

RECORD OF ORDINANCES

Ordinance No. **2003-09**Passed December 2, 2003
YEAR**AN ORDINANCE TO ADOPT 2004 AMENDMENTS TO THE TRAFFIC AND GENERAL OFFENSES CODES AND DECLARING AN EMERGENCY.**

WHEREAS, the State General Assembly by Senate Bill 123 has completely revised the State Traffic Code, effective January 1, 2004;

WHEREAS, the Ohio Constitution requires that Ohio municipal ordinances comply with State law if they are an exercise of the Municipality's police powers;

WHEREAS, the penalty for minor misdemeanor offenses has been increased by House Bill 490 from one hundred dollars to one hundred fifty dollars;

WHEREAS, the Municipality has authorized the Walter H. Drane Company to prepare a new Traffic Code for the Municipality to comply with Senate Bill 123, which is presently before Council;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF BROOKVILLE, OHIO:

SECTION 1: That the 2004 amendments to the Traffic and General Offenses Codes of the City of Brookville, Ohio, as prepared by the Walter H. Drane Company and attached to this ordinance as Exhibit A are hereby adopted.

SECTION 2: That the following sections are hereby added or amended as respectively indicated in order to comply with State law effective January 1, 2004.

Traffic Code

301.201	Operate Defined. (Added)
301.251	Predicate Motor Vehicle or Traffic Offense Defined. (Added)
301.51	Vehicle Defined. (Amended)
303.01	Compliance With Lawful Order of Police Officer; Fleeing. (Amended)
303.02	Traffic Direction in Emergencies; Obedience to School Guard. (Amended)
303.04	Road Workers, Motor Vehicles and Equipment Excepted. (Amended)
303.06	Freeway Use Prohibited By Pedestrians, Bicycles and Animals. (Amended)
303.08	Impounding of Vehicles; Redemption. (Amended)
303.082	Private Tow-Away Zones. (Amended)
303.99	General Traffic Code Penalties. (Amended)
311.01	Placing Injurious Material or Obstruction in Street. (Amended)
311.02	Parades and Assemblages. (Amended)
311.03	Toy Vehicles on Streets. (Amended)
313.01	Obedience to Traffic Control Devices. (Amended)
313.03	Traffic Control Signal Terms and Lights. (Amended)
313.04	Lane-Use Control Signals Over Individual Lanes. (Amended)
313.05	Pedestrian Control Signals. (Amended)
313.06	Flashing Traffic Signals. (Amended)
313.07	Unauthorized Signs and Signals, Hiding From View, Advertising. (Amended)
313.08	Alteration, Injury, Removal of Traffic Control Devices. (Amended)
313.09	Driver's Duties Upon Approaching Ambiguous or Non-Working Traffic Signal. (Amended)
313.10	Unlawful Purchase, Possession or Sale. (Amended)
331.01	Driving Upon Right Side of Roadway; Exceptions. (Amended)
331.02	Passing to Right When Proceeding in Opposite Directions. (Amended)
331.03	Overtaking, Passing to Left; Driver's Duties. (Amended)
331.04	Overtaking and Passing Upon Right. (Amended)
331.05	Overtaking, Passing to Left of Center. (Amended)
331.06	Additional Restrictions on Driving Upon Left Side of Roadway. (Amended)
331.07	Hazardous or No Passing Zones. (Amended)
331.08	Driving in Marked Lanes or Continuous Lines of Traffic. (Amended)
331.09	Following Too Closely. (Amended)
331.10	Turning at Intersections. (Amended)
331.11	Turning Into Private Driveway, Alley or Building. (Amended)
331.12	"U" Turns Restricted. (Amended)
331.13	Starting and Backing Vehicles. (Amended)
331.14	Signals Before Changing Course, Turning or Stopping. (Amended)
331.15	Hand and Arm Signals. (Amended)
331.16	Right of Way at Intersections. (Amended)

RECORD OF ORDINANCES

Ordinance No. 2003-09

Passed December 2, 2003
YEAR

331.17	Right of Way When Turning Left. (Amended)
331.18	Operation of Vehicle at Yield Signs. (Amended)
331.19	Operation of Vehicle at Stop Signs. (Amended)
331.20	Emergency or Public Safety Vehicles at Stop Signals or Signs. (Amended)
331.21	Right of Way of Public Safety or Coroner's Vehicle. (Amended)
331.22	Driving Onto Roadway From Place Other Than Roadway: Duty to Yield. (Amended)
331.23	Driving Onto Roadway From Place Other Than Roadway: Stopping At Sidewalk. (Amended)
331.24	Right of Way of Funeral Procession. (Amended)
331.25	Driver's View and Control To Be Unobstructed By Load or Persons. (Amended)
331.26	Driving Upon Street Posted As Closed For Repair. (Amended)
331.27	Following and Parking Near Emergency or Safety Vehicles. (Amended)
331.28	Driving Over Fire Hose. (Amended)
331.29	Driving Through Safety Zone. (Amended)
331.30	One-Way Streets and Rotary Traffic Islands. (Amended)
331.31	Driving Upon Divided Roadways. (Amended)
331.32	Entering and Exiting Controlled-Access Highway. (Amended)
331.33	Obstructing Intersection, Crosswalk or Grade Crossing. (Amended)
331.34	Failure To Control; Weaving; Full Time and Attention. (Amended)
331.35	Occupying a Moving Trailer or Manufactured or Mobile Home. (Amended)
331.36	Squealing Tires, "Peeling", Cracking Exhaust Noises. (Amended)
331.37	Driving Upon Sidewalks, Street Lawns or Curbs. (Amended)
331.38	Stopping For School Bus; Discharging Children. (Amended)
331.41	Shortcutting; Avoiding Traffic Control Devices. (Amended)
331.42	Littering From Motor Vehicle. (Amended)
331.43	Wearing Earplugs or Earphones Prohibited. (Amended)
333.01	Driving or Physical Control While Under the Influence. (Amended)
333.02	Operation in Willful or Wanton Disregard of Safety. (Amended)
333.03	Maximum Speed Limits; Assured Clear Distance Ahead. (Amended)
333.031	Approaching a Stationary Public Safety Vehicle. (Amended)
333.04	Stopping Vehicle; Slow Speed; Posted Minimum Speeds. (Amended)
333.05	Speed Limitations Over Bridges. (Amended)
333.07	Street Racing Prohibited. (Amended)
333.08	Operation Without Reasonable Control. (Amended)
335.01	Driver's License or Commercial Driver's License Required. (Amended)
335.02	Permitting Operation Without Valid License; One License Permitted. (Amended)
335.03	Driving With Temporary Instruction Permit; Curfew. (Amended)
335.031	Driving With Probationary License; Curfew. (Amended)
335.04	Certain Acts Prohibited. (Amended)
335.05	Wrongful Entrustment of a Motor Vehicle. (Amended)
335.06	Display of License. (Amended)
335.07	Driving Under Suspension or License Restriction. (Amended)
335.071	Driving Under OVI Suspension. (Added)
335.072	Driving Under Financial Responsibility Law Suspension or Cancellation. (Added)
335.073	Driving Without Complying With License Reinstatement Requirements. (Added)
335.08	Operation or Sale Without Certificate of Title. (Amended)
335.09	Display of License Plates. (Amended)
335.10	Expired or Unlawful Plates. (Amended)
335.11	Use of Illegal License Plates; Transfer of Registration. (Amended)
335.12	Stopping After Accident Upon Streets; Collision With Unattended Vehicle. (Amended)
335.13	Stopping After Accident Upon Property Other Than Street. (Amended)
335.14	Vehicle Accident Resulting in Damage to Realty. (Amended)
337.01	Driving Unsafe Vehicles. (Amended)
337.02	Lighted Lights; Measurement of Distances and Heights. (Amended)
337.03	Headlights on Motor Vehicles and Motorcycles. (Amended)
337.04	Tail Light; Illumination of Rear License Plate. (Amended)
337.05	Rear Red Reflectors. (Amended)

RECORD OF ORDINANCES

Ordinance No.	2003-09	Passed	December 2	2003
337.06	Safety Lighting on Commercial Vehicles. (Amended)			
337.07	Obscured Lights on Vehicles in Combination. (Amended)			
337.08	Red Light or Red Flag on Extended Loads. (Amended)			
337.09	Lights on Parked or Stopped Vehicles. (Amended)			
337.10	Lights on Slow-Moving Vehicles; Emblem Required. (Amended)			
337.11	Spotlight and Auxiliary Lights. (Amended)			
337.12	Cowl, Fender and Back-Up Lights. (Amended)			
337.13	Display of Lighted Lights. (Amended)			
337.14	Use of Headlight Beams. (Amended)			
337.15	Lights of Less Intensity on Slow-Moving Vehicles. (Amended)			
337.16	Number of Lights; Limitations on Flashing, Oscillating or Rotating Lights. (Amended)			
337.17	Focus and Aim of Headlights. (Amended)			
337.18	Motor Vehicle and Motorcycle Brakes. (Amended)			
337.19	Horn, Siren and Theft Alarm Signal. (Amended)			
337.20	Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise. (Amended)			
337.21	Rear-view Mirror; Clear View to Front, Both Sides and Rear. (Amended)			
337.22	Windshield and Windshield Wiper; Sign or Poster Thereon. (Amended)			
337.23	Limited Load Extension on Left Side of Passenger Vehicle. (Amended)			
337.24	Motor Vehicle Stop Lights. (Amended)			
337.25	Air Cleaner Required. (Amended)			
337.26	Child Restraint System Usage. (Amended)			
337.27	Drivers and Passengers Required to Wear Seat Belts. (Amended)			
337.28	Use of Sunscreening, Nontransparent and Reflectorized Materials. (Amended)			
337.29	Bumper Heights. (Amended)			
337.30	Directional Signals Required. (Amended)			
339.01	Oversize or Overweight Vehicle Operation on State Routes; State Permit. (Amended)			
339.02	Use of Local Streets; Local Permit and Conditions. (Amended)			
339.03	Maximum Width, Height and Length. (Amended)			
339.05	Wheel Protectors. (Amended)			
339.06	Vehicles Transporting Explosives. (Amended)			
339.07	Towing Requirements. (Amended)			
339.08	Loads Dropping or Leaking; Removal Required; Tracking Mud. (Amended)			
339.09	Shifting Loads; Loose Loads. (Amended)			
339.10	Vehicles With Spikes, Lugs or Chains. (Amended)			
339.11	Use of Studded Tires and Chains.			
341.01	Commercial Drivers Definitions. (Amended)			
341.02	Exemptions. (Amended)			
341.03	Prerequisites to Operation of a Commercial Motor Vehicle. (Amended)			
341.04	Prohibitions. (Amended)			
341.05	Criminal Offenses. (Amended)			
341.06	Employment of Drivers of Commercial Vehicles. (Amended)			
351.03	Prohibited Standing or Parking Places. (Amended)			
351.04	Parking Near Curb; Handicapped Locations on Public and Private Lots and Garages. (Amended)			
351.05	Manner of Angle Parking. (Amended)			
351.07	Unattended Vehicle: Duty to Stop Engine, Remove Key, Set Brake and Turn Wheels. (Amended)			
351.08	Opening Vehicle Door on Traffic Side. (Amended)			
351.09	Truck Loading Zones. (Amended)			
351.10	Bus Stops and Taxicab Stands. (Amended)			
351.11	Parking in Alleys and Narrow Streets; Exceptions. (Amended)			
351.12	Prohibition Against Parking on Streets or Highways. (Amended)			
351.13	Parking on Posted Private Property. (Amended)			
371.01	Right of Way in Crosswalk. (Amended)			
371.02	Right of Way of Blind Person. (Amended)			
371.03	Crossing Roadway Outside Crosswalk; Diagonal Crossings at Intersections. (Amended)			
371.04	Moving Upon Right Half of Crosswalk. (Amended)			
371.05	Walking Along Highways.			
371.06	Use of Highway for Soliciting; Riding On Outside of Vehicles. (Amended)			
371.07	Right of Way on Sidewalk. (Amended)			
371.08	Yielding to Public Safety Vehicle. (Amended)			
371.09	Walking on Highway While Under the Influence. (Amended)			
371.10	On Bridges or Railroad Crossings. (Amended)			
371.11	Persons Operating Motorized Wheelchairs. (Amended)			
371.12	Electric Personal Assistive Mobility Devices. (Amended)			
373.02	Riding Upon Seats; Handle Bars; Helmets and Glasses. (Amended)			

RECORD OF ORDINANCES

Ordinance No. 2003-09

Passed December 2, 2003

YEAR

373.03	Attaching Bicycle or Sled to Vehicle. (Amended)
373.04	Riding Bicycles and Motorcycles Abreast. (Amended)
373.05	Signal Device on Bicycle. (Amended)
373.06	Lights and Reflector on Bicycle; Brakes. (Amended)
373.07	Riding Bicycle on Right Side of Roadway; Obedience to Traffic Rules; Passing. (Amended)
373.08	Reckless Operation; Control, Course and Speed. (Amended)
373.09	Parking of Bicycle. (Amended)
373.10	Motorized Bicycle Operation, Equipment and License. (Amended)
373.11	Paths Exclusively for Bicycles. (Amended)
375.02	Snowmobile, Off-Highway Motorcycle and All-Purpose Vehicle Equipment. (Amended)
375.03	Code Application; Prohibited Operation. (Amended)
375.05	Licensing Requirements of Operator. (Amended)
375.06	Registration of Vehicles. (Amended)
375.07	Accident Reports. (Amended)
375.08	Certificate of Title. (Amended)

General Offenses Code

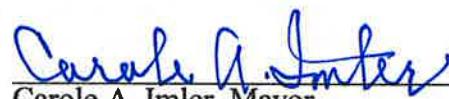
501.02	Classification of Offenses. (Amended)
501.99	Penalties for Misdemeanors. (Amended)

SECTION 3: That the complete text of the Traffic and General Offenses Code sections listed above are set forth in full in Exhibit A. The listing above of each new section by reference to its title shall constitute sufficient publication of new matter contained therein.

SECTION 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the Municipality and its inhabitants for the reason that there exists an imperative necessity for the adoption of the new Traffic Code to be effective January 1, 2004, so as to avoid conflict with general State law, and shall go into effect immediately upon passage by two-thirds of the members of Council, except that the amendments or additions listed in Section 2 shall be effective January 1, 2004, or on the effective date of this ordinance, whichever date is later.

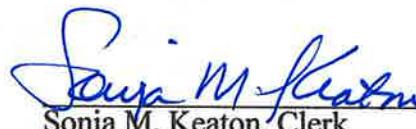
PASSED this 2nd day of December, 2003

ATTEST:


Sonja M. Keaton, Clerk
Carole A. Imler, Mayor

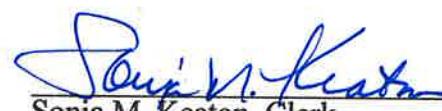
CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2003-09, passed by the Council of the City of Brookville, Ohio, on the 2nd day of December, 2003.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2003-09 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 3rd day of December, 2003 to the 3rd day of January, 2004, both days inclusive.


Sonja M. Keaton, Clerk