Resolution 2643-22:** A resolution to dedicate the storm sewer manhole and related 18” storm sewer and a fire hydrant that was installed in the public right of way by a private contractor on behalf of the Ultra-Met Company on Fyffe Street, and declaring an emergency. (Requires one reading)

**Resolution 2644-22:** A resolution to dedicate a storm inlet and related 15” storm sewer that was installed in the public right of way by a private contractor on behalf of Dunkin at 1129 East US Highway 36, and declaring an emergency. (Requires one reading)

**Resolution 2645-22:** A resolution to dedicate two storm manholes, two curb inlets, two headwalls, and related 12” and 15” storm sewer that was installed in the public right of way by a private contractor on behalf of Urbana Champaign County Senior Center at 150 Patrick Avenue, and declaring an emergency. (Requires one reading)

- **Department Liaison Reports:**
  - **Miscellaneous Business:**
    1. Council
    2. Administration
    3. Council Clerk
  - **Next Meeting:** Tuesday, November 15, 2022
  - **Adjourn**
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**URBANA CITY COUNCIL  
REGULAR SESSION MEETING  
TUESDAY, OCTOBER 18, 2022**

President Hess called the City of Urbana Regular Session Meeting to order at 6:00 pm.

**City Staff attending:** Director of Administration Kerry Brugger, Director of Director of Finance Chris Boettcher, Director of Law Mark Feinstein, Community Development Manager Doug Crabill, Fire Chief Dean Ortlieb, and Zoning and Compliance Officer Preston Carter

**President Called Roll:** Ms. Jumper, present; Mr. Scott, present; Mr. Paul, present; Ms. Truelove, present; Mr. Thackery, present; Mrs. Collier, present; and Mrs. Bean, present.

**Minutes**

Mr. Thackery moved to put the minutes of October 4, 2022 on the floor for discussion and possible approval. Mr. Paul seconded.

No comments/questions from Council.

Voice vote on approval of minutes: all ayes; nays, none.

Motion passed 7-0

**Communications:**

1. Oak Dale Cemetery Board Meeting Minutes of May 20, 2022 and July 15, 2022.
2. Letter from Director of Administration Kerry Brugger regarding the City of Urbana's Community Reinvestment Area Housing Officer dated October 11, 2022
3. 3<sup>rd</sup> Quarter Staff Highlights
4. Downtown Urbana Designated Outdoor Refreshment Area (DORA) Plan

Mr. Scott moved to put the communications on the floor for discussion and possible acceptance. Mrs. Bean seconded.

Mr. Paul reaffirmed the statement from the July 15, 2022 Cemetery Board meeting minutes on how good the grounds looked.

In regards to the Housing Officer letter, Mr. Paul asked what changes were in effect with Mr. Crabill assigned. Mr. Brugger stated that the last ordinance had the community development manager acting as housing officer. Marcia Bailey had this role with the City. When she went to the CEP, she took that role with her. As the City reviewed the CRA ordinances, it found discrepancies that needed to be corrected. CRAs are city agreements and obligations. Therefore, the housing officer should be a city employee. Mr. Brugger felt it was important to have continuity in the position. Mr. Crabill added that one of the CRA changes involved residential remodeling. The Legacy Place remodeling was pending and has now started the process for abatement.

In regards to the Quarterly highlights, Ms. Truelove thanked sewer/water for working with other departments to save money on projects.

Mr. Thackery was impressed by the number of fire department inspections.

Mr. Scott mentioned that some departments appeared to be over budget and asked if they would run over. Ms. Boettcher answered that some departments may go over due to an increase in the cost of fuel. Some one-time expenses were made in the front of the year that might help department numbers come down.

Mr. Paul asked how the number of grass violations were in compared to other years. Mr. Carter responded they were about the same. Mr. Paul stated he was glad the fire department was full staff. Chief Ortlieb stated unfortunately the fire department is about to be down one member again. Mr. Paul added there was a lot of debris removed from the streets and was glad it was not going into the storm sewer. Mr. Paul asked how the Nova time implementations were going. Ms. Boettcher stated everything seems to be running smooth and the next pay period will be the second full period. The City will be moving to customer service status shortly. Mr. Paul asked what was on Govdeals. Mr. Brugger stated obsolete tools and furniture. He didn't believe there were any vehicles. Finally, Mr. Paul asked why the water department budget was running over. Ms. Boettcher stated they had paid debt payments in January and July and the number would therefore be slowing down.

Mr. Thackery stated that he had been involved with the DORA meetings and the City seems to be where it wanted to be. Mr. Crabill added that Council has now been provided with the plan. This communication is the first step of accepting receipt. The public notifications have been submitted to the newspaper and the plan will be posted on the City website. The City will consider the plan on November 1<sup>st</sup>. If approved, the City will file with the Ohio Division of Liquor Control and receive DORA designation from the State.

Mr. Scott stated there were a lot of rules and was curious if these were administrative or from the State of Ohio. Mr. Crabill stated most were directly required from the Ohio Revised Code. The City relied on existing DORAs from Wooster and Piqua. Mr. Feinstein added that the boundaries, safety plan, personnel, sanitation plan were all rules from the State. The only artistic license is how to treat violations of DORA.

Mr. Paul inquired into necessary bathrooms downtown. Mr. Feinstein stated that patrons will have to rely on the establishments that served the beverages.

President Hess inquired how many DORAs were in the State. Mr. Crabill stated about every county seat in Ohio has one.

Voice vote on approval: all ayes, nays none.

Motion passed 7-0.

#### **Administrative Reports – Board of Control:**

1. The Board of Control recommends that Council authorize a purchase order to Software Solutions in the amount of \$116,600.00 for the software upgrade and data conversion from eGov to VIP Suite for the Finance Department. This expense will be charged to the General Fund and is not in the 2022 budget. **VOTE: 3-0**

Mr. Thackery moved to put this request on the floor for further discussion and possible passage. Mr. Paul seconded.

Ms. Boettcher stated the finance software needed upgrading. It has been used since 2008. The new software would simplify finance procedures and allow department heads to manage their own budgets. Each head would see a live budget, and the system would not allow the department to go over budget unless authorized by Ms. Boettcher. This would also allow department heads to fill out purchase requisitions electronically. The entire system would take a lot of manual operation off of the finance department.

Mr. Thackery inquired if this was an upgrade, data conversion, or both. Ms. Boettcher indicated this was for both, as well as training. Mr. Thackery asked what the annual expense was. Ms. Boettcher stated the fee would be about \$19,000. The City currently spends about \$23,000 per year. There is not an upgrade available for income tax and the City saw no reason to upgrade utility billing. Ms. Truelove asked what the annual fee covered. Ms. Boettcher explained that it included online help and a cloud platform.

Mr. Paul stated this was truly not that expensive. He inquired when the program would be installed an active. Ms. Boettcher stated if approved, the City would sign the contract this week. The company would send questionnaires regarding usage the next two or three weeks. This would be followed by URL addresses to allow the City to practice using the software with current data. Finance would look to go fully live by 3<sup>rd</sup> Quarter 2023. Mr. Paul asked if there would be web-based reports residents could view. Ms. Boettcher answered affirmatively, probably without the live capabilities.

Voice vote on approval; all ayes, nays none.

Regarding the footnotes, Mr. Paul inquired about the striper from Pioneer Athletics. Mr. Brugger explained the previous one was six or seven years old. It was more financially sound to replace instead of repair. The City may be reimbursed from the Park Board.

**Citizen Comments:**

Kim Snyder/Pat Detwiler – DAR

Ms. Snyder and Ms. Detwiler spoke about the Wreaths Across America. Last year went so well they were able to cover locations in Dayton as well. They passed out brochures and asked to send any donations to Ms. Detwiler by Thanksgiving, or by using the QR code to be sent directly to Oak Dale. Veterans in town cover every conflict from the American Revolution to the present day. Wreaths are \$15 and are starting to be placed this year on December 17<sup>th</sup>.

**ORDINANCES AND RESOLUTIONS**

**Third Reading:** None

**Second Reading:** None

**First Reading:**

**Ordinance 4580-22:** An ordinance to amend the City of Urbana's official zoning map by rezoning parcels in the area of Lionel Drive, Fulton Avenue and Railroad Street currently designated R-2 Medium Density Residential to R-3 High Density Residential.

Mr. Thackery moved to place this ordinance on the floor for discussion. Mr. Paul seconded.

Mr. Carter indicated the next four ordinances all involved City-initiated map updates. This ordinance affects three parcels. One parcel currently has fourteen apartments, while the other two are City owned along Railroad Street. This zoning change is to accommodate what exists today.

Mr. Paul inquired if there were any plans for the City owned lots. Mr. Brugger indicated there were not any plans currently. Previously plans with Habitat for Humanity fell through.

President Hess declared this Ordinance to have had its first reading.

**Ordinance 4581-22:** An ordinance to amend the City of Urbana's official zoning map by rezoning parcel K48-25-11-04-34-018-00 currently designated M-1 Manufacturing to R-2 Medium Density Residential.

Mr. Paul moved to place this ordinance on the floor for discussion. Mr. Scott seconded.

Mr. Carter stated this was a single parcel that is lightweight condos. This ordinance is to match the zoning with how the property is currently being used.

Mr. Paul inquired if any of the condos were split between zones. Mr. Carter answered no.

President Hess declared this Ordinance to have had its first reading.

**Ordinance 4582-22:** An ordinance to amend the City of Urbana's official zoning map by rezoning parcels in the area of Gwynne Street and North Russell Street currently designated M-1 Manufacturing to BR-1 Business Residential as well as parcels in the same area currently designated R-2 medium density residential to M-1 manufacturing.

Mr. Scott moved to place this ordinance on the floor for discussion. Ms. Jumper seconded.

Mr. Carter indicated that property moving to BR-1 is adjacent to Honeywell. It has been both apartments and a commercial space in the past. The other part is where the current zoning map splits in half. The City is taking all of the property and cleaning it up to meet where the parcel lines are.

Mr. Paul asked if the properties are contiguous. Mr. Carter indicated they were contiguous diagonally, but not as blatant as other spot zoning issues.

President Hess declared this Ordinance to have had its first reading.

**Ordinance 4583-22:** An ordinance to amend the City of Urbana’s official zoning map by rezoning parcels in the area of Dellinger Road currently designated R-3 high density residential to R-1 low density residential as well as establish zoning for newly annexed parcels in the same area as R-1 low density residential.

Mr. Paul moved to place this ordinance on the floor for discussion. Mr. Thackery seconded.

Mr. Carter stated the north side was the properties that were most recently annexed into the City. This establishes zoning for those properties. The four properties on the south side currently have three single family homes and a large barn. This zoning change matches what is already there.

Council did not have any questions/comments.

President Hess declared this Ordinance to have had its first reading.

**Ordinance 4552-22:** An ordinance to revise the Codified Ordinances by adopting current replacement pages.

Mr. Thackery moved to place this ordinance on the floor for discussion and possible passage. Ms. Jumper seconded.

Mr. Feinstein stated this was purely a housekeeping issue. The Urbana Codified Ordinances would be amended to mirror the changes already in affect from the Ohio Revised Code. Mr. Paul asked what the specific changes were. Mr. Feinstein stated while the ordinance states the sections amended, he could not specific what was specifically being changed.

Mr. Paul moved to table Ordinance 4552-22 until the next meeting to be able to see the specific changes to the Urbana Codified Ordinances. Mr. Thackery seconded.

Voice vote on tabling: all ayes, nays none.

Ordinance 4552-22 will be brought up again at the next meeting.

**Department Liaison Reports:**

Ms. Jumper inquired that since Ms. Truelove sat on the Cemetery Board, whether it was necessary for her to still attend meetings. Mr. Feinstein clarified that Ms. Jumper serves as a liaison. She doesn’t necessarily have to go to cemetery board meetings as long as she is able to become informed and update Council as to what is going on.

**Miscellaneous Business**

Ms. Truelove indicated the property across the street from her was now under the care of the bank. She expressed concern on how to keep in touch with them to ensure the property keeps up to code.



Mr. Crabill indicated he saw a truck and trailer were at the property recently, so he is hopeful that they are getting it ready for sale.

Mr. Thackery indicated he was still concerned with electric bicycles and scooters on sidewalks. Mr. Crabill added that it appeared to be a mini-motorcycle.

Mrs. Bean thanked Mr. Crabill and Ms. Boettcher regarding their work on the TIF.

Ms. Boettcher reminded Council she sent e-mails to talk about department budgets.

Mr. Brugger indicated that the road work on South Main Street was wrapping up. He was also glad to get the quarterly highlights out beforehand to allow them in the packet so Council could digest them prior to the meeting.

Mr. Feinstein stated he was working on updating all of the City's records retention schedules. He is meeting with President Hess regarding City Council's schedule this Friday.

Mayor Bean stated there was an opening for the Shade Tree Commission. Anyone who has interested should contact Mr. Crabill. Mr. Crabill added that it is for the first ward.

President Hess spoke as to the scheduled Executive Session. Mr. Thackery moved to enter into Executive Session. Mrs. Bean seconded. Voice vote on approval: all ayes, nays none. Adjourned to Executive Session at 7:08 pm.

Mr. Thackery moved to reconvene the regular session. Mrs. Bean seconded. Voice vote on approval: all ayes, nays none. Regular meeting reconvened at 7:29 pm.

Ms. Jumper moved to adjourn. Mr. Scott seconded. Voice vote on approval: all ayes, nays none. Motion passes 7-0.

**ADJOURNED AT 7:29 p.m.**

**NEXT SCHEDULED MEETING**  
November 1, 2022, at 6:00 p.m.

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Council Clerk

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Council President

## **City of Urbana Shade Tree Commission Minutes – September 8, 2022 at 7:00PM (172)**

### **Roll Call and Introductions:**

Present: Jim Lemon, Cindy Dunham, Doug Crabill, Stephanie Truelove, and Doug George.

Absent: Charles Moody, Mark Muirhead

### **Reading and Approval of Minutes (6/9/2022) & (7/14/2022)**

The minutes from the June 9, 2022 meeting and the July 14, 2022 meeting were approved as prepared. Doug George motioned to accept these minutes, and Cindy Dunham seconded this motion. This set of minutes was approved unanimously 5-0.

### **Old Business:**

**Memorial Tree Program Update (Update Listing & GPS/GIS Update):** Doug Crabill reported that efforts continue to update all Memorial Tree records into the city's GPS/GIS system to include multiple database fields, including Latitude/Longitude coordinates. He also noted that these efforts are important for overall record keeping of the Memorial Tree plantings. Jim Lemon offered to work with Engineering Technician, Clay Miller, on these updates.

**Oak Dale Cemetery-Arboretum Update:** Doug Crabill reported that he hoped to submit the accreditation application to ArbNet (Morton Arboretum) for certification of Oak Dale Cemetery as a Level 1 arboretum soon from the draft application that Kerry Brugger had put together. In addition, Doug Crabill reported that the Oak Dale Cemetery Board would like an update regarding status. Stephanie Truelove shared that she is a member of the Oak Dale Cemetery Board, and she can serve as a liaison.

**Karen Kerns Dresser Donation (Naming & Sign):** Doug Crabill stated that Kerry Brugger reported that proposals for a new sign at the Oak Dale Cemetery entrance for Greenwood Arboretum had been received and that the proposed sign would be similar in material and style to the existing sign for Oak Dale Cemetery. In addition, new landscaping was previously installed at the Oak Dale Cemetery entrance in the fall of 2021.

**Policies and Procedures (Administrative Regulation):** Doug Crabill explained that the Shade Tree Commission will need to continue to develop policies and procedures that will address items not specifically addressed by the tree ordinance. Wooster, OH has a great example of policies and procedures. Potential policies include removal, owner planted trees, road/right of way blockage, reasons to warrant removal, planting/site preparation, and tree canopy goals. Kerry Brugger previously provided a draft document for a process flow for tree removals based on tree inventory results for review/evaluation by the commission. Doug Crabill shared that he would be working with other city staff to develop a notification process to initiate tree removals where needed by property owners.

**Bareroot Trees:** Doug Crabill mentioned that he had spoken to Scott Wiesler, SoilMoist sales representative, at the Tree City USA Awards in Mt. Vernon the prior week. Scott Wiesler suggested Schichtel's Nursery near Buffalo, NY for bareroot stock. Doug Crabill had requested an availability list previously, but he had not received any response. Jim Lemon offered to contact Schichtel's Nursery directly by phone since no response had been received by email.

**Dr. E.W.B. Curry-Memorial Tree & Bur Oak @ PreK-8 School:** Doug Crabill reported that students at Urbana Junior High had spearheaded an effort to plant a Memorial Tree at Oak Dale Cemetery in memory of Dr. E.W.B. Curry near the family gravesite. He reported that a local donor had paid the application fee, and payment had been made for the tree at Oak Dale Cemetery. In addition, Doug Crabill shared that a Bur Oak from the Tree City USA awards in Mt. Vernon will be planted at the school campus on September 14, 2022 at 2PM.

**Summer Maintenance and Trimming Projects:** Some smaller, dead trees in commercial areas were noted to require removal, and some pruning was noted to be required on younger trees around the city. In addition, it was noted that broken limbs were overhanging the street where the curbing work had recently been completed along South Main Street.

**Tree Watering (Summer 2022):** Doug Crabill shared that watering had only been required on a few occasions during the summer months due to consistent rainfall this summer.

#### **New Business:**

**Tree City USA Update:** Doug Crabill reported that all four of the Tree City USA signs had been replaced. In addition, he noted that Mark Muirhead had determined better locations for these signs, and the Street Department had installed the required posts/signs.

**ODNR Tree Pruning Workshop:** Doug Crabill reported that the city would still like to host a tree pruning workshop with ODNR Urban Forester, Alistair Reynolds.

**Dead Trees:** Doug Crabill reported that records need to be updated to reflect the locations of dead trees for removal with notices to property owners to follow.

**Memorial Trees (Fall 2022):** Jim Lemon offered to check on the condition of existing Memorial Trees at Melvin Miller Park. Doug Crabill will work to solicit new orders for this year's program, but he noted that some orders had already been received.

Misc. Business: Doug Crabill mentioned the upcoming Central Urban Forestry Conference at Capital University in Bexley, OH on October 14, 2022.

Meeting adjourned. Motion to adjourn, Jim Lemon; Cindy Dunham, second; all in favor (5-0).

# BOC #1

October 24, 2022

The City of Urbana  
Attn: Kerry Brugger-Director of Administration  
205 S. Main Street  
PO Box 747  
Urbana, OH 43078

**Re: Parcel No. K48.25.00.02.18.102.00**

Dear Kerry:

Thank you for your interest as it relates to our ongoing discussions regarding the City's interest in acquiring a **John W. & Roy A. Doss** property, parcel No. **K48.25.00.02.18.102.00** located at the Northwest corner of East Water Street & South Locust Street in Urbana.

The purpose of this letter is to set forth the basic terms upon which **John W. & Roy A. Doss**, ("Seller") intend to sell the following described property (the "Property") and the **City of Urbana**, ("Purchaser") is willing to purchase the above-mentioned property. This non-binding Letter of Intent ("LOI") is a summary of the proposed terms that can serve as a basis for drafting a to-be executed Purchase and Sale Contract ("The Contract"). Following execution of this LOI, Roy A. & John W. Doss will prepare and forward The Contract.

The terms are as follows:

1. Seller: John W. Doss  
Roy A. Doss  
531 Scioto Street  
Urbana, OH 43078
2. Premises: The Property has the following description: East Water Street, Urbana, OH., Champaign County Auditor Parcel # K48.25.00.02.18.102.00
3. Sale Price: \$115,000.00, all cash at closing.
4. Title & Survey Matters: Seller shall convey, via general warranty deed, fee simple title to the property, subject to (A) non-delinquent real property taxes and assessments, (B) all easements, covenants, conditions, restrictions and other agreements of record, (C) all matters which would be disclosed by a

recent and accurate survey of the property, (D) public streets and legal highways, (E) municipal, zoning and subdivision laws and ordinances. Purchaser may obtain, at Purchaser's expense, a survey of the Property.

5. Contingencies: None
6. Seller Work: Seller shall deliver property as-is, and clear of any vehicles or equipment.
7. Brokerage: Purchaser has utilized the services of no broker on this transaction. \_\_\_\_\_ represents the Seller exclusively in this transaction.
8. Purchase Contract Form: Seller's standard form.
9. Closing: Closing shall be within thirty (30) days after the expiration of the Inspection Period.
10. Contingency: This LOI and any subsequent Purchase Agreement shall be contingent upon the Urbana City Council's approval of the purchase at the City Council meeting to be held on Tuesday, November 1<sup>st</sup>, 2022 at 6:00 PM. The Buyer shall provide notice to Seller of such approval by Noon on November 2<sup>nd</sup>, 2022.

This letter/proposal is intended solely as a preliminary expression of general intentions and is to be used for discussion purposes only. The parties intend that neither shall have any contractual obligations to the other with respect to the matters referred herein unless and until a definitive agreement has been fully executed and delivered by the parties. The parties agree that this letter/proposal is not intended to create any agreement or obligation by either party to negotiate a definitive lease/purchase and sale agreement and imposes no duty whatsoever on either party to continue negotiations, including without limitation any obligation to negotiate in good faith or in any way other than at arm's length.

This is not a binding or legally enforceable agreement and imposes no obligations upon or grants any rights to the parties hereto. The rights and obligations of the parties hereto, and of Purchaser, will be set forth, if at all, in a definitive agreement executed by the parties thereto.

Regards,

John H. Doss & Roy A. Doss

< Signature Page Follows >

Accepted and Agreed:

The City of Urbana, as Purchaser

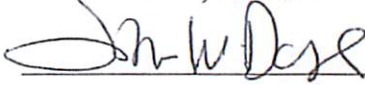
By: Kerry Brugger



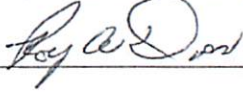
Its: Director of Administration

Date: 10/26, 2022

John W. Doss, as Seller



Roy A. Doss, as Seller



Date: 10/24/, 2022

BOB 10/26/22

CB 10/26/22

SITE PLAN EXHIBIT A:





## **ORDINANCE NO. 4580-22**

**AN ORDINANCE TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING PARCELS IN THE AREA OF LIONEL DRIVE, FULTON AVENUE AND RAILROAD STREET CURRENTLY DESIGNATED R-2 MEDIUM DENSITY RESIDENTIAL TO R-3 HIGH DENSITY RESIDENTIAL (Three (3) Reading Required. Public Hearing Required. Public Hearing to be held on November 1, 2022. Public Hearing Advertisement Date: October 21, 2022).**

**Department Requesting: Zoning**

**Sponsor: Audra Bean**

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on September 26, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on September 26, 2022, the City of Urbana Planning Commission recommended by a 7-0 vote, that City Council *approve* the request to rezone parcels in the area of Lionel Drive, Fulton Avenue and Railroad Street currently designated R-2 Medium Density Residential to R-3 High Density Residential; and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, November 1, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio, that:

Section 1: The City Engineer shall amend the Official Zoning Map of the City of Urbana, Ohio to reflect the zoning change depicted in the Planning Commission Staff Report and as recommended by the Planning Commission. An exhibit of the proposed zoning map change is attached and labeled as "Exhibit A".

Section 2: The Mayor shall sign the amended Official Zoning Map of the City of Urbana, Ohio.

Section 3: The Clerk of Council is now instructed to sign the amended Official Zoning Map to attest to this action of City Council.

SECTION 4: The City of Urbana Planning Commission's recommendation to approve the request to rezone the proposed area is attached and labeled as "Exhibit B".

Section 5: The Planning Commission Staff Report is attached and labeled as "Exhibit C."

SECTION 6: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION 7: This ordinance shall become effective at the earliest time provided by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: *[Signature]* 10/11/22  
Director of Law                      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## ORDINANCE NO. 4581-22

**AN ORDINANCE TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING PARCEL K48-25-11-04-34-018-00 CURRENTLY DESIGNATED M-1 MANUFACTURING TO R-2 MEDIUM DENSITY RESIDENTIAL (Three (3) Reading Required. Public Hearing Required. Public Hearing to be held on November 1, 2022. Public Hearing Advertisement Date: October 21, 2022).**

**Department Requesting: Zoning**

**Sponsor: Audra Bean**

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on September 26, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on September 26, 2022, the City of Urbana Planning Commission recommended by a 7-0 vote, that City Council *approve* the request to rezone parcel K48-25-11-04-34-018-00 currently designated M-1 Manufacturing to R-2 Medium Density Residential; and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, November 1, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio, that:

Section 1: The City Engineer shall amend the Official Zoning Map of the City of Urbana, Ohio to reflect the zoning change depicted in the Planning Commission Staff Report and as recommended by the Planning Commission. An exhibit of the proposed zoning map change is attached and labeled as "Exhibit A".

Section 2: The Mayor shall sign the amended Official Zoning Map of the City of Urbana, Ohio.

Section 3: The Clerk of Council is now instructed to sign the amended Official Zoning Map to attest to this action of City Council.

SECTION 4: The City of Urbana Planning Commission's recommendation to approve the request to rezone the proposed area is attached and labeled as "Exhibit B".

Section 5: The Planning Commission Staff Report is attached and labeled as "Exhibit C."

SECTION 6: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION 7: This ordinance shall become effective at the earliest time provided by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED:  10/11/2022  
Director of Law      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## **ORDINANCE NO. 4582-22**

**AN ORDINANCE TO AMEND THE CITY OF URBANA'S OFFICIAL ZONING MAP BY REZONING PARCELS IN THE AREA OF GWYNNE STREET AND N. RUSSELL STREET CURRENTLY DESIGNATED M-1 MANUFACTURING TO BR-1 BUSINESS RESIDENTIAL AS WELL AS PARCELS IN THE SAME AREA CURRENTLY DESIGNATED R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 MANUFACTURING (Three (3) Reading Required. Public Hearing Required. Public Hearing to be held on November 1, 2022. Public Hearing Advertisement Date: October 21, 2022).**

**Department Requesting: Zoning**

**Sponsor: Audra Bean**

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on September 26, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on September 26, 2022, the City of Urbana Planning Commission recommended by a 7-0 vote, that City Council *approve* the request to rezone parcels in the area of Gwynne Street and N. Russell Street currently designated M-1 Manufacturing to BR-1 Business Residential as well as parcels in the same area currently designated R-2 Medium Density Residential to M-1 Manufacturing; and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, November 1, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio, that:

Section 1: The City Engineer shall amend the Official Zoning Map of the City of Urbana, Ohio to reflect the zoning change depicted in the Planning Commission Staff Report and as recommended by the Planning Commission. An exhibit of the proposed zoning map change is attached and labeled as "Exhibit A".

Section 2: The Mayor shall sign the amended Official Zoning Map of the City of Urbana, Ohio.

Section 3: The Clerk of Council is now instructed to sign the amended Official Zoning Map to attest to this action of City Council.

Section 5: The Planning Commission Staff Report is attached and labeled as "Exhibit C."

SECTION 6: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION 7: This ordinance shall become effective at the earliest time provided by law.


\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED:  10/16/2022  
Director of Law      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

SECTION 4: The City of Urbana Planning Commission's recommendation to approve the request to rezone the proposed area is attached and labeled as "Exhibit B".

Section 5: The Planning Commission Staff Report is attached and labeled as "Exhibit C."

SECTION 6: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION 7: This ordinance shall become effective at the earliest time provided by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: *[Signature]* 10/11/2022  
Director of Law Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## **ORDINANCE NO. 4583-22**

**AN ORDINANCE TO AMEND THE CITY OF URBANA’S OFFICIAL ZONING MAP BY REZONING PARCELS IN THE AREA OF DELLINGER ROAD CURRENTLY DESIGNATED R-3 HIGH DENSITY RESIDENTIAL TO R-1 LOW DENSITY RESIDENTIAL AS WELL AS ESTABLISH ZONING FOR NEWLY ANNEXED PARCELS IN THE SAME AREA AS R-1 LOW DENSITY RESIDENTIAL (Three (3) Reading Required. Public Hearing Required. Public Hearing to be held on November 1, 2022. Public Hearing Advertisement Date: October 21, 2022).**

**Department Requesting: Zoning**

**Sponsor: Audra Bean**

WHEREAS, Chapter 1113 of the Codified Ordinances of the City of Urbana, Ohio enables amendment of the Official Zoning Map; and

WHEREAS, whenever the public necessity, convenience, general welfare or good zoning practices require, Council may by ordinance after receipt of a recommendation thereon from the Planning Commission and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property; and

WHEREAS, on September 26, 2022, the Planning and Zoning Staff formally requested an amendment to the Official Zoning Map for the City of Urbana pursuant to Chapter 1113.03 (a) of the Codified Ordinances of the City of Urbana; and

WHEREAS on September 26, 2022, the City of Urbana Planning Commission recommended by a 7-0 vote, that City Council *approve* the request to rezone parcels in the area of Dellinger Road currently designated R-3 High Density Residential to R-1 Low Density Residential as well as establish zoning for newly annexed parcels in the same area as R-1 Low Density Residential; and

WHEREAS, Council held a public hearing pursuant to Chapter 1113.09 of the Codified Ordinances of the City of Urbana on Tuesday, November 1, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Urbana, County of Champaign and State of Ohio, that:

Section 1: The City Engineer shall amend the Official Zoning Map of the City of Urbana, Ohio to reflect the zoning change depicted in the Planning Commission Staff Report and as recommended by the Planning Commission. An exhibit of the proposed zoning map change is attached and labeled as “Exhibit A”.

Section 2: The Mayor shall sign the amended Official Zoning Map of the City of Urbana, Ohio.

Section 3: The Clerk of Council is now instructed to sign the amended Official Zoning Map to attest to this action of City Council.



SECTION 4: The City of Urbana Planning Commission's recommendation to approve the request to rezone the proposed area is attached and labeled as "Exhibit B".

Section 5: The Planning Commission Staff Report is attached and labeled as "Exhibit C."

SECTION 6: All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

SECTION 7: This ordinance shall become effective at the earliest time provided by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: *John W. Sawyer* 10/16/22  
Director of Law                      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

## **ORDINANCE NO. 4552-22**

**AN ORDINANCE TO REVISE THE CODIFIED ORDINANCES BY ADOPTING CURRENT REPLACEMENT PAGES. (Passage on first reading)**

**Department Requesting: City Council**

**Sponsor: None**

**WHEREAS**, certain provisions within the Codified Ordinances should be amended to conform with current State law as required by the Ohio Constitution; and

**WHEREAS**, various ordinances of a general and permanent nature have been passed by Council which should be included in the Codified Ordinances; and

**WHEREAS**, the City has heretofore entered into a contract with the Walter H. Drane Company to prepare and publish such revision which is presently before Council;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Urbana, County of Champaign and State of Ohio:

### **SECTION ONE:**

That the ordinances of the City of Urbana, Ohio, of a general and permanent nature, as revised, recodified, rearranged and consolidated into component codes, title, chapters and sections within the October 2022 Replacement Pages to the Codified Ordinances are hereby approved and adopted.

### **SECTION TWO:**

That the following sections and chapters are hereby added, amended or repealed as respectively indicated in order to comply with current State law:

#### **Traffic Code**

337.10 Lights, Emblems, and Reflectors on Slow-Moving Vehicles, Farm Machinery, Agricultural Tractors, and Animal-Drawn Vehicles. (Amended)

337.16 Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)

#### **General Offenses Code**

**None at this Time**

### **SECTION THREE:**

That the complete text of the Traffic and General Offenses Codes sections listed above are set forth in full in the current Replacement Pages to the Codified Ordinances which are hereby attached to this ordinance as Exhibit A.

### **SECTION FOUR:**

That pursuant to Section 2.19 of the Charter, notice of the proposed revision shall be published one time in a newspaper of general circulation in the City at least seven days prior to its final approval and no other publication thereof shall be required.

**SECTION FIVE:**

All actions of City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

**SECTION SIX:**

This ordinance shall become effective on October 20, 2022.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: *W. M. Brown* 10/11/2022  
Director of Law                      Date

Jumper:	_____ Yay	_____ Nay	_____ N/A
Scott:	_____ Yay	_____ Nay	_____ N/A
Paul:	_____ Yay	_____ Nay	_____ N/A
Lovegood:	_____ Yay	_____ Nay	_____ N/A
Thackery:	_____ Yay	_____ Nay	_____ N/A
Collier:	_____ Yay	_____ Nay	_____ N/A
Bean:	_____ Yay	_____ Nay	_____ N/A

October 2022  
Replacement Pages

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4106	5-23-00	1163.13	4277	11-25-08	936.01 to 936.07
4109	8-8-00	521.11	4288	1-27-09	931.15
4110	8-8-00	1307.01 to 1307.99	4291	3-24-09	1137.06(c)
4119	11-28-00	1339.01 to 1339.99	4292	4-28-09	927.06, 927.08, 927.99
4121	1-9-01	931.15	4293	4-28-09	1343.01 to 1343.06, 1343.99
4122	1-16-01	931.23	4297	5-26-09	905.02(a)
4135	7-10-01	351.16	4306	7-28-09	931.101
4136	7-10-01	351.20	4308	8-25-09	1501.01
4137	7-10-01	351.99	4311	10-27-09	1351.01 to 1351.05, 1351.98, 1351.99
4138	7-10-01	1501.99	4312	11-10-09	1137.00 to 1137.30, 1137.99
4139	7-10-01	1501.05	4313	10-27-09	931.15
4143	9-11-01	141.04	4314	10-27-09	137.06
4148	1-8-02	905.01 to 905.99	4329	2-9-10	737.01, 737.99
4149	1-8-02	111.02	4330	1-12-10	141.04
4153	6-25-02	933.01 to 933.99	4331	2-23-10	939.07
4159	12-10-02	905.01 to 905.99	4332	2-23-10	931.24
4160	1-28-03	931.15	4333	2-23-10	931.10
4168	6-24-03	937.01 to 937.06	4334	2-23-10	939.08
4173	12-9-03	173.01 to 173.99	4337	7-27-10	931.25
4174	1-6-04	Repeals 125.011	4338	7-27-10	939.09
4179	1-20-04	505.11, 549.01, 549.02	4339	8-24-10	1123.07 to 1123.09
4183	4-27-04	931.15	4340	8-24-10	1125.02
4184	5-11-04	173.03	4341	8-24-10	1121.07 to 1121.09
4186	8-10-04	1305.01 to 1305.05, 1307.03, 1307.04, 1315.01, 1315.02, 1315.05	4345	8-24-10	1122.08, 1122.09
4187	10-26-04	145.02	4346	8-24-10	1102.01
4200	6-30-05	1127.01	4347	9-28-10	931.15
4206	1-24-06	1155.01 to 1161.53, 1163.01 to 1163.09	4357	2-8-11	913.01, 913.02, 913.06, 913.09, 913.20, 913.21
4237	1-9-07	1127.01	4359	3-22-11	133.09
4240	3-27-07	931.15	4361	5-10-11	935.02, 935.04, 935.05, 935.08, 935.10, 935.11, 935.12, 935.15, 935.19, 935.29
4243	6-12-07	1141.01 to 1141.08	4363	7-12-11	513.01
4250	9-11-07	1122.10	4364	8-9-11	939.10
4252	10-23-07	141.04	4367	10-25-11	145.01, 145.02
4260	1-8-08	775.01	4376	11-8-11	1505.01
4261	2-12-08	111.02	4380	1-24-12	1127.01
4264	3-11-08	931.15	4382	3-13-12	1183.01 to 1183.07
4265	3-11-08	947.01 to 947.09, 947.99	4383	3-13-12	1185.01 to 1185.07
4269	6-24-08	502.01 to 502.04, 502.99; repeals 331.43, 505.09	4385	3-27-12	141.04
4270	8-12-08	145.01(c), (d)	4387	10-23-12	1117.03
4274	8-26-08	1127.01	4402	7-9-13	931.15

COMPARATIVE SECTION TABLE

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4424-14	5-27-14	755.05, 755.06	4515-19	12-17-19	301.12, 375.03(a),
4427-14	6-10-14	936.02			505.11; Repeals
4433-14	11-18-14	105.01 to 105.05			549.01, Ch. 761
4440-15	3-17-15	111.02	4516-20	1-21-20	935.01 to 935.29,
3948-15	12-1-15	901.03, 901.06,			935.99
		901.99	4103-20	1-21-20	149.10
4173-15	11-17-15	171.01 to 171.20,	4159-20	1-21-20	905.01 to 905.07,
		171.30, 171.98,			905.99
		171.99	4521-20	4-7-20	1126.09
4385-15	7-7-15	141.04	4524-20	9-1-20	1123.05
4440-15	3-17-15	111.02	4532-20	1-5-21	111.03, 111.04,
4444-15	8-18-15	111.03, 111.04,			121.01
		121.01	4536-21	4-6-21	1129.01, 1129.10
4446-15	9-15-15	521.12	4539-21	6-16-21	929.01, 929.03(a)
4447-15	9-15-15	1339.99	4544-21	7-20-21	1102.01(69), (82)
4451-16	2-2-16	1339.03			to (85), 1123.01
4452-16	4-19-16	963.01, 963.02			to 1123.14,
4457-16	8-16-16	1127.01, 1127.02			1124.02, 1125.02,
4466-16	1-8-17	929.01 to 929.04			1125.04
4476-17	9-5-17	1121.04	4559-22	2-15-22	1133.08
4477-17	9-5-17	1120.08	4561-22	2-15-22	1133.11
4478-17	9-5-17	1123.02, 1123.04	4565-22	3-1-22	931.24
4479-17	9-5-17	1155.10	4566-22	3-1-22	939.07
4484-17	10-17-17	1341.01 to	4573-22	6-21-22	Ch. 1519
		1341.07, 1341.99			Ed. Note
4485-17	11-21-17	339.12	4579-22	10-4-22	333.03(b)(14)
4490-18	3-6-18	1121.11, 1122.11			
4491-18	3-6-18	1120.03, 1121.03,			
		1122.03, 1123.03;			
		repeals 1129.01			
4492-18	3-6-18	1123.04			
4493-18	3-6-18	1129.17			
4494-18	3-20-18	171.40 to 171.55			
4497-18	6-19-18	1182.01 to			
		1182.19, 1182.99			
4410-18	10-16-18	145.01, 145.02			
Res.					
2540-19	1-8-19	333.03(b)(13)			
4385-19	2-19-19	141.04			
4506-19	7-9-19	179.01 to 179.04			
4507-19	7-23-19	177.01 to 177.17,			
		177.99			
4510-19	7-23-19	Repeals 933.05			
Res.					
2561-19	8-20-19	125.13			

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
  - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
  - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality, except as provided in subsections (b)(8) to (b)(12) of this section;
  - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
  - (6) Fifteen miles per hour on all alleys within the Municipality;
  - (7) Fifty-five miles per hour on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
  - (8) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in subsections (b)(9) and (10) of this section;
  - (9) Sixty-five miles per hour on all rural expressways without traffic control signals;
  - (10) Seventy miles per hour on all rural freeways;
  - (11) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the Director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in subsection (b)(12) of this section;
  - (12) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.
  - (13) Forty-five miles per hour in both directions on South U.S. Highway 68 from the south property line of the Urbana PreK-8 School (SLM 4.87) extending 0.72 miles north to State Route 55 (SLM 5.59).  
(Res. 2540-19. Passed 1-8-19.)
  - (14) The City hereby establishes a higher speed limit, in accordance with Section 4511.21 of the Ohio Revised Code, for those portions of a local highway named North Dugan Road located within the City of Urbana, as follows:  
From the intersection of U.S. 36 East and Dugan Road extending 0.50 miles north along North Dugan Road to 50 MPH.  
(Ord. 4579-22. Passed 10-4-22.)

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
  - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
  - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, or upon a freeway as provided in subsection (b)(12) of this section, except upon a freeway as provided in subsection (b)(10) hereof;
  - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
  - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

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

- (i) As used in this section:
- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.

- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
  - (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
  - (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
  - (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas.
  - (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101.
  - (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes.
- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
  - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
  - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)



**333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.**

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d)
  - (1) 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.
  - (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
  - (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

**CHAPTER 337**  
**Safety and Equipment**

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| <p><b>337.01</b> Driving unsafe vehicles.</p> <p><b>337.02</b> Lighted lights; measurement of distances and heights.</p> <p><b>337.03</b> Headlights on motor vehicles and motorcycles.</p> <p><b>337.04</b> Tail light; illumination of rear license plate.</p> <p><b>337.05</b> Rear red reflectors.</p> <p><b>337.06</b> Safety lighting on commercial vehicles.</p> <p><b>337.07</b> Obscured lights on vehicles in combination.</p> <p><b>337.08</b> Red light or red flag on extended loads.</p> <p><b>337.09</b> Lights on parked or stopped vehicles.</p> <p><b>337.10</b> Lights, emblems, and reflectors on slow-moving vehicles, farm machinery, agricultural tractors, and animal-drawn vehicles.</p> <p><b>337.11</b> Spotlight and auxiliary lights.</p> <p><b>337.12</b> Cowl, fender and back-up lights.</p> <p><b>337.13</b> Display of lighted lights.</p> <p><b>337.14</b> Use of headlight beams.</p> <p><b>337.15</b> Lights of less intensity on slow-moving vehicles.</p> | <p><b>337.16</b> Number of lights; limitations on flashing, oscillating or rotating lights.</p> <p><b>337.17</b> Focus and aim of headlights.</p> <p><b>337.18</b> Motor vehicle and motorcycle brakes.</p> <p><b>337.19</b> Horn, siren and theft alarm signal.</p> <p><b>337.20</b> Muffler; muffler cutout; excessive smoke, gas or noise.</p> <p><b>337.21</b> Rear-view mirror; clear view to front, both sides and rear.</p> <p><b>337.22</b> Windshield and windshield wiper; sign or poster thereon.</p> <p><b>337.23</b> Limited load extension on left side of passenger vehicle.</p> <p><b>337.24</b> Motor vehicle stop lights.</p> <p><b>337.25</b> Air cleaner required.</p> <p><b>337.26</b> Child restraint system usage.</p> <p><b>337.27</b> Drivers and passengers required to wear seat belts.</p> <p><b>337.28</b> Use of sunscreening, nontransparent and reflectorized materials.</p> <p><b>337.29</b> Bumper heights.</p> <p><b>337.30</b> Directional signals required.</p> |
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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, EMBLEMS AND REFLECTORS ON SLOW-MOVING VEHICLES, FARM MACHINERY, AGRICULTURAL TRACTORS, AND ANIMAL-DRAWN VEHICLES.**

(a) Definitions. As used in this section:

- (1) **BOAT TRAILER.** Means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
- (2) **SLOW-MOVING VEHICLE and SMV.** Mean a boat trailer, unit of farm machinery, road construction machinery, or other machinery designed by the manufacturer to operate at a speed of twenty-five miles per hour or less. The term does not include a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle. (ORC 4513.11)

(b) Generally.

- (1) At the times specified in Ohio R.C. 4513.03, no person shall operate either of the following vehicles unless it is equipped with and displays the lamps described in subsection (b)(2) of this section.
  - A. A vehicle not specifically required to be equipped with lamps or other lighting devices by Ohio R.C. 4513.03 to 4513.10;
  - B. A vehicle referred to in Ohio R.C. 4513.02(G).
- (2) Vehicles described in subsection (b)(1) of this section shall be equipped with both of the following:
  - A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle;
  - B. Two lamps 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 lamp 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 headlamps.
- (3) A. At the times specified in Ohio R.C. 4513.03, no person shall operate a multi-wheel agricultural tractor model year 2001 or earlier on a street or highway unless it is equipped with and displays reflectors and illuminated amber lamps so that the extreme left and right projections of the tractor are indicated by all of the following:
  1. Flashing lamps displaying amber light, visible to the front and the rear. The lamps need not flash simultaneously and need not flash in conjunction with any directional signals of the tractor;

2. Amber reflectors, all visible to the front;
  3. Red reflectors, all visible to the rear.
- B. Rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.111 governing the lamps and reflectors described in subsection (b)(3)A. of this section and their placement correlate with and, as far as possible, conform with paragraphs 4.1.4.1, 4.1.7.1 and 4.1.7.2 respectively of the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT98, Lighting and Marking of Agricultural Equipment on Highways.
- (4) At the times specified in Ohio R.C. 4513.03, no person shall operate a unit of farm machinery model year 2002 or later on a street or highway unless it is equipped with and displays markings and illuminated lamps that meet or exceed the lighting, illumination and marking standards and specifications that are applicable to that type of farm machinery for the unit's model year specified in the American Society of Agricultural Engineers Standard ANSI/ASAE S279.10 OCT 98, lighting and marking of agricultural equipment on highways.
  - (5) Any unit of farm machinery designed by its manufacturer to operate at a speed of twenty-five miles per hour or greater or any SMV may be equipped with and display a red flashing light that is visible from a distance of not less than 1,000 feet to the rear at all times specified in Ohio R.C. 4513.03. When a double-faced light is used, it shall display amber light to the front and red light to the rear.
  - (6) Lights and reflectors required under subsections (b)(3) and (b)(4) of this section and authorized under subsection (b)(5) of this section are in addition to other lights required or permitted by this subsection (b) or Ohio R.C. 4513.17.
  - (7) The Ohio Director of Public Safety shall adopt rules in accordance with Ohio R.C. Chapter 119 Code that establish standards and specifications for lamps and reflectors required or authorized by this section. Lamps and reflectors required or authorized by this section shall meet those standards and specifications.
  - (8) This subsection (b) does not apply to a bicycle, motorized bicycle, electric bicycle, or animal-drawn vehicle.
  - (9) Whoever violates this subsection (b) is guilty of a minor misdemeanor. (ORC 4513.111)
- (c) Slow-Moving Vehicles.
- (1) Except as otherwise provided in this section, no person shall operate an SMV on a street or highway as follows:
    - A. At a speed exceeding twenty-five miles per hour;
    - B. Without displaying the triangular SMV emblem mounted in accordance with subsection (c)(2) of this section.
  - (2) The SMV emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. In accordance with Ohio R.C. Chapter 119, 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 the SMV emblem correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.
  - (3) A person may operate an SMV on a street or highway without displaying the triangular SMV emblem when any of the following apply:
    - A. The SMV is being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used;

- B. The SMV is operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, a city engineer, or the county engineer of the several counties, when such construction area is marked in accordance with requirements of the Ohio Director of Transportation and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09.
- (4) No person shall display an SMV emblem on any of the following:
- A. Any vehicle not required to use the SMV emblem by this subsection (c) or Ohio R.C. 4513.113 or 4513.114;
  - B. An SMV being transported upon any other vehicle;
  - C. Any stationary object on the highway.
- (5) No person shall sell, lease, rent or operate an SMV, except a unit designed to be completely mounted on a primary power unit that is manufactured or assembled on or after April 1, 1966, unless it is equipped with an SMV emblem mounting device.
- (6) Whoever violates subsection (c) is guilty of a minor misdemeanor. (ORC 4513.112)
- (d) Farm Machinery and Agricultural Tractors.
- (1) 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 both of the following:
- A. The SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
  - B. A speed identification symbol that does both of the following:
    1. Meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/SAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS);
    2. Indicates the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate;
- (2) No person operating a tractor on a street or highway that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour and that is towing, pulling or otherwise drawing a unit of farm machinery while operating at a speed greater than twenty-five miles per hour shall fail to display both of the following on the unit of farm machinery:
- A. The SMV emblem;
  - B. The speed identification symbol that matches the speed identification symbol required to be displayed on the agricultural tractor;
- (3) No person shall operate an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the person possesses documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate;
- (4) Whoever violates this subsection (d) is guilty of a minor misdemeanor. (ORC 4513.113)
- (e) Animal-Drawn Vehicles.
- (1) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at the times specified in Ohio R.C. 4513.03, both of the following:

- A. At least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of the animal-drawn vehicle;
  - B. Two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the animal-drawn vehicle, or as an alternative, one lamp 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 one hundred feet to the rear when illuminated by the lawful lower beams of headlamps.
- (2) Except as otherwise provided in subsection (e)(4) of this section, no person shall operate an animal-drawn vehicle on a street or highway unless it is equipped with and displays, at all times, all of the following:
- A. One yellow flashing lamp displaying yellow light that is visible from a distance of not less than 1,000 feet and that is mounted in either of the following positions:
    - 1. On the top most portion of the rear of the animal-drawn vehicle;
    - 2. On the top of the animal-drawn vehicle;
  - B. At least one of the following:
    - 1. An SMV emblem mounted in accordance with Ohio R.C. 4513.112(B);
    - 2. Micro-prism reflective tape that is visible from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps;
    - 3. Both an SMV emblem and micro-prism reflective tape, as specified in this division.
  - C. Lamps and micro-prism reflective tape required by this section shall meet standards and specifications adopted by the Ohio Director of Public Safety under Ohio R.C. 4513.114.
- (3) The Ohio Director of Public Safety, in accordance with Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position and mounting of the lamps and micro-prism reflective tape required by Ohio R.C. 4513.114. The rules permit the micro-prism reflective tape to be red, amber, white, or silver in color.
- (4)
- A. Subsections (e)(1) and (e)(2) of this section do not apply to the operator of animal-drawn agricultural equipment who is not transporting any livestock or a person other than the operator.
  - B. No operator described in subsection (e)(4)A. of this section shall operate animal-drawn agricultural equipment unless it is equipped with and displays, at all times, the SMV emblem mounted in accordance with Ohio R.C. 4513.112(B).
  - C. As used in subsection (e)(4) of this section, "animal-drawn agricultural equipment" means equipment drawn by the muscular power of an animal that is used solely for agricultural purposes. "Animal-drawn agricultural equipment" includes any of the following:
    - 1. A plow;
    - 2. A manure spreader;
    - 3. A thresher.
- (5) Whoever violates this subsection (e) is guilty of a minor misdemeanor. (ORC 4513.114)

(f) **Strict Liability Offenses.** The offenses established under this section are strict liability offenses, and Ohio R.C. 2901.20 does not apply. The designation of these offenses as strict liability offenses shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.  
(ORC 4513.115)

### **337.11 SPOTLIGHT AND AUXILIARY LIGHTS.**

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

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.12)

### **337.12 COWL, FENDER AND BACK-UP LIGHTS.**

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

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.13)

### **337.13 DISPLAY OF LIGHTED LIGHTS.**

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.14)



**337.14 USE OF HEADLIGHT BEAMS.**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.15)

**337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.**

(a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.16)

**337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.**

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

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

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.
- (2) The prohibition in subsection (c)(1) of this section does not apply to any of the following:
- A. Emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles as provided in Ohio R.C. 4513.182, highway maintenance vehicles, and similar equipment operated by state or local authorities, provided such vehicles are equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light;

- B. Vehicles or machinery permitted by Ohio R.C. 4513.111 to have a flashing red light;
  - C. Farm machinery and vehicles escorting farm machinery, provided such machinery and vehicles are equipped with and display, when used on a street or highway, a flashing, oscillating or rotating amber light. Farm machinery also may display the lights described in Ohio R.C. 4513.111.
  - D. A funeral hearse or funeral escort vehicle, provided that the funeral hearse or funeral escort vehicle is equipped with and displays, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating purple or amber light;
- (3) Subsection (c)(1) of this section does not apply to animal-drawn vehicles subject to Ohio R.C. 4513.114.
- (d) (1) Except a person operating a public safety vehicle, as defined in Ohio R.C. 4511.01(E), or a school bus, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light.
- (2) Except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the state, operating a public safety vehicle when on duty, no person shall operate, move, or park upon, or permit to stand within the right-of-way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.17)

### **337.17 FOCUS AND AIM OF HEADLIGHTS.**

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.19)

**337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.**

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
  - (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
  - (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
  - (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
    - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
    - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
  - (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
  - (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
  - (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular

effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other 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.

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

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

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

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

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

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

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.  
(ORC 4511.81)



**337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
- (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

- (c) (1) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat.
- (2) Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees.
- (3) Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states the following:

- A. That the person has a physical impairment that makes use of an occupant restraining device impossible or impractical;
  - B. Whether the physical impairment is temporary, permanent or reasonably expected to be permanent;
  - C. If the physical impairment is temporary, how long the physical impairment is expected to make the use of an occupant restraining device impossible or impractical.
- (4) Subsections (b)(1) and (3) of this section do not apply to a person who has registered with the Registrar of Motor Vehicles in accordance with subsection (c)(5) of this section.
  - (5) A person who has received an affidavit under subsection (c)(3) of this section stating that the person has a permanent or reasonably expected to be permanent physical impairment that makes use of an occupant restraining device impossible or impracticable may register with the Registrar attesting to that fact. Upon such registration, the Registrar shall make that information available in the law enforcement automated data system. A person included in the database under subsection (c)(5) of this section is not required to have the affidavit obtained in accordance with subsection (c)(3) of this section in their possession while operating or occupying an automobile.
  - (6) A physician or chiropractor who issues an affidavit for the purposes of subsection (c)(3) or (4) of this section is immune from civil liability arising from any injury or death sustained by the person who was issued the affidavit due to the failure of the person to wear an occupant restraining device unless the physician or chiropractor, in issuing the affidavit, acted in a manner that constituted willful, wanton or reckless misconduct.
  - (7) The Registrar shall adopt rules in accordance with Ohio R.C. Chapter 119, establishing a process for a person to be included in the database under subsection (c)(5) of this section. The information provided and included in the database under subsection (c)(5) of this section is not a public record subject to inspection or copying under Ohio R.C. 149.43.

(d) 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 (b) hereof 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.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules

of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.

- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- A. It seeks to recover damages for injury or death to the occupant.
  - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
  - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.

- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.  
(ORC 4513.263)

### **337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.**

#### **(a) Requirements.**

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In

- “Federal Motor Vehicle Safety Standard Number 205” (FMVSS 205) “manufacturer” means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale. “Federal Motor Vehicle Safety Standard Number 205” (FMVSS), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>.
- B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
  - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
  - D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
  - E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
  - (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
  - (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
  - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
  - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer’s name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)

(b) Exemptions. The provisions of this section do not apply to:

- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
- (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
- (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205), Code of Federal Regulations, Title 49, Part 571, can be obtained online at web site <http://www.gpo.gov>. (OAC 4501-41-05)

(c) Definitions. As used in this section, certain terms are defined as follows:

- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
- (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
- (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
- (4) "Windshield" means the front exterior viewing device of a motor vehicle.
- (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
- (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing.  
(OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.241)

### **337.29 BUMPER HEIGHTS.**

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(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)



<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
4106	5-23-00	1163.13	4277	11-25-08	936.01 to 936.07
4109	8-8-00	521.11	4288	1-27-09	931.15
4110	8-8-00	1307.01 to 1307.99	4291	3-24-09	1137.06(c)
4119	11-28-00	1339.01 to 1339.99	4292	4-28-09	927.06, 927.08, 927.99
4121	1-9-01	931.15	4293	4-28-09	1343.01 to 1343.06, 1343.99
4122	1-16-01	931.23	4297	5-26-09	905.02(a)
4135	7-10-01	351.16	4306	7-28-09	931.101
4136	7-10-01	351.20	4308	8-25-09	1501.01
4137	7-10-01	351.99	4311	10-27-09	1351.01 to 1351.05, 1351.98, 1351.99
4138	7-10-01	1501.99	4312	11-10-09	1137.00 to 1137.30, 1137.99
4139	7-10-01	1501.05	4313	10-27-09	931.15
4143	9-11-01	141.04	4314	10-27-09	137.06
4148	1-8-02	905.01 to 905.99	4329	2-9-10	737.01, 737.99
4149	1-8-02	111.02	4330	1-12-10	141.04
4153	6-25-02	933.01 to 933.99	4331	2-23-10	939.07
4159	12-10-02	905.01 to 905.99	4332	2-23-10	931.24
4160	1-28-03	931.15	4333	2-23-10	931.10
4168	6-24-03	937.01 to 937.06	4334	2-23-10	939.08
4173	12-9-03	173.01 to 173.99	4337	7-27-10	931.25
4174	1-6-04	Repeals 125.011	4338	7-27-10	939.09
4179	1-20-04	505.11, 549.01, 549.02	4339	8-24-10	1123.07 to 1123.09
4183	4-27-04	931.15	4340	8-24-10	1125.02
4184	5-11-04	173.03	4341	8-24-10	1121.07 to 1121.09
4186	8-10-04	1305.01 to 1305.05, 1307.03, 1307.04, 1315.01, 1315.02, 1315.05	4345	8-24-10	1122.08, 1122.09
4187	10-26-04	145.02	4346	8-24-10	1102.01
4200	6-30-05	1127.01	4347	9-28-10	931.15
4206	1-24-06	1155.01 to 1161.53, 1163.01 to 1163.09	4357	2-8-11	913.01, 913.02, 913.06, 913.09, 913.20, 913.21
4237	1-9-07	1127.01	4359	3-22-11	133.09
4240	3-27-07	931.15	4361	5-10-11	935.02, 935.04, 935.05, 935.08, 935.10, 935.11, 935.12, 935.15, 935.19, 935.29
4243	6-12-07	1141.01 to 1141.08	4363	7-12-11	513.01
4250	9-11-07	1122.10	4364	8-9-11	939.10
4252	10-23-07	141.04	4367	10-25-11	145.01, 145.02
4260	1-8-08	775.01	4376	11-8-11	1505.01
4261	2-12-08	111.02	4380	1-24-12	1127.01
4264	3-11-08	931.15	4382	3-13-12	1183.01 to 1183.07
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4269	6-24-08	502.01 to 502.04, 502.99; repeals 331.43, 505.09	4385	3-27-12	141.04
4270	8-12-08	145.01(c), (d)	4387	10-23-12	1117.03
4274	8-26-08	1127.01	4402	7-9-13	931.15

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2561-19	8-20-19	125.13			

- (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
- (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
- (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
- (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
- (6) Fifteen miles per hour on all alleys within the Municipality;
- (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) and (12);
- (8) Sixty miles per hour for operators of any motor vehicle at all times on all portions of rural divided highways;
- (9) Sixty-five miles per hour for operators of any motor vehicle at all times on rural expressways without traffic control signals;
- (10) Seventy miles per hour for operators of any motor vehicle at all times on all rural freeways.
- (11) Fifty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in congested areas as determined by the Director and that are part of the interstate system and are located within a municipal corporation or within an interstate freeway outerbelt;
- (12) Sixty-five miles per hour for operators of any motor vehicle at all times on all portions of freeways in urban areas as determined by the Director and that are part of the interstate system and are part of an interstate freeway outerbelt;

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared or established pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
- (1) At a speed exceeding fifty-five miles per hour, except upon a highway, expressway or freeway as provided in subsection (b)(8), (9), (10) and (12) hereof;
  - (2) At a speed exceeding sixty miles per hour upon a highway as provided in subsection (b)(8) hereof;
  - (3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in subsection (b)(9) hereof, except upon a freeway as provided in subsection (b)(10) hereof;
  - (4) At a speed exceeding seventy miles per hour upon a freeway as provided in subsection (b)(10) hereof;
  - (5) At a speed exceeding the posted speed limit upon a highway, expressway or freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2) or (L)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared or established pursuant to this section by the Director or local authorities, and of the limitation in subsection (d) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared or established pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared or established pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

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

- (i) As used in this section:
- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
  - (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
  - (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.
  - (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the Director.
  - (5) "Rural" means outside urbanized areas, as designated in accordance with 23 USC 101, and outside of a business or urban district.
- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
  - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
  - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.
- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
- (4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code. (ORC 4511.21)

**333.031 APPROACHING A STATIONARY PUBLIC SAFETY, EMERGENCY OR ROAD SERVICE VEHICLE.**

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle that is displaying the appropriate visual signals by means of flashing, oscillating or rotating lights, as prescribed in Section 337.16, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06 or a highway maintenance vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle, emergency vehicle, road service vehicle, waste collection vehicle, vehicle used by the Public Utilities Commission to conduct motor vehicle inspections in accordance with Ohio R.C. 4923.04 and 4923.06, or a highway maintenance vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d)
  - (1) 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.
  - (2) Notwithstanding Section 303.99(b), upon a finding that a person operated a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
  - (3) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991 of the Traffic Code.

(e) The offense established under this section is a strict liability offense and Ohio R.C. 2901.20 does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. (ORC 4511.213)

**CHAPTER 337**  
**Safety and Equipment**

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| <p>337.01 Driving unsafe vehicles.<br/>337.02 Lighted lights; measurement of distances and heights.<br/>337.03 Headlights on motor vehicles and motorcycles.<br/>337.04 Tail light; illumination of rear license plate.<br/>337.05 Rear red reflectors.<br/>337.06 Safety lighting on commercial vehicles.<br/>337.07 Obscured lights on vehicles in combination.<br/>337.08 Red light or red flag on extended loads.<br/>337.09 Lights on parked or stopped vehicles.<br/>337.10 Lights on slow-moving vehicles; emblem required.<br/>337.11 Spotlight and auxiliary lights.<br/>337.12 Cowl, fender and back-up lights.<br/>337.13 Display of lighted lights.<br/>337.14 Use of headlight beams.<br/>337.15 Lights of less intensity on slow-moving vehicles.<br/>337.16 Number of lights; limitations on flashing, oscillating or rotating lights.</p> | <p>337.17 Focus and aim of headlights.<br/>337.18 Motor vehicle and motorcycle brakes.<br/>337.19 Horn, siren and theft alarm signal.<br/>337.20 Muffler; muffler cutout; excessive smoke, gas or noise.<br/>337.21 Rear-view mirror; clear view to front, both sides and rear.<br/>337.22 Windshield and windshield wiper; sign or poster thereon.<br/>337.23 Limited load extension on left side of passenger vehicle.<br/>337.24 Motor vehicle stop lights.<br/>337.25 Air cleaner required.<br/>337.26 Child restraint system usage.<br/>337.27 Drivers and passengers required to wear seat belts.<br/>337.28 Use of sunscreening, nontransparent and reflectorized materials.<br/>337.29 Bumper heights.<br/>337.30 Directional signals required.</p> |
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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.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(i) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(j) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.11)

#### **337.11 SPOTLIGHT AND AUXILIARY LIGHTS.**

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

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.12)

#### **337.12 COWL, FENDER AND BACK-UP LIGHTS.**

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

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.13)

**337.13 DISPLAY OF LIGHTED LIGHTS.**

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.14)

**337.14 USE OF HEADLIGHT BEAMS.**

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.15)

**337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.**

(a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.16)

**337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.**

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

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

- (c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing. This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, stationary waste collection vehicles actively collecting garbage, refuse, trash or recyclable materials on the roadside, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.
- (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.17)

### **337.17 FOCUS AND AIM OF HEADLIGHTS.**

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) The headlights on any motor vehicle shall comply with the headlamp color requirements contained in federal motor vehicle safety standard number 108, 49 C.F.R. 571.108. No person shall operate a motor vehicle in violation of this subsection.

(c) Whoever violates this section is guilty of a minor misdemeanor.  
(ORC 4513.19)

**337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.**

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
  - (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
  - (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
  - (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
    - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
    - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
  - (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
  - (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
  - (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular

effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other 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.

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

(f) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

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

(h) This section does not apply when an emergency exists that threatens the life of any person operating or occupying a motor vehicle that is being used to transport a child who otherwise would be required to be restrained under this section. This section does not apply to a person operating a motor vehicle who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the child who otherwise would be required to be restrained under this section has a physical impairment that makes use of a child restraint system, booster seat or an occupant restraining device impossible or impractical, provided that the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendations of the physician or chiropractor as noted on the affidavit.

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

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

- (1) Except as otherwise provided in subsection (j)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00) nor more than seventy-five dollars (\$75.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a), (b), (c) or (d) of this section or of a state law or municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree.  
(ORC 4511.81)

**337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.**

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
- (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device or booster seat. Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(d) 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 (b) hereof 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.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:
- A. It seeks to recover damages for injury or death to the occupant.
  - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
  - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).

- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree. (ORC 4513.263)

**337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.**

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.
  - B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
  - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.
  - D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the sunscreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
  - E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
- (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.

- (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
  - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
  - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All suncreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)
- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
  - (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
  - (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and
  - (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. (OAC 4501-41-05)
- (c) Definitions. As used in this section, certain terms are defined as follows:
- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
  - (2) "Sunscreening material" means products or materials, including film, glazing and perforated suncreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
  - (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
  - (4) "Windshield" means the front exterior viewing device of a motor vehicle.
  - (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
  - (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

- (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)

(d) Penalty. Whoever violates this section is guilty of a minor misdemeanor. (ORC 4513.241)

### 337.29 BUMPER HEIGHTS.

(a) Definitions.

- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
- (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
- (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.
- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(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)

## **ORDINANCE NO. 4584-22**

**AN ORDINANCE APPROVING AN APPLICATION FOR A “DESIGNATED OUTDOOR REFRESHMENT AREA” AND ESTABLISHING THE DOWNTOWN URBANA DESIGNATED OUTDOOR REFRESHMENT AREA (“DOWNTOWN URBANA DORA”) IN THE CITY OF URBANA, OHIO. Three (3) readings required. Public Hearing required. Public Hearing to be held on November 15, 2022. Advertisement for Public Hearing Published on October 22, 2022 and October 29, 2022.**

**Department Requesting: Community Development                      Sponsor: None.**

**WHEREAS**, Section 4301.82 of the Ohio Revised Code permits a municipality with a population of less than fifty thousand to create up to three Designated Outdoor Refreshment Areas within its corporate limits; and

**WHEREAS**, on October 18, 2022, the Mayor and Director of Administration filed an application with City Council for approval of a Designated Outdoor Refreshment Area in a specified area of the City described in the application and Urbana City Council accepted receipt of said plan on this date during their regular session; and

**WHEREAS**, pursuant to Section 4301.82(C) of the Ohio Revised Code, notice of the filing of the application for a Designated Outdoor Refreshment Area for Downtown Urbana was published in a newspaper of general circulation in the City of Urbana, *The Urbana Daily Citizen*, on October 22, 2022 and again on October 29, 2022; and

**WHEREAS**, City Council conducted a public hearing on November 15, 2022, to consider the application and in which public testimony was solicited; and

**WHEREAS**, City Council finds the application follows Section 4301.82(B) of the Ohio Revised Code and that the “Designated Outdoor Refreshment Area” to be created would be following Section 4301.82(D) of the Ohio Revised Code; and

**WHEREAS**, the approval of the Designated Outdoor Refreshment Area for Downtown Urbana will serve to enhance the experiences of patrons of City business establishments and the attendees of special events held within the City; and

**WHEREAS**, the establishment of the Designated Outdoor Refreshment Area for Downtown Urbana will continue to build upon increased economic activity, investment, and development within the downtown; and

**WHEREAS**, the establishment of a DORA in Downtown Urbana will assist with the continued revitalization of Downtown Urbana by furthering patronage of new and existing dining and shopping options by the local community, region, and tourists.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, OHIO.**

**SECTION ONE:** Council finds that the application provided to Urbana City Council on October 18, 2022, attached hereto and incorporated herein, meets the requirements of Section 4301.82 of the Ohio Revised Code and approves the application for the designation of certain property in the City as a Designated Outdoor Refreshment Area for Downtown Urbana.

**SECTION TWO:** Council determines that all public notices of Section 4301.82 of the Ohio Revised Code prior to the passage of this Ordinance have been met.

**SECTION THREE:** In order to ensure the public health and safety within the Designated Outdoor Refreshment Area, and in compliance with Ohio RC §4301.82(F)(1), City Council expressly establishes the following requirements:

- (a) In accordance with Ohio RC §4301.82(F)(1)(a), the specific boundaries of the Designated Outdoor Refreshment Area for Downtown Urbana are shown on the aforementioned application’s Exhibit A (Boundary Map). Furthermore, street right of way and address ranges within the DORA are as follows:

Street Name	Address Range	Even/Odd
Monument Square	1-42	Even & Odd
Miami Street	100-198	Even
Miami Street	101-199	Odd
Scioto Street	100-208	Even
Scioto Street	101-299	Odd
South Main Street	100-216	Even
South Main Street	101-199	Odd
North Main Street	100-198	Even
North Main Street	101-299	Odd
East Court Street	100-116.5	Even
East Court Street	101-119	Odd
West Court Street	101-127	Odd

- (b) In accordance with Ohio RC §4301.82(F)(1)(b), permanent sidewalk stencils with the wording “NO ALCOHOL BEYOND THIS POINT” with the DORA logo/title will be installed and maintained by the City of Urbana Street Department as signage at the DORA boundaries. For instances where sidewalk stencils are not feasible for installation as planned, a raised sign will be installed with similar wording and graphics. All DORA boundary signage will be placed where public sidewalks intersect with the DORA boundaries and where the DORA boundaries end in order to provide pedestrians with a clear indication of when they are entering or exiting the boundaries of the DORA. As of the date of the DORA application, approximately thirty-five signs are estimated to be required to be installed to properly delineate the DORA boundaries as shown on the signage plan.

- (c) In accordance with Ohio RC §4301.82(F)(1)(c), the hours of operation for the Downtown Urbana DORA will be year-round from 11:00AM to 10:00PM daily. Furthermore, the Director of Administration shall be permitted to issue special event permits that may operate within the boundaries of the DORA and which may extend the operational days or hours of the DORA. In addition, the Director of Administration shall be permitted to consider and approve additional events on an ongoing-basis.

The City of Urbana requires that each special event receives a permit, and each event will be reviewed by the Director of Administration and the appropriate Departments/Divisions of the City. Permit requirements may differ between events depending on the size, layout, use of right of way, or program requirements of the specific event. Furthermore, each event will be reviewed to ensure that adequate sanitation, signage, and public safety requirements are addressed. In addition, the necessity of portable restrooms, handicap accessibility, pedestrian mobility, public safety ingress and egress, crowd control, DORA boundary management, and trash management will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate and public safety requirements are met.

Potential DORA Special Events:

Second Saturdays

Art Affair on the Square

Simon Kenton Chili Cook-Off & Hoopla Parade

Pumpkin Walk

Loft Tour

Holiday Open Houses

Holiday Horse Parade

Small Business Saturday

Christmas Shop Hop

*\* Inclusion as an eligible DORA event does not necessitate participation. Each host organization will have the opportunity to decide if the event will participate in the DORA process.*

- (d) In accordance with Ohio RC §§4301.82(B)(5) and (F)(1)(d), the following public health and safety requirements have been developed for the purpose of

ensuring the health and safety within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

The City of Urbana Police Division and the City of Urbana Fire Division will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

#### Law Enforcement Responsibilities

The City of Urbana Police Division will be responsible for providing law enforcement services within the DORA. Uniformed officers are assigned to cover the city 24 hours per day, 7 days per week, 365 days per year, and throughout the hours of operation of the DORA. If law enforcement services are required, assistance can be obtained through dispatch and by phoning the conventional 9-1-1 system.

The on-duty shift Sergeant will do his/her best to ensure that appropriate attention is provided to the DORA during the hours of operation. As of the date of this application, there are four officers assigned to 1<sup>st</sup> shift, including a Sergeant. Furthermore, there are five officers currently assigned to 2<sup>nd</sup> shift, including a Sergeant. Lastly, as of the date of this application, there are four officers assigned to 3<sup>rd</sup> shift, including a Sergeant. In addition to this staffing, the Urbana Police Division is also staffed by a Chief of Police and Lieutenant.

For planned events in the DORA that may draw a larger than normal attendance, the organizer of the event will be responsible for hiring an appropriate number of off-duty police officers as security.

#### Fire/EMS Responsibilities

The Urbana Fire Division will be responsible for providing Fire, Rescue, and EMS within the DORA. The city's only fire station is located within one block of Monument Square and is within feet of the DORA boundaries. This station is also staffed 24 hours per day, 7 days per week, 365 days per year and during hours of operation of the DORA. Response time to any emergency within the DORA will be minimal.

Within the Urbana Fire Division, there is an assigned A, B, and C shift. Each shift rotates between 24 hours on duty and 48 hours off duty. For each assigned shift, there are five firefighters on station, including a Captain. In addition, the Fire Chief and Fire Prevention Official are employed within the Urbana Fire Division on a full-time basis as regular forty hour per week employees.

- (e) In accordance with Ohio RC §§4301.82(B)(5), (F)(1)(e) and (F)(1)(f), the following sanitation plan has been developed to help maintain the appearance and public health within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

Within the Central Business District, there are currently seventeen 30-gallon trash containers (trash only) that are collected by Rumpke of Ohio, Inc. pursuant

to a contract with City of Urbana. Collection of these containers is twice per week from April through October (on Mondays & Thursdays, unless otherwise agreed upon) and once per week from November through March (preferably on Thursday, unless otherwise agreed upon). Additional collections will be done on an as-needed basis, and the existing placement of these containers may be adjusted at a later date based on the operational needs of the DORA. The City of Urbana Public Works Superintendent will monitor the containers and coordinate additional collections with Rumpke if needed and coordinate any required relocations of containers.

The DORA area will be monitored for litter and additional receptacles will be added as necessary. The City of Urbana will explore the possibility of adding recycling containers within the DORA by working with its recycling vendor, Rumpke.

The streets located within the DORA boundaries, including Monument Square, are regularly cleaned by the full-time staff of the City of Urbana Street Department with the city's street sweeper. If deemed necessary by the Director of Administration and/or the Public Works Superintendent, the City of Urbana will increase the frequency of street sweeping operations within the DORA.

- (f) In accordance with Ohio RC §4301.82(F)(1)(g), and for purposes of the Designated Outdoor Refreshment Area, beer and intoxicating liquor shall be served solely in plastic bottles or other plastic (non-glass) containers that are distinctly marked and the Downtown Urbana DORA Cup ("the Official Cup") shall be sold and distributed exclusively through the Champaign County Chamber of Commerce as outlined within the application.

**SECTION FOUR:** Five (5) years from the effective date of this Ordinance, and every five (5) years thereafter, City Council shall review the operation of the Downtown Urbana DORA herein established and shall either approve its continued operation or dissolve it.

**SECTION FIVE:** All actions of City Council and the Planning Commission related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22

**SECTION SIX:** That this Ordinance shall become effective at the earliest time provided by law.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED: *W. H. Finster* 10/27/2022  
Director of Law                      Date

Jumper:        \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Scott:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Paul:          \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Truelove:     \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Thackery:     \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Collier:       \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Bean:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A



APPLICATION TO THE URBANA CITY COUNCIL  
DOWNTOWN URBANA  
DESIGNATED OUTDOOR REFRESHMENT AREA  
Ohio Revised Code 4301.82



The Mayor of the City of Urbana, Ohio and the Office of the Director of Administration of the City of Urbana, Ohio respectfully submit the following application to the City Council of Urbana, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana in accordance with Ohio Revised Code Section 4301.82.

Submitted: October 18, 2022

By:   
Mr. Bill Bean, Mayor  
City of Urbana

By:   
Mr. Kerry Brugger, Director of Administration  
City of Urbana

## **A. Introduction and Submittal of Application**

The Mayor of the City of Urbana, Ohio and the Office of the Director of Administration of the City of Urbana, Ohio respectfully submit the following application to the City Council of Urbana, Ohio to approve and establish a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana in accordance with Ohio Revised Code Section 4301.82.

Furthermore, Ohio Revised Code Section 4301.82 authorizes municipalities under 50,000 in population to create up to three Designated Outdoor Refreshment Areas or "DORAs". A DORA is an area where the open container restrictions are relaxed during particular timeframes, and adults who are 21 years of age or older are permitted to possess and consume alcohol in public with certain restrictions. In order to consider creation of a DORA, the Chief Executive Officer of the municipality is required to file an application with City Council which meets certain statutory requirements outlined below.

In order to consider the creation of a DORA, the Mayor (Chief Executive Officer) and Administration are required to prepare and submit an application (this document) to Urbana City Council which meets certain statutory requirements as outlined below. The application filing, including the date and time of the required public hearing, shall be advertised for two consecutive weeks in *The Urbana Daily Citizen*, our local newspaper of general circulation. Not earlier than 30 days, but not later than 60 days after the initial notice publication, Urbana City Council must approve or disapprove of the application by ordinance. The purpose of this application is to request that Urbana City Council consider the creation and approval for a Designated Outdoor Refreshment Area (DORA) in Downtown Urbana.

The establishment of a Designated Outdoor Refreshment Area for Downtown Urbana has been requested by existing establishments downtown and by establishments who are planning to open within the downtown district. Furthermore, the approval of the Urbana Downtown Revitalization District in June of 2020 by the Ohio Department of Commerce, Division of Liquor Control and this district's later amendment in September of 2021 has expanded the availability of D5 liquor licenses downtown. As a result of additional D5 licenses being available within the Urbana Downtown Revitalization District, the number of establishments operating downtown or planning to operate downtown has already increased.

Regionally and throughout the State of Ohio, Designated Outdoor Refreshment Areas have proven to be generally popular and have been well received in the vast majority of communities where they have been established. Furthermore, communities with Designated Outdoor Refreshment Areas already in place and operational have reported minimal issues as a result of the operation of their Designated Outdoor Refreshment Areas. In addition, most communities that have started with trial periods or stricter operational limitations of their Designated Outdoor Refreshment Areas have later revised their operating requirements to be less restrictive.

Lastly, the overall purpose of establishing a Designated Outdoor Refreshment Area (DORA) for Downtown Urbana will continue to build upon increased economic activity, investment, and development within the downtown. Furthermore, the establishment of a DORA in Downtown Urbana will assist with the continued revitalization of Downtown Urbana by furthering patronage of new and existing dining and shopping options by the local community, region, and tourists.

The application includes the following sections:

- B. Map and Description of Boundaries
- C. Nature and Types of Establishments
- D. Qualified Permit Holders
- E. Land Use and Zoning
- F. Public Health and Safety
- G. Sanitation
- H. Signage
- I. Hours and Additional Rights and Requirements

**B. Map and Description of Boundaries**

In accordance with Ohio Revised Code Section 4301.82(B)(1)(b) and (F)(1)(a), the specific boundaries of the DORA are presented in EXHIBIT A – Boundary Map. While the statute allows a municipality with a population of 50,000 or less to include up to 320 contiguous acres within the DORA boundaries, the DORA being proposed for Downtown Urbana is only +/- 18.117 acres and is focused on the locations where issued or pending qualified liquor permits are located. Furthermore, the boundaries have been drawn to keep the walking areas of the DORA confined to the predominantly commercial areas of the downtown area. Within the proposed DORA boundaries, there are eight establishments currently licensed with the qualified license types to participate in the DORA. In addition, there are three establishments with pending liquor permit applications who are also located within the DORA boundaries. Once licensed, these three establishments will also qualify as the proper liquor license type to participate in the DORA.

Street right of ways and address ranges within the DORA include:

Street Name	Address Range	Even/Odd
Monument Square	1-42	Even & Odd
Miami Street	100-198	Even
Miami Street	101-199	Odd
Scioto Street	100-208	Even
Scioto Street	101-299	Odd
South Main Street	100-216	Even
South Main Street	101-199	Odd
North Main Street	100-198	Even
North Main Street	101-299	Odd
East Court Street	100-116.5	Even
East Court Street	101-119	Odd
West Court Street	101-127	Odd

**C. Nature and Types of Establishments**

In accordance with Ohio Revised Code Section 4301.82(B)(2), the nature and types of establishments within or adjacent to the Downtown Urbana DORA are primarily businesses in the retail, restaurant, entertainment, and service sectors. Furthermore, within the Downtown Urbana DORA, the majority of the buildings have businesses consisting of retail, restaurants, and commercial services on the first floor.

The upper-level floors have a mixture of office space and residential units. In recent years, upper floor spaces that were previously vacant have been converted into upstairs apartments and lofts. For example, the former Douglas Inn had been vacant since 2004 and was reoccupied in 2022 when seventeen new senior apartments were completed. In addition, another thirty-nine residential loft apartments are proposed or under construction within the DORA boundaries.

There are also institutional and governmental uses typical of a historic downtown in an Ohio county seat such as the Champaign County Courthouse and the Masonic Temple. In addition, adjacent to the boundaries of the Downtown Urbana DORA, there is the Urbana Municipal Building, the Champaign County Municipal Court, the Urbana Fire Division, and the Urbana Police Division.

All properties within the Downtown Urbana DORA are located within the B-3 Central Business District and these properties are familiar with the type of activity (pedestrian foot traffic, retail/commerce, and community events) typically found within the area and how the creation of a DORA would further promote commerce within Downtown Urbana.

Examples of retail, restaurant, financial/service, and institutional/governmental establishments located in the Urbana DORA are as follows:

<b>Retail</b>	
Middle of the Wood	231 North Main Street
Archetype	102 South Main Street
Bell's Flowers	33 Monument Square
The Boston	121 North Main Street
Carmazzi's	100 South Main Street
Downtown Divas	16 Monument Square
Ethel's Flower Shop	239 Scioto Street
Eve's Place	122 South Main Street
Farm Charm	106 South Main Street
The Garden by Dorcey's	200 Scioto Street
Guild Galleries Interiors & Gifts	118 North Main Street
Hometown Music	237 North Main Street
In Good Taste Market	12 Monument Square
Kaleidoscope	117 North Main Street
Lily's Garden	125 North Main Street
The Merchant Shops	112 North Main Street

Nanny Goat's	115 East Court Street
Nivroc's Country Store	15 Monument Square
Our Kitchen Window	223 North Main Street
Sideline Sports	202 Scioto Street
Vape on the Square	17 Monument Square
The Vintage Traveler	107 Scioto Street
Willow & Walker Plant Boutique	121 Scioto Street

Dining		
Abuela's Kitchen	23 Monument Square	
Bracken's Pub	106 Miami Street	
Café Paradiso	13 Monument Square	
Downtown Nutrition	221 North Main Street	
Fusion 40 83	115 Miami Street	
In Good Taste Market	12 Monument Square	
Let's Eat Cake	117 Scioto Street	
Mayflowers Chinese Restaurant	225 North Main Street	
Tapas Pequeños	31 Monument Square	*Under Construction
Teabaggers	127 North Main Street	
The Spotted Owl Coffee Bar	113 North Main Street	
Urbana Brewing Company	35 Monument Square	*Under Construction

Financial/Service	
Alexander Spencer Kramer, CPA	113 East Court Street
Coverlink Insurance	121 Miami Street
Dye & Doss Insurance	127 South Main Street
Edwin A. Grinvalds, Attorney at Law	125 Scioto Street
Farmers & Merchants State Bank	120 North Main Street
Martin, Browne, Hull, and Harper; Attorneys at Law	1 Monument Square, Suite 200
Martin Insurance	125 South Main Street
The Peoples Savings Bank	10 Monument Square
Phillip M. Edwards Financial Planning	1 Monument Square, Suite 202
Sellman Insurance Group	38 Monument Square
Stocksdale Insurance	114 North Main Street
Thompson, Dunlap, and Heydinger LTD. (TDH Law)	18 Monument Square
Tompkins & Ellis Attorneys	121 South Main Street
Ron Burns State Farm Agent	219 Scioto Street

Wagner, Maurice, Davidson, and Zook; LPA	117 West Court Street
Wallace & Turner Insurance	113 Scioto Street

Institutional/Governmental		
Champaign County Courthouse	200 North Main Street	
Champaign County Municipal Court	205 South Main Street	*Adjacent to DORA
Masonic Temple	222 North Main Street	
Urbana Fire Division	107 East Market Street	*Adjacent to DORA
Urbana Municipal Building	205 South Main Street	*Adjacent to DORA
Urbana Police Division	205 South Main Street	*Adjacent to DORA

#### D. Qualified Permit Holders

In accordance with Ohio Revised Code Section 4301.82 (B)(3), the Downtown Urbana DORA is located within a municipal corporation with a population of less than 50,000. The 2020 federal decennial census determined that the population of the City of Urbana is 11,115 as of the date of the census. Furthermore, as required by Ohio Revised Code Section 4301.82 (D)(2), the Downtown Urbana DORA will not encompass fewer than two qualified permit holders as defined in Ohio Revised Code Section 4301.82(A)(1). As of the date of this application, there are eight qualified permit holders with an additional three establishments with pending liquor permit applications for qualified license types who are also located within the DORA boundaries.

Permit Holder	DBA	Address	Permit Class	Permit No.	Status
Monument Brewing LLC	Urbana Brewing Company	35 Monument Square	A1A, A1C	6115035	Pending
Our Kitchen Window LLC	Our Kitchen Window	223 North Main Street	A2	6606870	Pending
Dale Chiyong Tai	Mayflowers Chinese Restaurant	225 North Main Street	D1, D2	8779950	Issued
Patrick E. Field	Coppertop	116 Miami Street	D1, D2, D3	2710842	Issued
Grant A. Holcomb	Teabaggers	127 North Main Street	D2	3911597	Issued
Fusion 40 83 LLC	Fusion 40 83	115 Miami Street & Patio	D5	2972261	Issued
Happytime LLC	Café Paradiso	13 Monument Square & Patio	D5	3589836	Issued
Patrick Crowley	Brackens Pub	106 Miami Street & Patio	D5	1836584	Issued
Abuelas Kitchen LLC	Abuelas Kitchen	23 Monument Square	D5L	0036902	Issued

Spotted Cow Coffeehouse LLC	The Spotted Owl Coffee Bar	113 North Main Street	D5L	8443141	Issued
Tapas Pequeños LLC	Tapas Pequeños	31 Monument Square	D5L	8782189	Pending

**E. Land Use & Zoning**

In accordance with Ohio Revised Code Section 4301.82(B)(4), the land uses within the Downtown Urbana DORA are located within the B-3 Central Business District and the City Center Heritage Overlay District and are in accord with local zoning regulations. See EXHIBIT B – Zoning Map.

As stated within the Chapter 1125.01 of the Codified Ordinances of the City of Urbana, “It is the purpose of the B-3 Central Business District to encourage the functional grouping of those commercial, office, institutional, residential and accessory establishments encouraging the preservation of the historic character of downtown Urbana. Multi-family housing is encouraged on upper stories of buildings in the B-3 Central Business District”.

Furthermore, as outlined in Chapter 1112.01 (b) of the Codified Ordinances of the City of Urbana, the City Center Heritage Overlay District is specifically designed to:

- 1) Maintain, promote, and ensure Urbana's downtown as its historic business and civic center.
- 2) Provide for increased opportunities and land use efficiency for redevelopment, new development and business development expansion.
- 3) Encourage a viable and compatible mix of commercial, business, office, and residential uses in the district.

**F. Public Health & Safety**

In accordance with ORC 4301.82(B)(5) and (F)(1)(d), the following public health and safety requirements have been developed for the purpose of ensuring the health and safety within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

The City of Urbana Police Division and the City of Urbana Fire Division will be responsible for providing public safety within the DORA through law enforcement and fire/EMS services.

Law Enforcement Responsibilities

The City of Urbana Police Division will be responsible for providing law enforcement services within the DORA. Uniformed officers are assigned to cover the city 24 hours per day, 7 days per week, 365 days per year, and throughout the hours of operation of the DORA. If law enforcement services are required, assistance can be obtained through dispatch and by phoning the conventional 9-1-1 system.

The on-duty shift Sergeant will do his/her best to ensure that appropriate attention is provided to the DORA during the hours of operation. As of the date of this application, there are four officers assigned to 1<sup>st</sup> shift, including a Sergeant. Furthermore, there are five officers currently assigned to 2<sup>nd</sup> shift, including a Sergeant. Lastly, as of the date of this application, there are four officers assigned to 3<sup>rd</sup> shift, including a Sergeant. In addition to this staffing, the Urbana Police Division is also staffed by a Chief of Police and Lieutenant.

For planned events in the DORA that may draw a larger than normal attendance, the organizer of the event will be responsible for hiring an appropriate number of off-duty police officers as security.

#### Fire/EMS Responsibilities

The Urbana Fire Division will be responsible for providing Fire, Rescue, and EMS within the DORA. The city's only fire station is located within one block of Monument Square and is within feet of the DORA boundaries. This station is also staffed 24 hours per day, 7 days per week, 365 days per year and during hours of operation of the DORA. Response time to any emergency within the DORA will be minimal.

Within the Urbana Fire Division, there is an assigned A, B, and C shift. Each shift rotates between 24 hours on duty and 48 hours off duty. For each assigned shift, there are five firefighters on station, including a Captain. In addition, the Fire Chief and Fire Prevention Official are employed within the Urbana Fire Division on a full-time basis as regular forty hour per week employees.

#### **G. Sanitation**

In accordance with ORC 4301.82(B)(5) and (F)(1)(e) and (F)(1)(f), the following sanitation plan has been developed to help maintain the appearance and public health within the Downtown Urbana Designated Outdoor Refreshment Area (DORA). See EXHIBIT C – Sanitation Plan.

Within the Central Business District, there are currently seventeen 30-gallon trash containers (trash only) that are collected by Rumpke of Ohio, Inc. pursuant to a contract with City of Urbana. Collection of these containers is twice per week from April through October (on Mondays & Thursdays, unless otherwise agreed upon) and once per week from November through March (preferably on Thursday, unless otherwise agreed upon). Additional collections will be done on an as-needed basis, and the existing placement of these containers may be adjusted at a later date based on the operational needs of the DORA. The City of Urbana Public Works Superintendent will monitor the containers and coordinate additional collections with Rumpke if needed and coordinate any required relocations of containers.

The DORA area will be monitored for litter and additional receptacles will be added as necessary. The City of Urbana will explore the possibility of adding recycling containers within the DORA by working with its recycling vendor, Rumpke.

The streets located within the DORA boundaries, including Monument Square, are regularly cleaned by the full-time staff of the City of Urbana Street Department with the city's street sweeper. If deemed necessary by the Director of Administration and/or the Public Works Superintendent, the City of Urbana will increase the frequency of street sweeping operations within the DORA.

#### **H. Signage**

In accordance with ORC 4301.82(F)(1)(b), permanent sidewalk stencils with the wording "NO ALCOHOL BEYOND THIS POINT" with the DORA logo/title will be installed and maintained by the City of Urbana Street Department as signage at the DORA boundaries. For instances where sidewalk stencils are not



feasible for installation as planned, a raised sign will be installed with similar wording and graphics. All DORA boundary signage will be placed where public sidewalks intersect with the DORA boundaries and where the DORA boundaries end in order to provide pedestrians with a clear indication of when they are entering or exiting the boundaries of the DORA. As of the date of this application, approximately thirty-five signs are estimated to be required to be installed to properly delineate the DORA boundaries as shown on the signage plan.  
See EXHIBIT D – Signage Plan.

## **I. Hours and Additional Rights and Requirements**

### **a) Hours of Operation**

In accordance with ORC 4301.82(F)(1)(c), the hours of operation for the Downtown Urbana DORA will be year-round from 11:00AM to 10:00PM daily. Furthermore, the Director of Administration shall be permitted to issue special event permits that may operate within the boundaries of the DORA and which may extend the operational days or hours of the DORA. In addition, the Director of Administration shall be permitted to consider and approve additional events on an ongoing-basis.

The City of Urbana requires that each special event receives a permit, and each event will be reviewed by the Director of Administration and the appropriate Departments/Divisions of the City. Permit requirements may differ between events depending on the size, layout, use of right of way, or program requirements of the specific event. Furthermore, each event will be reviewed to ensure that adequate sanitation, signage, and public safety requirements are addressed. In addition, the necessity of portable restrooms, handicap accessibility, pedestrian mobility, public safety ingress and egress, crowd control, DORA boundary management, and trash management will be addressed. Event organizers may be required to pay for special duty officers or overtime for public service or safety workers if necessary to ensure adequate and public safety requirements are met.

#### **Potential DORA Special Events:**

Second Saturdays

Art Affair on the Square

Simon Kenton Chili Cook-Off & Hoopla Parade

Pumpkin Walk

Loft Tour

Holiday Open Houses

Holiday Horse Parade

Small Business Saturday

Christmas Shop Hop

*\* Inclusion as an eligible DORA event does not necessitate participation. Each host organization will have the opportunity to decide if the event will participate in the DORA process.*

**b) Official DORA Cup**

In accordance with ORC 4301.82(F)(1)(g), beer, wine, and intoxicating liquor shall only be consumed within the Downtown Urbana DORA as follows:

- 1) Beer, wine, and intoxicating liquor shall only be served and consumed within the DORA in a specifically designated DORA cup (the "Official Cup").
- 2) Each official cup shall be clear and shall not hold more than sixteen (16) ounces of liquid.
- 3) Each official cup shall only be used once, and no permit holding establishment shall allow a cup to be refilled after use.
- 4) Each official cup shall consist of specific identifiable marks and logos to ensure the integrity of the DORA regulations.
- 5) No other container shall be permitted to be utilized within the Downtown Urbana DORA.
- 6) Used official cups shall be disposed of before entering any establishment of a qualified permit holder.

The Downtown Urbana DORA Cup (the "Official Cup") shall be sold and distributed exclusively through the Champaign County Chamber of Commerce. Participating establishments will contact the Champaign County Chamber of Commerce during regular business hours for all orders and sales of cups in advance of cups being needed by the establishment.

The Champaign County Chamber of Commerce shall reserve the right to charge \$0.25 per cup above actual cost of each cup to each participating establishment. Funds generated beyond the cost of the cups shall be placed in a designated fund at the Champaign County Chamber of Commerce that can be used for operation and marketing expenses for the Downtown Urbana Designated Outdoor Refreshment Area. If excess funds are generated beyond the required operating and marketing expenses for the DORA, the Champaign County Chamber of Commerce shall determine a process for distributing funds to support continued revitalization efforts within Downtown Urbana. Furthermore, the Champaign County Chamber of Commerce shall establish a committee to assist with the allocation of DORA cup proceeds.

Failure or non-compliance of permit holders to uphold the regulations and rules required by this application may result in a failure to renew the DORA permit or force the City of Urbana to revoke the permit holders' participation in the DORA.

**c) Additional Requirements**

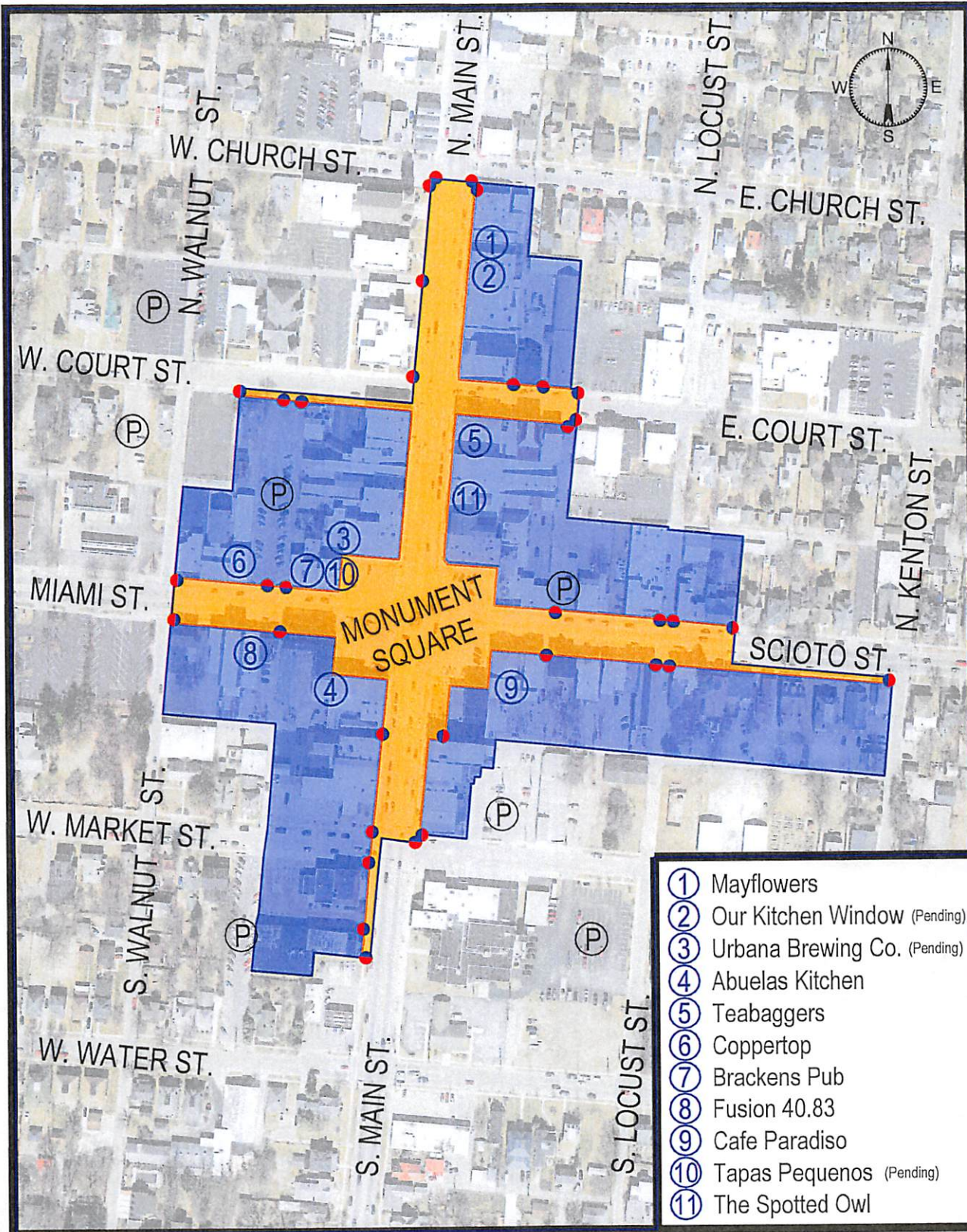
In accordance with ORC 4301.82(B)(5) and in conjunction with other rules, standards, and requirements set forth in this application, additional rules and requirements for the purpose of ensuring public safety and health within the Downtown Urbana DORA are as follows:

- 1) No person shall enter the premises of a non-liquor serving establishment within the DORA with an open container of beer, wine, or intoxicating liquor without the owner's permission.

- 2) No person shall enter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from a separate liquor serving establishment.
- 3) No person shall reenter the premises of a liquor serving establishment with an open container of beer, wine, or intoxicating liquor purchased from the same establishment.
- 4) No person shall possess an open container of beer, wine, or intoxicating liquor while being in or on a motor vehicle within the Downtown Urbana DORA.
- 5) No person shall refill or reuse the "Official DORA Cup".
- 6) A person may have in his/her/their possession an open container of beer, wine, or intoxicating liquor at an outdoor location within the boundaries of the Downtown Urbana DORA if the open container was purchased from a qualified and active participating permit holder to which all of the following apply:
  - a) The permit holder's premises are located within the boundaries of the Downtown Urbana DORA.
  - b) The permit held by the participating establishment has an outdoor refreshment area designation as outlined in the local legislation.
  - c) The open container consists of the official Downtown Urbana DORA cup.
- 7) Any person who fails to comply with the rules and regulations outlined in this application may be charged with a misdemeanor equivalent to an open container violation, as prohibited by Ohio R.C. §4301.62, a disorderly conduct violation, as prohibited by Ohio R.C. §2917.11, and/or any other applicable criminal charge.

## **EXHIBITS**

EXHIBIT A - BOUNDARY MAP



- ① Mayflowers
- ② Our Kitchen Window (Pending)
- ③ Urbana Brewing Co. (Pending)
- ④ Abuelas Kitchen
- ⑤ Teabaggers
- ⑥ Coppertop
- ⑦ Brackens Pub
- ⑧ Fusion 40.83
- ⑨ Cafe Paradiso
- ⑩ Tapas Pequeños (Pending)
- ⑪ The Spotted Owl

- DORA (Designated Outdoor Refreshment Area) Limits
- DORA Walking Area (Stay within This Area When Consuming a DORA Beverage)
- DORA Sign or Symbol for Permitted/Unpermitted Alcoholic Beverage Location
- P Public Parking
- # Permit Holders

CITY OF URBANA  
 DIVISION OF ENGINEERING  
 205 S. Main Street Urbana, Ohio 43078  
 Fax: (937) 652-4306  
 Phone: (937) 652-4324

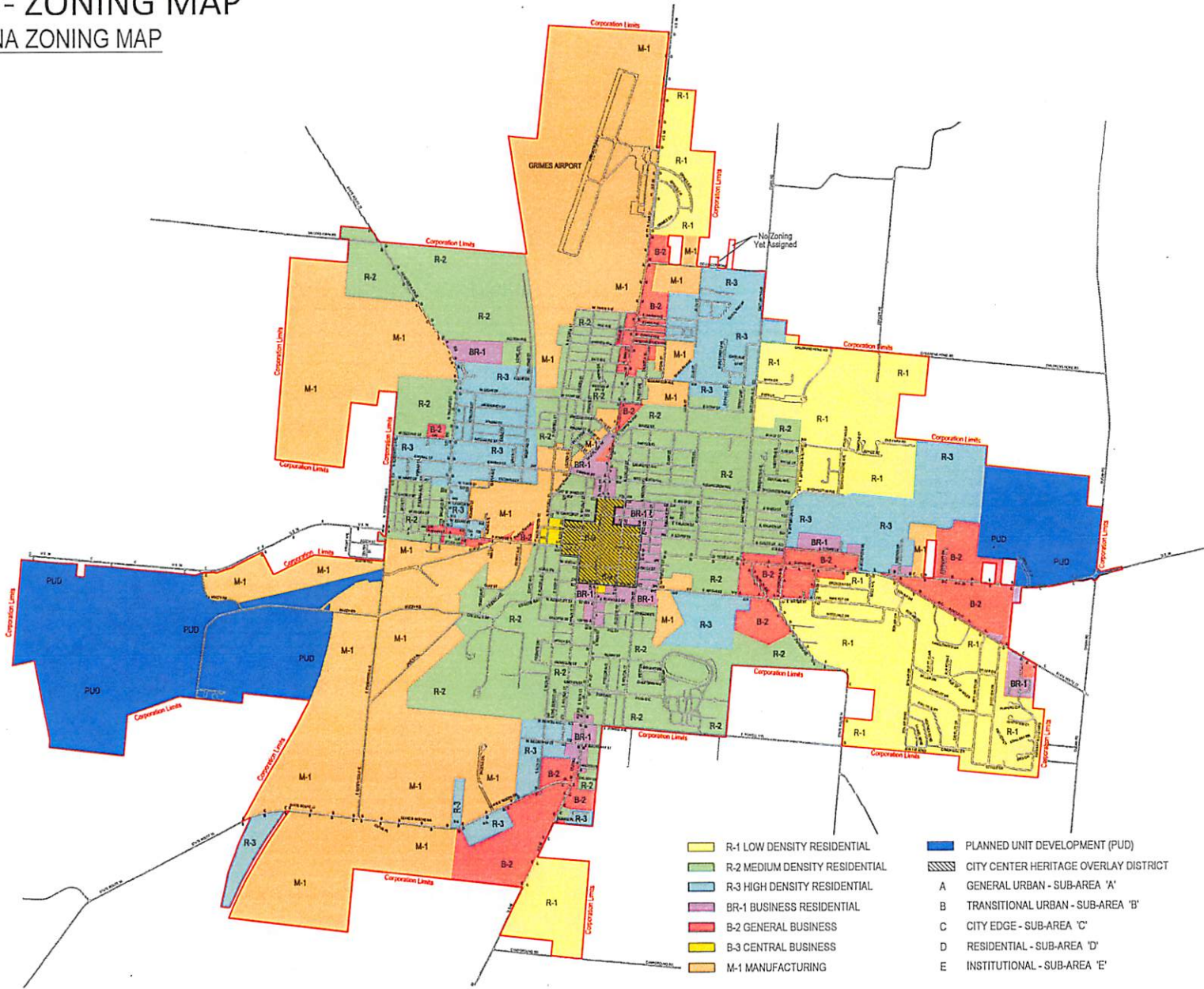
DOWNTOWN URBANA DESIGNATED  
 OUTDOOR REFRESHMENT AREA  
 Tyler L. Bumbalough, P.E.  
 CITY ENGINEER

CAD FILE: Engineering\Urbana Map\Downtown Urbana Outdoor Refreshment Area\Downtown Urbana Outdoor Refreshment Area.dwg	REVISION DATE: ---
DRWN BY: TLB	ISSUE DATE: 10-3-22
APPRVD BY: TLB	SCALE: 1" = 250'

A

# EXHIBIT B - ZONING MAP

## CITY OF URBANA ZONING MAP



EFFECTIVE DATE: 8/18/2022

## EXHIBIT C - SANITATION PLAN

### **EXHIBIT C – Sanitation Plan Downtown Urbana Designated Outdoor Refreshment Area (DORA)**

In accordance with ORC 4301.82(B)(5) and (F)(1)(e) and (F)(1)(f), the following sanitation plan has been developed to help maintain the appearance and public health within the Downtown Urbana Designated Outdoor Refreshment Area (DORA).

Within the Central Business District, there are currently seventeen 30-gallon trash containers (trash only) that are collected by Rumpke of Ohio, Inc. pursuant to a contract with City of Urbana. Collection of these containers is twice per week from April through October (on Mondays & Thursdays, unless otherwise agreed upon) and once per week from November through March (preferably on Thursday, unless otherwise agreed upon). Additional collections will be done on an as-needed basis, and the existing placement of these containers may be adjusted at a later date based on the operational needs of the DORA. The City of Urbana Public Works Superintendent will monitor the containers and coordinate additional collections with Rumpke if needed and coordinate any required relocations of containers.

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The streets located within the DORA boundaries, including Monument Square, are regularly cleaned by the full-time staff of the City of Urbana Street Department with the city's street sweeper. If deemed necessary by the Director of Administration and/or the Public Works Superintendent, the City of Urbana will increase the frequency of street sweeping operations within the DORA.

## EXHIBIT D1 – Signage Plan

### Downtown Urbana Designated Outdoor Refreshment Area (DORA)

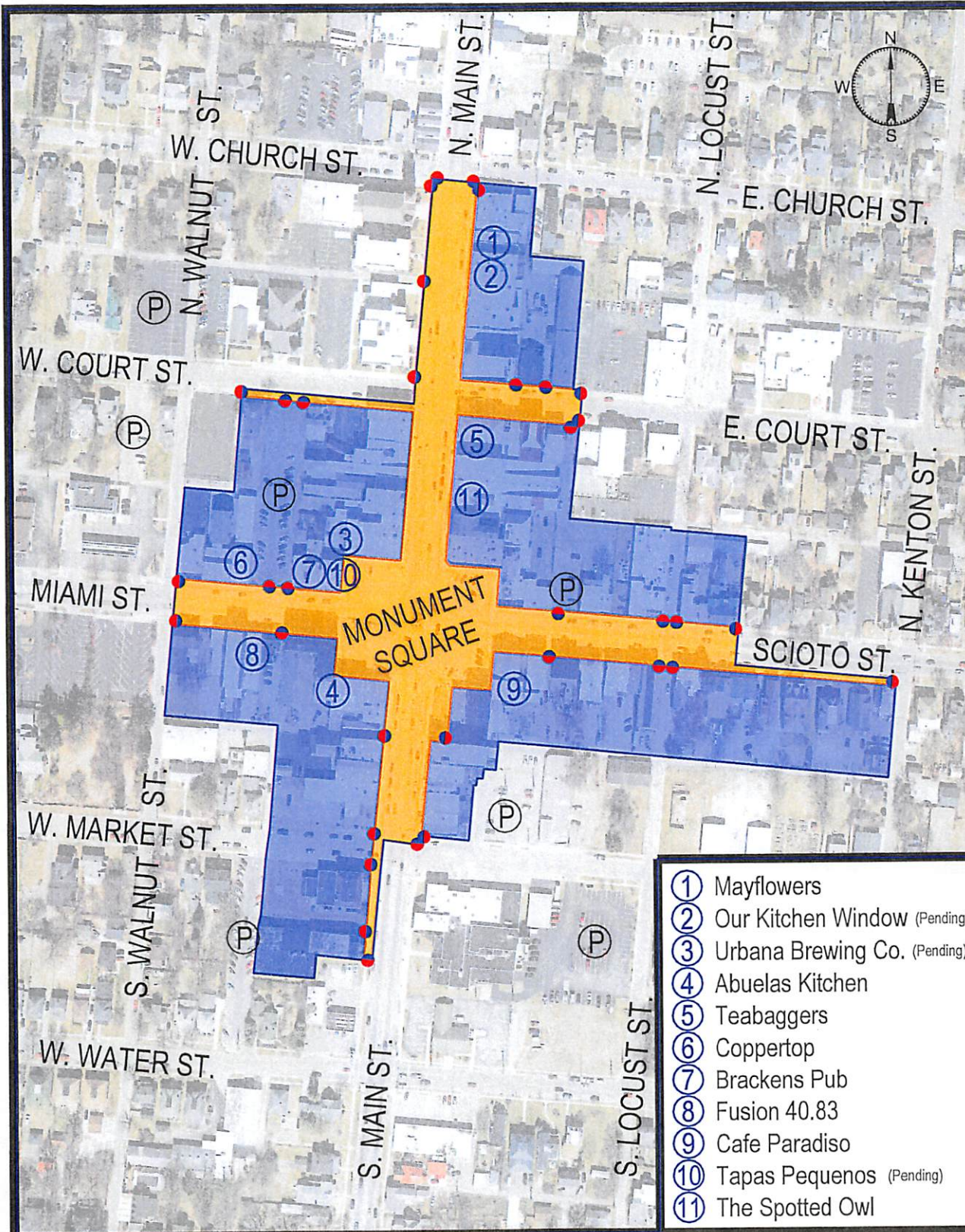
In accordance with ORC 4301.82(F)(1)(b), permanent sidewalk stencils with the wording “NO ALCOHOL BEYOND THIS POINT” with the DORA logo/title will be installed and maintained by the City of Urbana Street Department as signage at the DORA boundaries. For instances where sidewalk stencils are not feasible for installation as planned, a raised sign will be installed with similar wording and graphics. All DORA boundary signage will be placed where public sidewalks intersect with the DORA boundaries and where the DORA boundaries end in order to provide pedestrians with a clear indication of when they are entering or exiting the boundaries of the DORA. As of the date of this application, approximately thirty-five signs are estimated to be required to be installed to properly delineate the DORA boundaries as shown on the signage plan.

Representative Signage Examples/Concepts Are Shown Below:





# EXHIBIT D2 - SIGNAGE LOCATION PLAN



- ① Mayflowers
- ② Our Kitchen Window (Pending)
- ③ Urbana Brewing Co. (Pending)
- ④ Abuelas Kitchen
- ⑤ Teabaggers
- ⑥ Coppertop
- ⑦ Brackens Pub
- ⑧ Fusion 40.83
- ⑨ Cafe Paradiso
- ⑩ Tapas Pequeños (Pending)
- ⑪ The Spotted Owl

- DORA (Designated Outdoor Refreshment Area) Limits
- DORA Walking Area (Stay within This Area When Consuming a DORA Beverage)
- DORA Sign or Symbol for Permitted/Unpermitted Alcoholic Beverage Location
- P Public Parking
- # Permit Holders

CITY OF URBANA  
DIVISION OF ENGINEERING  
205 S. Main Street Urbana, Ohio 43078  
Phone: (937) 652-4306  
Fax: (937) 652-4306

DOWNTOWN URBANA DESIGNATED  
OUTDOOR REFRESHMENT AREA

Engineering\Urbana Map\Urbana Outdoor Refreshment Area\Urbana Outdoor Refreshment Area.dwg  
 DRWN BY: TLB  
 APPRVD BY: TLB  
 SCALE: 1" = 250'  
 ISSUE DATE: 10-3-22  
 REVISION DATE: ---

D2

## RESOLUTION NO. 2643-22

**A RESOLUTION TO DEDICATE THE STORM SEWER MANHOLE AND RELATED 18" STORM SEWER AND A FIRE HYDRANT THAT WAS INSTALLED IN THE PUBLIC RIGHT OF WAY BY A PRIVATE CONTRACTOR ON BEHALF OF THE ULTRA-MET COMPANY ON FYFFE STREET, AND DECLARING AN EMERGENCY. One reading/no public hearing required. Public Hearing Advertisement date: N/A**

**Department Requesting: Community Development Sponsor: Councilman Pat Thackery**

WHEREAS, in support of recent expansion projects in 2020 and 2021 that were undertaken by The Ultra-Met Company at their Urbana manufacturing facility, their contractor privately installed approximately 120 lineal feet of 18" storm sewer, a storm manhole, and a fire hydrant in the public right of way on Fyffe Street; and

WHEREAS, the City of Urbana has inspected the construction and installation of these improvements and desires to accept and dedicate these improvements for public operation and maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Urbana, County of Champaign, State of Ohio, that:

### **Section One.**

That approximately 120 lineal feet of new 18" storm sewer, a storm manhole, a fire hydrant that was privately installed in the public right of way on Fyffe Street near The Ultra-Met Company is hereby accepted and dedicated forever for public operation and maintenance.

### **Section Two.**

That the attached Exhibit shall provide documentation of the infrastructure being referenced in Section One of this legislation.

### **Section Three.**

All actions of Urbana City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

### **Section Four.**

That this resolution shall take effect immediately upon passage in order to preserve public health, safety, and welfare as this dedication of public infrastructure will ensure continued storm sewer capacity and fire suppression and will formally place this infrastructure into city maintenance and operation.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

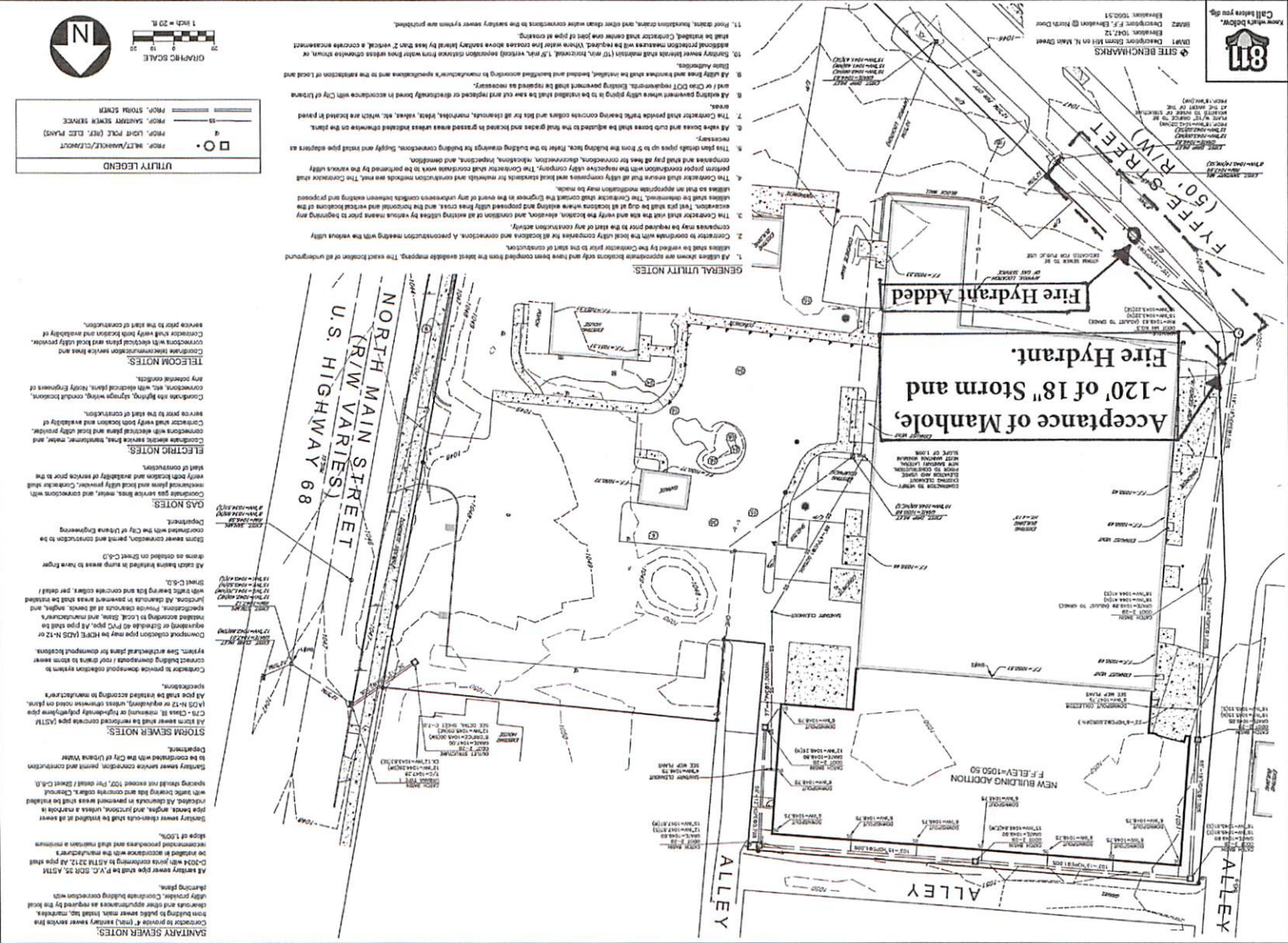
This Ordinance approved by me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



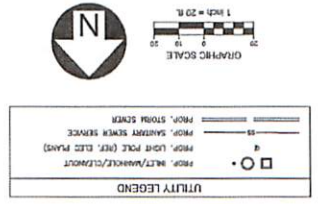
REVIEWED: *[Signature]* 10/27/2022  
Director of Law                      Date

Jumper:        \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Scott:         \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Paul:          \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Truelove:     \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Thackery:     \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Collier:       \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A  
Bean:         \_\_\_\_ Yay        \_\_\_\_ Nay        \_\_\_\_ N/A



811  
Call before you dig

- GENERAL UTILITY NOTES:**
1. All utilities shown are approximate locations only and have been compiled from the latest available mapping. The exact location of underground utilities should be verified by the Contractor prior to the start of construction.
  2. Contractor shall coordinate with the local utility companies for all locations and connections. A preconstruction meeting with the various utility companies may be required prior to the start of any construction activity.
  3. The Contractor shall verify the location, elevation, and condition of existing utilities by various means prior to beginning any excavation. First party shall dig at locations where existing and proposed utility lines cross, and the horizontal and vertical locations of the utilities shall be measured. The Contractor shall conduct the following in the event of any unforeseen conditions, unknown utilities and proposed utilities as that appropriate modification may be made.
  4. The Contractor shall ensure that all utility companies and local standards for materials and construction methods are met. The Contractor shall provide protection with the required safety company. The Contractor shall coordinate with the utility companies and local standards for materials and construction methods are met. The Contractor shall ensure that all utility companies and local standards for materials and construction methods are met.
  5. This plan details pipes up to 5" from the building eave. Refer to the building drawings for building connections, depth and material pipe deeper as necessary.
  6. All water boxes and curb boxes shall be adjusted to the final grades and located in grassed areas unless indicated otherwise on the plan.
  7. The Contractor shall provide water, electric, gas, and sewer for all electrical, mechanical, water, valves, etc. which are located in paved areas.
  8. All utility equipment which utility piping is to be installed shall be located and installed or electrically bonded in accordance with City of Urbana and/or Ohio OOT requirements. Existing equipment shall be repaired as necessary.
  9. All utility lines and manholes shall be installed, located and numbered according to manufacturer's specifications and to the satisfaction of local and state authorities.
  10. Utility manholes shall maintain 12" minimum clearance from water flow within three inches of manhole. Utility manholes shall be installed, located and numbered according to manufacturer's specifications and to the satisfaction of local and state authorities. Contractor shall ensure manhole is less than 2" vertical, a concrete encasement shall be installed.
  11. Final plans, foundation details, and other details shall be coordinated with the sanitary sewer system as provided.



- STANITARY SEWER NOTES:**
- Contractor to provide 4" sanitary sewer service from building to public sewer main, street tap, manhole, utility provided. Contractor shall coordinate with all agencies and other appropriate agencies as required by the local health department.
  - D-304 with joints conforming to ASTM A312. All pipe shall be installed in accordance with the manufacturer's recommendations and shall maintain minimum slope of 1/8" per foot.
  - Sanitary sewer lines shall be installed at least 18" below finish grade, and junction, unless a manhole is indicated. All depths to pavement shall be installed with 12" minimum clearance from the bottom of the pipe to the top of the pavement.
  - Sanitary sewer lines shall be installed at least 18" below finish grade, and junction, unless a manhole is indicated. All depths to pavement shall be installed with 12" minimum clearance from the bottom of the pipe to the top of the pavement.
- STORM SEWER NOTES:**
- All storm sewer shall be reinforced concrete pipe (ASTM C-150) 18" or larger, unless otherwise indicated on plan.
  - C-150 18" or larger, unless otherwise indicated on plan.
  - All pipe shall be installed according to manufacturer's specifications.
  - Contractor to provide downspout connection system to connect existing downspout to storm sewer.
  - Downspout connection shall be 18" PVC (ASTM D-3052) equipment or equivalent of PVC pipe. All pipe shall be installed according to local, state, and manufacturer's specifications. Provide details as shown on plan, and manufacturer's specifications.
  - All manholes to pavement shall be installed with traffic bearing top and concrete collar, per detail / specification.
  - At each manhole installed in storm sewer to have three (3) manholes.
  - Storm sewer connection, permit and connection to be coordinated with the City of Urbana Engineering Department.
- QA'S NOTES:**
- Contractor shall verify location and availability of manholes, manholes and local utility ground. Contractor shall verify depth location and availability of service prior to the start of construction.
- ELECTRIC NOTES:**
- Contractor shall verify location and availability of manholes, manholes and local utility ground. Contractor shall verify depth location and availability of service prior to the start of construction.
  - Contractor shall coordinate with the local utility companies for all locations and connections. A preconstruction meeting with the various utility companies may be required prior to the start of any construction activity.
- TELECOM NOTES:**
- Contractor shall coordinate with the local utility companies for all locations and connections. A preconstruction meeting with the various utility companies may be required prior to the start of any construction activity.
  - Contractor shall coordinate with the local utility companies for all locations and connections. A preconstruction meeting with the various utility companies may be required prior to the start of any construction activity.

**BURKHARDT ENGINEERS & SURVEYORS**

**SITE IMPROVEMENT PLANS FOR:**  
PHASE 1  
**ULTRA-MET**  
120 FYFE STREET  
CITY OF URBANA  
CHAMPAIGN COUNTY, OHIO 43078

DATE: 11.25.2019  
SCALE: 1" = 20'  
DRAWN: JCB  
CHECKED: JCB  
DATE: 11.25.2019

1/2" = 20' ft.  
GRAPHIC SCALE

11.25.2019

1/2" = 20' ft.  
GRAPHIC SCALE

## **RESOLUTION NO. 2644-22**

**A RESOLUTION TO DEDICATE A STORM INLET AND RELATED 15” STORM SEWER THAT WAS INSTALLED IN THE PUBLIC RIGHT OF WAY BY A PRIVATE CONTRACTOR ON BEHALF OF DUNKIN AT 1129 EAST US HIGHWAY 36, AND DECLARING AN EMERGENCY.**

**One reading/no public hearing required.**

**Public Hearing Advertisement date: N/A**

**Department Requesting: Community Development**

**Sponsor: Councilman Pat Thackery**

WHEREAS, in support of the redevelopment of the property at 1129 East US Highway 36 for a new Dunkin drive-thru restaurant, the owner’s contractor privately installed approximately 89 lineal feet of 15” storm sewer and related storm inlet in the public right of way on East US Highway 36; and

WHEREAS, the City of Urbana has inspected the construction and installation of these improvements and desires to accept and dedicate these improvements for public operation and maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Urbana, County of Champaign, State of Ohio, that:

### **Section One.**

That approximately 89 lineal feet of new 15” storm sewer and related storm inlet that was privately installed in the right of way in front of the new Dunkin drive-thru restaurant at 1129 East US Highway 36 is hereby accepted and dedicated forever for public operation and maintenance.

### **Section Two.**

That the attached Exhibit shall provide documentation of the infrastructure being referenced in Section One of this legislation.

### **Section Three.**

All actions of Urbana City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

### **Section Four.**

That this resolution shall take effect immediately upon passage in order to preserve public health, safety, and welfare as this dedication of public infrastructure will ensure continued storm sewer capacity and will formally place this infrastructure into city maintenance and operation.

\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana



REVIEWED: *Mark M. Peening* 10/27/2022  
Director of Law                      Date

Jumper:        \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Scott:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Paul:          \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Truelove:     \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Thackery:    \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Collier:       \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

Bean:         \_\_\_\_\_ Yay        \_\_\_\_\_ Nay        \_\_\_\_\_ N/A

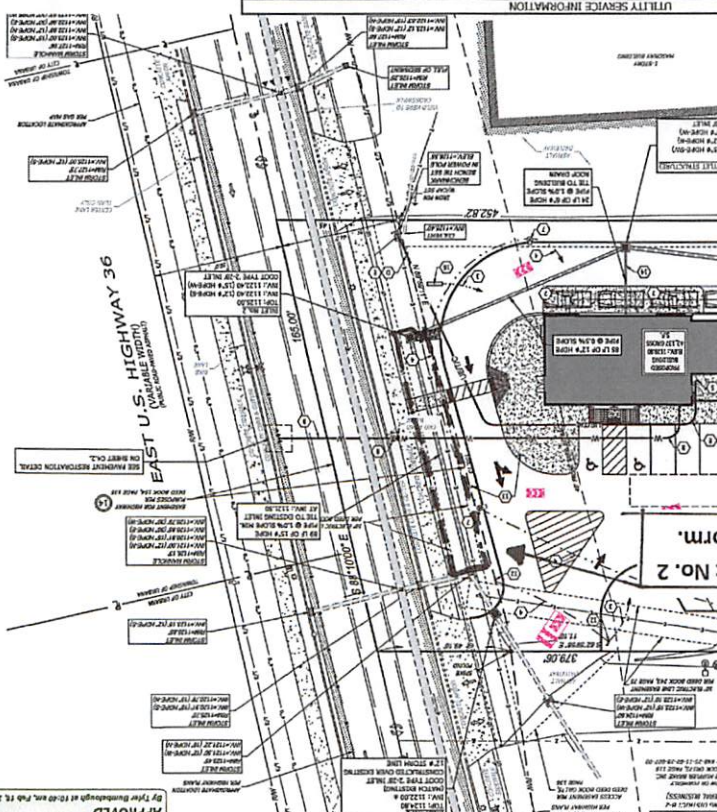
UTILITY SERVICE INFORMATION

Table listing utility services: AIR SERVICE, WATER, GAS, SLOTTED DRAINAGE, etc. with corresponding symbols and notes.

REMARKS

- List of numbered remarks (1-15) detailing utility observations, such as 'EXISTING GAS VALVE', 'PROPOSED WATER VALVE', and 'EXISTING ELECTRICAL SERVICE'.

UTILITY SERVICE INFORMATION



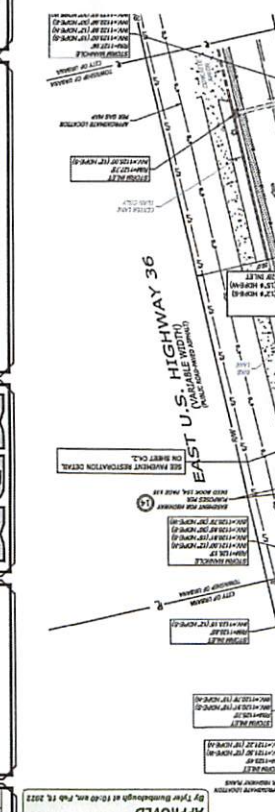
LEGEND OF SYMBOLS

Legend of symbols defining various utility line types (e.g., Water, Gas, Sewer) and equipment symbols (e.g., Manhole, Valve, Meter).

STANDARD NOTES

- Standard notes (1-5) providing additional instructions regarding utility installation, easements, and coordination with other services.

Table with columns for 'NO.', 'DATE', 'DESCRIPTION', and 'BY'. Contains entries for utility service information.



APPROVED SITE LOCATION MAP SCALE: 1" = 400'

C4.0

PROMISED DUNKIN' DEVELOPMENT  
1120 EAST US HWY 36  
CITY OF URBANA, COUNTY OF CHAMPAIGN  
STATE OF OHIO  
UTILITY PLAN

MTDM  
SUBSURFACE & ENGINEERING, LLC  
1110 EAST U.S. HIGHWAY 36  
URBANA, OHIO 43085  
TEL: 614-885-4411  
WWW.MTDM.COM

dunkin'  
brands

Table with columns for 'NO.', 'DATE', 'REVISION', and 'BY'. Contains revision information.

3 WIRING DAYS  
CALL TOLL FREE  
1-800-882-2764  
CALL FOR YOU DID  
1-800-882-2764

## RESOLUTION NO. 2645-22

**A RESOLUTION TO DEDICATE TWO STORM MANHOLES, TWO CURB INLETS, TWO HEADWALLS, AND RELATED 12" AND 15" STORM SEWERS THAT WERE INSTALLED IN THE PUBLIC RIGHT OF WAY BY A PRIVATE CONTRACTOR ON BEHALF OF URBANA CHAMPAIGN COUNTY SENIOR CENTER AT 150 PATRICK AVENUE, AND DECLARING AN EMERGENCY.**

**One reading/no public hearing required.**

**Public Hearing Advertisement date: N/A**

**Department Requesting: Community Development**

**Sponsor: Councilman Pat Thackery**

WHEREAS, in support of the development of the property at 150 Patrick Avenue for the Urbana Champaign County Senior Center, the owner's contractor privately installed two storm manholes, two curb inlets, two headwalls, approximately 34 lineal feet of 12" storm sewer, and approximately 255 lineal feet of 15" storm sewer in the public right of way on Patrick Avenue; and

WHEREAS, the City of Urbana has inspected the construction and installation of these improvements and desires to accept and dedicate these improvements for public operation and maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Urbana, County of Champaign, State of Ohio, that:

### **Section One.**

That two storm manholes, two curb inlets, two headwalls, approximately 34 lineal feet of 12" storm sewer, and approximately 255 lineal feet of 15" storm sewer that was privately installed in the right of way in front of the new Urbana Champaign County Senior Center at 150 Patrick Avenue is hereby accepted and dedicated forever for public operation and maintenance.

### **Section Two.**

That the attached Exhibit shall provide documentation of the infrastructure being referenced in Section One of this legislation.

### **Section Three.**

All actions of Urbana City Council related to this legislation were conducted in open meetings pursuant to Urbana Codified Ordinance 107.01 and Ohio Revised Code 121.22.

### **Section Four.**

That this resolution shall take effect immediately upon passage in order to preserve public health, safety, and welfare as this dedication of public infrastructure will ensure continued storm sewer capacity and will formally place this infrastructure into city maintenance and operation.



\_\_\_\_\_  
President, City of Urbana Council

PASSED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Clerk of Council

This Ordinance approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor, City of Urbana

REVIEWED:  10/27/2022  
Director of Law Date

Jumper:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Scott:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Paul:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Truelove:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Thackery:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Collier:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

Bean:    \_\_\_\_\_ Yay    \_\_\_\_\_ Nay    \_\_\_\_\_ N/A

