

CHAPTER 303
Enforcement, Impounding and Penalty

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CROSS REFERENCES

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

303.01 COMPLIANCE WITH ORDER OF POLICE OFFICER; FLEEING

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

(b) No person shall operate a motor vehicle so as to willfully elude or flee a police officer after receiving a visible or audible signal from a police officer to bring his motor vehicle to a stop.
(ORC 4511.02)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate

vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

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

303.03 OFFICER MAY REMOVE IGNITION KEY.

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

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

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

The drivers of snow plows, traffic line strippers, road sweepers, mowing machines, tar distributing vehicles and other vehicles utilized in snow and ice removal or road surface maintenance, while engaged in work upon a street or highway, provided such vehicles are equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the vehicles are so engaged shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, inclusive, 331.06 to 331.08, inclusive, 331.31, 333.04 and 351.12. Such exemption shall not apply to such drivers when their vehicles are not so engaged. This section shall not exempt a driver of such equipment from civil liability arising from the violation of the sections referred to herein. (ORC 4511.04)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

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

- (a) As a pedestrian, occupy any space within the limits of the right of way of a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle, or to obtain assistance;

(b) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle; a bicycle with motor attached; a motor-driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties. (ORC 4511.051)

303.07 APPLICATIONS TO DRIVERS OF GOVERNMENT VEHICLES.

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

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal and impounding of a vehicle on a public street or other property open to the public for purposes of vehicular travel or parking, or upon the right of way of any road or highway under the following circumstances:

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

(2) When any vehicle has been stolen or operated without the consent of the owner.

(3) When any vehicle displays illegal license plates or fails to display the current lawfully required license plates.

(4) When any vehicle has been used in or connection with the commission of a felony.

(5) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property.

(6) When any vehicle is left unattended due to the removal of an ill, injured or arrested operator.

(7) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision.

(8) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked.

(9) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required.

(10) When any unattended vehicle is parked so as to be in violation of Traffic Code Section 351.03.

(11) When any unattended vehicle is parked during a snow emergency in violation of Section 351.16. (Amended Ord. 1475. Passed 3-7-78)

(b) Police officers are authorized to provide for the removal and impounding of any vehicle or "abandoned junk motor vehicle" as defined in Ohio R. C. 4513.63 which is left on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for seventy-two consecutive hours or longer, without notification to the Mayor of the reasons for leaving such vehicle in such place. Prior to removal of an "abandoned junk motor vehicle" as defined in Ohio R. C. 4513.63, it shall be photographed by a law enforcement officer in the place where abandoned.

(c) The Mayor's office shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the Police Department to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(d) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

303.09 REMOVAL OF UNLICENSED VEHICLES ON PRIVATE PROPERTY WHICH ARE NONOPERATING, WRECKED, PARTIALLY DISMANTLED AND/OR ABANDONED.

(a) No person in charge or control of any private property within the City, whether as owner, tenant, occupant, lessee or otherwise, shall leave or permit to remain on such property any unlicensed vehicle which is nonoperating, wrecked, partially dismantled and/or abandoned, whether owned by him or another person, longer than seven days after receipt of written notice from the Mayor or his agent to remove such vehicle therefrom. This section shall not apply to a vehicle in an enclosed building or to commercial garages, repair shops, used car dealers or junk yards operated according to law. (Ord. 1288. Passed 11-20-73.)

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

303.99 TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES.

(a) Misdemeanor Classifications.

- (1) General classification. Whoever violates any provision of this Traffic Code, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for a violation of Section 333.03 upon a finding that he operated a motor vehicle faster than thirty-five miles an hour in a business district, or faster than fifty miles an hour in other portions, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, such person is guilty of a misdemeanor of the fourth degree.
(ORC 4511.99(D), 4513.99(C))
- (2) Junk motor vehicles. Whoever violates Section 303.09 is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the Municipality in disposing of such junk motor vehicle, less any money accruing to the Municipality from such disposal. (ORC 4513.99(D))
- (3) Driving while intoxicated. Whoever violates Section 333.01(a) is guilty of a misdemeanor of the first degree, in addition to the license suspension or revocation provided in Ohio R. C. 4507.16. At least three days' imprisonment is mandatory under this subsection (a) (3) hereof.
(ORC 4511.99(A))
- (4) Physical control; drag racing. Whoever violates Section 333.01(b) or 333.07 is guilty of a misdemeanor of the first degree.
(ORC 4511.99(B))
- (5) Licensing.
 - A. Whoever violates any provision of Sections 335.01 to 335.07 is guilty of a misdemeanor of the first degree.
 - B. Whoever violates Section 335.08 is guilty of a misdemeanor of the second degree.
 - C. Whoever violates Section 335.11(a) is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense such person is guilty of a misdemeanor of the third degree.
(ORC 4549.99(D))
- (6) Accidents. Whoever violates any provision of Sections 335.12 to 335.14 is guilty of a misdemeanor of the first degree. (ORC 4549.99(B))
- (7) Drivers of commercial cars or tractors. Whoever violates Section 341.03 is guilty of a misdemeanor of the first degree. (ORC 4511.99(E))

- (8) Parking. Whoever violates any provision of Chapter 351 may pay a fine as follows:
- A. Two dollars (\$2.00) if the fine is paid and post marked within forty-eight hours after issuance of the violation notice.
 - B. Five dollars (\$5.00) if the fine is paid and post marked within thirty days after issuance of the violation notice.
 - C. Failure to pay within thirty days is a minor misdemeanor and a warrant shall be issued for the arrest of the violator.

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

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	6 months	\$1,000
Second degree	90 days	750
Third degree	60 days	500
Fourth degree	30 days	250
Minor	No imprisonment	100

(ORC 2929.21)