

CHAPTER 339
Commercial and Heavy Vehicles

- | | | | |
|--------|---|--------|--|
| 339.01 | Oversize or overweight vehicle operation on State routes; State permit. | 339.07 | Towing requirements. |
| 339.02 | Use of local streets; local permit and conditions. | 339.08 | Loads dropping or leaking; removal required; tracking mud. |
| 339.03 | Maximum width, height and length. | 339.09 | Shifting load; loose loads. |
| 339.04 | Route and load information. | 339.10 | Vehicles with spikes, lugs and chains. |
| 339.05 | Wheel protectors. | 339.11 | Use of studded tires and chains. |
| 339.06 | Vehicles transporting explosives. | 339.99 | Penalty. |

CROSS REFERENCES

See sectional histories for similar State law
 Weighing vehicle; removal of excess load - see Ohio R. C. 4513.33
 Arrest notice of drivers - see Ohio R. C. 5577.14
 Slower moving vehicles to be driven in right-hand lane - see
 TRAF. 331.01(b)
 Fatigued or ill drivers - see TRAF. 341.02

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

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

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

(ORC 4513.34)

339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.

(a) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 339.03 or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.

(b) Local Permit and Conditions. Upon application and for good cause, the Director of Safety may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 339.01.

The Director of Safety may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Director in his discretion deems advisable, or for the duration of any construction project. The Director may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Director may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Director of Safety shall charge five dollars (\$5.00), and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay the sum of ten dollars (\$10.00).

Signs shall be posted indicating "no thru trucks - gross weight 5 tons" or words of similar import to apprise drivers of the limitations imposed by this section. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Director of Safety shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by Section 303.99.

(c) Operation of Through Trucks.

- (1) All motor trucks, commercial tractors and trailers passing through the City and not making local delivery or pick-up of goods or persons, or making local service stops, are hereby required to use only such streets of the City as are designated and marked Federal, State or truck routes in the passage of the same through the City.
- (2) This subsection (c) shall not be applicable to such vehicles whose route is otherwise designated by the Public Utilities Commission of Ohio, the Interstate Commerce Commission, or by franchise granted by the City, provided further, that this section shall not be applicable to agricultural tractors and other motor powered farm equipment.

- (3) The Director of Safety is hereby authorized and directed to erect at the City limits, signs indicating that through trucks are required to use Federal, State or truck routes. (Ord. 741. Passed 9-2-52.)

(d) Special Weight and Tire Restrictions Designated by Traffic Sign. Whenever in the judgment of the Director of Safety any street or highway or part thereof would be injured or damaged by general use by vehicles having solid tires or by vehicles exceeding in gross weight or in weight per inch of tire width the limits which he determines to be safe for such street or highway or part thereof, he shall erect appropriate traffic signs prohibiting the operation of vehicles having solid tires, or indicating and designating such weight limits, and it shall be unlawful to operate over any such street or highway or part thereof any vehicle having solid tires or exceeding such weight limits, without obtaining a permit therefor as provided in subsection (b) hereof.
(Ord. 959. Passed 12-17-63.)

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH

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

(a) No such vehicle shall have a width in excess of:

(1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;

(2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other state roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102 inch buses is prohibited by order of the Director of Transportation;

(3) 132 inches for traction engines;

(4) 102 inches, including load, for all other vehicles, except that the Director may, by journal entry, prohibit the operation of 102 inch vehicles on such state highways or portions thereof as the Director designates.

(b) No such vehicle shall have a length in excess of:

(1) 48 feet for passenger bus type vehicles operated exclusively within municipal corporations;

(2) 40 feet for all other passenger bus type vehicles;

(3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such state highways or portions thereof as the Director designates;

(4) $28\frac{1}{2}$ feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer combination, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer-trailer combination on such state highways or portions thereof as the Director designates;

(5) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in divisions (b)(3) and (4), and in division (d) of this section;

(6) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

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

(d) Any combination of vehicles designed and used exclusively for the transportation of motor vehicles shall be allowed a length of sixty-five feet, except that the load thereon may extend no more than four feet beyond the rear of such combination of vehicles and may extend no more than three feet beyond the front of such combination of vehicles.

The lengths prescribed in divisions (b)(2) to (6) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, energy conservation devices as provided in any regulations adopted by the secretary of the United States department of transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules promulgated by the Director of Transportation.

This section does not apply to fire engines, fire trucks, or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles nor to the transportation of pipes or well-

drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery, or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, shall when operating the same on the highways and streets of the Municipality comply with the rules of the Director governing such movement, which rules the Director may adopt and promulgate. Ohio R.C. sections 119.01 and 119.13 apply to any rules adopted under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in such sections.

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

(ORC 5577.05)

339.04 ROUTE AND LOAD INFORMATION.

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

339.05 WHEEL PROTECTORS.

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

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

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

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

339.07 TOWING REQUIREMENTS.

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

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

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

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R. C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less, shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby, and only one such unit may be towed or drawn at one time, unless the towing vehicle is an agricultural tractor, as defined in Section 301.02.

(ORC 4513.32)

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

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway. (ORC 4513.31)

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

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

339.09 SHIFTING LOAD; LOOSE LOADS.

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

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

339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS.

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

(ORC 5589.08)

339.11 USE OF STUDDED TIRES AND CHAINS.

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

(b) No person shall operate any motor vehicle, other than a public safety vehicle or school bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof. (ORC 5589.081)

339.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)