

Ordinance No. 655-17

AN EMERGENCY ORDINANCE

Council Member Kelley

To repeal various sections of Chapter 437 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended by various ordinances; and to supplement the codified ordinances by enacting new Sections 437.01 through 437.06, 437.10 through 437.14, 437.16 through 437.19, 437.21, 437.22, 437.24, 437.26, through 437.28, and 437.99 as amended by various ordinances, relating vehicle safety and equipment.

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 437.01 and 437.28, as amended by Ordinance No. 2822-89, passed March 19, 1990

Section 437.02, as amended by Ordinance No. 1410-09, passed February 8, 2010,

Sections 437.03 through 437.06, 437.11 through 437.14, 437.17 and 437.21, as amended by Ordinance No. 1684-76, passed June 29, 1976,

Sections 437.10, 437.16, 437.18, 437.19, and 437.22 as amended by Ordinance No. 91-96, passed March 18, 1996,

Section 437.24 as amended by Ordinance No. 835-03 passed June 10, 2003,

Section 437.26 as amended by Ordinance No. 1452-10, passed December 6, 2010, and

Section 437.27 as amended by Ordinance 732-08, passed June 9, 2008,

are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 437.01, 437.02, 437.03, 437.04, 437.05, 437.06, 437.10, 437.11, 437.12, 437.13, 437.14, 437.16, 437.17, 437.18, 437.19, 437.21, 437.22, 437.24, 437.26, 437.27, 437.28, and 437.99, to read as follows:

Section 437.01 Unsafe Vehicles

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person.

(b) This chapter, with respect to equipment on vehicles, does not apply to implements of husbandry, road machinery, road rollers, or agricultural tractors except as made applicable to such articles of machinery.

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

(RC 4513.02(A), (G) & (H))

Section 437.02 Time for Lighted Lights on Motor Vehicles

(a) Every vehicle, other than a motorized bicycle, operated upon a street or highway within this state shall display lighted lights and illuminating devices as required by Sections 437.03 to 437.17 during all of the following times:

(1) The time from sunset to sunrise;

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(2) At any other time when, due to insufficient natural light or unfavorable atmospheric conditions, persons, vehicles, and substantial objects on the highway are not discernible at a distance of one thousand (1,000) 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 RC 4511.521. No motor vehicle, during any time specified in this section, shall be operated upon a street or highway within this state using only parking lights as illumination.

Whenever in such sections a requirement is declared as to the distance from which certain lamps and devices shall render objects visible, or within which such lamps or devices shall be visible, such distance shall be measured upon a straight level unlighted highway under normal atmospheric conditions unless a different condition is expressly stated.

Whenever in such sections 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.

(b) 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 within this state to stop the vehicle solely because the officer observes that a violation of division (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 division, or causing the arrest of or commencing a prosecution of a person for a violation of that division.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.03)

Section 437.03 **Headlights on Motor Vehicles and Motorcycles**

(a) (1) Every motor vehicle, other than a motorcycle, and every trackless trolley, shall be equipped with at least two (2) headlights with at least one (1) near each side of the front of the motor vehicle or trackless trolley.

(2) Every motorcycle shall be equipped with at least one (1) and not more than two (2) headlights.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.04)

Section 437.04 **Tail Light; Illumination of Rear License Plate**

(a) (1) Every motor vehicle, trackless trolley, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one (1) tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of five hundred (500) feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(2) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty (50) feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.05)

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Section 437.05 **Rear Red Reflectors**

(a) (1) Every new motor vehicle sold after September 6, 1941, and operated on a highway, other than a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lamps or separately, two (2) red reflectors meeting the requirements of this section, except that vehicles of the type mentioned in Section 437.06 shall be equipped with reflectors as required by the regulations provided for in that section.

(2) Every such reflector shall be of a size and characteristics and so maintained as to be visible at night from all distances within three hundred (300) feet to fifty (50) feet from the vehicle.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.06)

Section 437.06 **Safety Lighting on Commercial Vehicles**

(a)(1) The Ohio director of public safety shall prescribe and promulgate regulations relating to clearance lights, marker lights, reflectors, and stop lights on buses, trackless trolleys, trucks, commercial tractors, trailers, semitrailers, and pole trailers, when operated upon any highway, and such vehicles shall be equipped as required by such regulations, and such equipment shall be lighted at all times mentioned in Section 437.02, except that clearance lights and side marker lights need not be lighted on a vehicle when it is operated where there is sufficient light to reveal any person or substantial object on the street at a distance of five hundred (500) feet.

(2) Such equipment shall be in addition to all other lights specifically required by Sections 437.02 to 437.15. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.07)

Section 437.10 **Animal-Drawn or Slow-Moving Vehicles; Lamps; Reflectors and Emblems**

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in division (b) of Section 437.01, not specifically required to be equipped with lamps or other lighting devices by Sections 437.02 to 437.09, shall, at the times specified in Section 437.02, be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of the vehicle and also shall be equipped with two (2) lamps displaying red light visible from a distance of not less than one thousand (1,000) feet to the rear of the vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) feet to one hundred (100) feet to the rear when illuminated by the lawful lower beams of headlamps.

Lamps and reflectors required 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, a city or village engineer, or the county engineer of the several counties, when the construction area is marked in accordance with requirements of the Director and the *Manual of Uniform Traffic-Control Devices*, as set forth in RC 4511.09, which is designed for operation at a speed of twenty-five (25) miles per hour or less, shall be operated at a speed not exceeding twenty-five (25) miles per hour, and shall display a triangular slow-moving vehicle (SMV) emblem. The emblem shall be mounted so as to be visible from a distance of not less than five hundred (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.

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A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour may be operated on a street or highway at a speed greater than twenty-five (25) miles per hour provided it is operated in accordance with this section.

As used in this division, “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 division (b) of this section 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 division (b) of this section, 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 division (b) of this section.

(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 (25) miles per hour unless the unit displays a slow-moving vehicle emblem as specified in division (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/SAE S584 JAN2005, Agricultural Equipment: Speed Identification Symbol (SIS).

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in division (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 (25) 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 (1,000) feet to the rear at all times specified in Section 437.02. 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 division, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating, or rotating amber light, as permitted by Section 437.16, 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 division (b) of this section;
- (2) With alternate reflective material complying with rules adopted under this division;
- (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this division.

The Ohio Director of Public Safety, subject to RC Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this division. 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 437.02, from a distance of not less than five hundred (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 (25) 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/SAE 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 division.

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If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five (25) miles per hour is being operated on a street or highway at a speed greater than twenty-five (25) 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 (25) miles per hour is being operated on a street or highway at a speed greater than twenty-five (25) 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 (10) miles and at a speed of twenty-five (25) miles per hour or less.

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

Section 437.11 **Spotlight and Auxiliary Lights**

(a) (1) Any motor vehicle may be equipped with not more than one (1) 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 one hundred (100) feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not more than three (3) auxiliary driving lights mounted on the front of the vehicle. The Ohio Director of Public Safety shall prescribe specifications for auxiliary driving lights and regulations for their use, and any such lights which do not conform to said specifications and regulations shall not be used.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.12)

Section 437.12 **Cowl, Fender and Back-Up Lights**

(a) (1) Any motor vehicle may be equipped with side cowl or fender lights which shall emit a white or amber light without glare.

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

(3) 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.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.13)

Section 437.13 **Display of Lighted Lights**

(a) At all times mentioned in Section 437.02, at least two (2) lighted lights shall be displayed, one (1) near each side of the front of every motor vehicle and trackless trolley, except when the vehicle or trackless trolley is parked subject to the regulations governing lights on parked vehicles or trackless trolleys. The Ohio Director of Public Safety shall prescribe and promulgate regulations relating to the design and use of such lights and such regulations shall be in accordance with currently recognized standards.
(RC 4513.14)

(b) However, on a motorcycle there shall be displayed at least one (1) and not more than two (2) lighted lights as required herein.

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

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Section 437.14

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 437.02, 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, subject to the following requirements:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle, the driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(2) Every new motor vehicle registered in this state which has multiple-beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlights is in use, and shall not otherwise be lighted. This indicator shall be so designed and located that, when lighted, it will be readily visible without glare to the driver of the vehicle.

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

Section 437.16 Rotating Lights

Number of Lights; Limitations on Flashing, Oscillating or

(a) Whenever a motor vehicle equipped with headlights is also equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than three hundred (300) candle power, not more than a total of five (5) of any such lights on the front of a vehicle shall be lighted at any one time when such 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 three hundred (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 (75) 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, rural mail delivery vehicles, vehicles transporting schoolchildren as provided in RC 4513.182, highway maintenance vehicles, funeral hearses, funeral escort vehicles, and similar equipment operated by State or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating those 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 437.10 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 division (c)(1) of this section does not apply to such machinery or vehicles. Farm machinery may also display the lights described in Section 437.10.

(d) Except a person operating a public safety vehicle, as defined in RC 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; and 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.

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(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.
(RC 4513.17)

Section 437.17 **Regulations for Focus, Aim and Color of Headlights**

(a) No person shall use any lights mentioned in Sections 437.02 to 437.16, upon any motor vehicle, trailer, or semitrailer unless these lights are equipped, mounted, and adjusted as to focus and aim in accordance with regulations which are prescribed by the Ohio Director of Public Safety.

(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 division.

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

Section 437.18 **Motor Vehicle and Motorcycle Brakes**

(a) The following requirements govern as to brake equipment on vehicles:

(1) Every trackless trolley and motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the trackless trolley or motor vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, then on those trackless trolleys or motor vehicles, manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the trackless trolley or motor vehicle without brakes on at least two (2) wheels.

(2) Every motorcycle, when operated upon a highway shall be equipped with at least one (1) 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 RC 4511.521.

(4) When operated upon the highways of this state, 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 (2,000) 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 (2,000) 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 (3,000) 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 (2) 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

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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 two thousand (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 source 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 (1) part shall not leave the vehicle without operative brakes.

(9) Every trackless trolley, 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:

A. Trackless trolleys, vehicles, or combinations of vehicles having brakes on all wheels shall come to a stop in thirty (30) feet or less from a speed of twenty (20) miles per hour.

B. Vehicles or combinations of vehicles not having brakes on all wheels shall come to a stop in forty (40) feet or less from a speed of twenty (20) miles per hour.

(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 trackless trolley or vehicle.

(RC 4513.20)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.99)

Section 437.19 Horn, Sirens, and Warning Devices

(a) Every motor vehicle or trackless trolley 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 two hundred (200) feet.

(b) No motor vehicle or trackless trolley 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 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 five hundred (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 vehicle shall sound the equipment when it is necessary to warn pedestrians and other drivers of the approach thereof.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.21)

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Section 437.21 **Rear-View Mirror**

(a) Every motor vehicle, motorcycle, and trackless trolley shall be equipped with a mirror so located as to reflect to the operator a view of the highway to the rear of such vehicle, motorcycle or trackless trolley. Operators of vehicles, motorcycles, streetcars, and trackless trolleys shall have a clear and unobstructed view to the front and to both sides of their vehicles, motorcycles, streetcars, or trackless trolleys and shall have a clear view to the rear of their vehicles, motorcycles, streetcars, or trackless trolleys by mirror.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.23)

Section 437.22 **Windshield and Windshield Wipers**

(a) No person shall drive any motor vehicle on a street or highway in this state, 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 the 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 (4) inches in height by six (6) 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) Division (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) Division (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 (6) 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, streetcar, and trackless trolley 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, streetcar, or trackless trolley.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(RC 4513.24)

Section 437.24 **Motor Vehicle Stop Lights**

(a) (1) Every motor vehicle, trailer, semi-trailer, and pole trailer when operated upon a highway shall be equipped with two (2) 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 (1) 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. These stop lights when actuated shall emit a red light visible from a distance of five hundred (500) 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.

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(2) These 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.

(3) 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 RC 4513.19.

(4) Historical motor vehicles as defined in RC 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.
(RC 4513.071)

Section 437.26 **Child Restraint System Usage; Exceptions**

(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 Chapter 401, 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 vehicle safety standards:

- (1) A child who is less than four (4) years of age;
- (2) A child who weighs less than forty (40) 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 (4) years of age;
- (2) A child who weighs less than forty (40) pounds.

(c) When any child who is less than eight (8) years of age and less than four feet nine inches (4' 9") in height, who is not required by division (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 Chapter 401 or a vehicle that is regulated under RC 5104.015, 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 (8) years of age but not older than fifteen (15) years of age, and who is not otherwise required by division (a), (b), or (c) of this section 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 Chapter 401, 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 RC 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 division (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 division (c) or (d) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (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 division (c) or (d) of this section has been or is being committed.

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(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 in an occupant restraining device as required in 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 RC Chapter 4731 or a chiropractor licensed to practice in this state under RC 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) (1) Whoever violates division (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 (1) 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:

A. Except as otherwise provided in division (j)(1)B. 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).

B. If the offender previously has been convicted of or pleaded guilty to a violation of division (a), (b),(c) or (d) of this section or of a state law that is substantially equivalent any of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) All fines imposed pursuant to division (j)(1) of this section shall be forwarded to the State Treasurer for deposit in the Child Highway Safety Fund created by RC 4511.81(I). (RC 4511.81(A) - (H), (K), (L))

Section 437.27 Occupant Restraining Devices

(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. 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.

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(4) “Commercial tractor,” “passenger car,” and “commercial car” have the same meanings as in Chapter 401 of this Traffic Code.

(5) “Vehicle” and “motor vehicle,” as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in Chapter 401 of this Traffic Code.

(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 RC 2307.71, and as asbestos claim, as defined in RC 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 any 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 division (b)(3) of this section 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) Division (b)(3) of this section does not apply to a person who is required by Section 437.26 to be secured in a child restraint device or booster seat. Division (b)(1) of this section 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. Divisions (b)(1) and (b)(3) of this section do not apply to a person who has an affidavit signed by a physician licensed to practice in this state under RC Chapter 4731 or a chiropractor licensed to practice in this state under RC 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 division (b) 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 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 division (b) of this section shall be forwarded to the Treasurer of State for deposit into the state treasury to the credit of the trauma and emergency medical services fund, in accordance with RC 4513.263(E).

(f)(1) Subject to division (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 division (b)(1) or (b)(3) of this section 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 division (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 non-economic loss, as defined in RC 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

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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 division (b)(1) of this section shall be fined thirty dollars (\$30.00).

(2) Whoever violates division (b)(3) of this section shall be fined twenty dollars (\$20.00).

(3) Except as otherwise provided in this division, whoever violates division (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 division (b)(4) of this section, whoever violates division (b)(4) of this section is guilty of a misdemeanor of the third degree.
(RC 4513.263)

Section 437.28

Using Tinted Glass and Other Vision Obscuring Materials

(a) The Ohio director of public safety, in accordance with RC Chapter 119, shall adopt rules governing the use of tinted glass, and the use of transparent, nontransparent, translucent, and reflectorized materials in or on motor vehicle windshields, side windows, sidewings, and rear windows that prevent a person of normal vision looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

(b) The rules adopted under this section may provide for persons who meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section;

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(c) 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 registered in this state unless the motor vehicle conforms to the requirements of RC 4513.241 and of any applicable rule adopted under that section.

(d) No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(e) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in RC 4517.01, shall sell any motor vehicle that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(2) No manufacturer, remanufacturer, or distributor, as defined in RC 4517.01, shall

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provide to a motor vehicle dealer licensed under RC Chapter 4517 or to any other person, a motor vehicle that fails to conform to the requirements of RC 4513.241 or of any rule adopted under that section.

(f) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(g) This section does not apply to 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 No. 205.

(h) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a child with disabilities pursuant to RC Chapter 3323, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "child with disabilities" has the same meaning as in RC 3323.01.

(i) This section does not apply to any school bus that is to be sold and operated outside this state.

(j) (1) This section and the rules adopted under it do not apply to a motor vehicle used by a law enforcement agency under either of the following circumstances:

A. The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

B. The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(2) As used in this division, "law enforcement agency" means a police department, the office of a sheriff, the State Highway Patrol, a county prosecuting attorney, or a federal, state, or local governmental body that enforces criminal laws and that has employees who have a statutory power of arrest.

(k) (1) Whoever violates division (c), (e)(2) or (f) of this section is guilty of a minor misdemeanor.

(2) Whoever violates division (e)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3) A. Whoever violates division (d) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

B. In addition to any other penalty imposed under this section, whoever violates division (d) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

C. In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (d) of this section and the offender is a motor vehicle repair operator registered under RC Chapter 4775 or a motor vehicle dealer licensed under RC Chapter 4517, whoever violates division (d) of this section is subject to a registration or license suspension, as applicable, for a period of not more than one hundred and eighty (180) days.

(L) (1) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this section. If a person is convicted of or forfeits bail in relation to a violation of division (d) of this section, the county court judge, mayor of a mayor's court, or clerk, within ten days after the

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conviction or bail forfeiture, shall prepare and immediately forward to the motor vehicle repair board and the motor vehicle dealers board, an abstract, certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail.

(2) The motor vehicle repair board and the motor vehicle dealers board each shall keep and maintain all abstracts received under this section. Within ten days after receipt of an abstract, each board, respectively, shall determine whether the person named in the abstract is registered or licensed with the board and, if the person is so registered or licensed, shall proceed in accordance with RC 4775.09 or 4517.33, as applicable, and determine whether the person's registration or license is to be suspended for a period of not more than one hundred eighty (180) days.

(RC 4513.241)

Section 437.99 **Penalty**

Whoever violates any provision of this chapter 437 for which no penalty otherwise is provided in the section violated is guilty of a minor misdemeanor.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns
5-22-17

