

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.
Citations for minor misdemeanors - see Ohio R.C. 2935.26 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 LAWFUL 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 Ohio R.C. 4511.66. 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 (5) brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties. (ORC 4511.051.)

303.07 APPLICATION 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 of a vehicle 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.
- (2) When any vehicle or "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 is left on private property for more than seventy-two (72) 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 forty-eight (48) consecutive hours or longer, without notification to the Police Chief of the reasons for leaving such vehicle in such place. Prior to disposal of an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63, it shall be photographed by a law enforcement officer.

- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) 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, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) 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 and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two (2) 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, and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.

(b) Any vehicle removed under authority of Subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this Section shall be ordered into storage and the Municipal police 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 offices 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.

(c) 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 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two (72) 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 forty-eight (48) consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this Section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this Section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality. (ORC 4513.64.)

303.10 LEAVING JUNK VEHICLES ON PRIVATE PROPERTY WITH PERMISSION OF OWNER.

For the purposes of this Section, "Junk motor vehicle" means any motor vehicle meeting the requirements of Ohio R.C. 4513.63(B) to (E) that is left uncovered in the open on private property for more than seventy-two hours with the permission of the person having the right to the possession of the property, except if the person

is operating a junk yard or scrap metal processing facility licensed under authority of Ohio R.C. 4737.05 to 4737.12; or regulated under authority of the Municipality; or if the property on which the motor vehicle is left is not subject to licensure or regulation by any governmental authority, unless the person having the right to the possession of the property can establish that the motor vehicle is part of a bonafide commercial operation; or if the motor vehicle is a collector's vehicle.

Persons may store or keep by unrestricted method any collector's vehicle as defined in Ohio R.C. 4501.01(F) on private property with the permission of the person having the right to the possession of the property; except that such person having such permission shall conceal, by means of building, fences, vegetation, terrain or other suitable obstruction, any unlicensed collector's vehicle stored in the open.

Council, the Chief of Police or the Municipal Zoning Authority may send notice by certified mail with return receipt requested, to the person having the right to the possession of the property on which a junk motor vehicle is left, that within ten (10) days of receipt of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or shall be removed from the property.

No person shall willfully leave a junk motor vehicle uncovered in the open for more than ten (10) days after receipt of a notice as provided in this Section. The fact that a junk motor vehicle is so left is prima-facie evidence of willful failure to comply with the notice. Each subsequent period of thirty (30) days that a junk motor vehicle continues to be so left constitutes a separate offense. (ORC 4513.65.)

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 (1) year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one (1) year after the first offense such person is guilty of a misdemeanor of the third degree.
- (2) Failing to comply with a lawful order of a police officer and willfully fleeing a police officer. Whoever violates Sections 303.01(a) or 303.01(b) is guilty of a misdemeanor of the first degree. (Ord. 107-80. Passed 12-8-80.)

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- (3) Junk Motor Vehicles. Whoever violates Section 303.09 is guilty of a minor misdemeanor, and shall also be assessed any costs incurred by the City of Rocky River in disposing of such junk motor vehicle, less any money accruing to the City of Rocky River from such disposal. (ORC 451.99(D).)
- (4) Driving While Intoxicated and Operating After Under-Age Alcohol Consumption.
- (a) 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 ORC 4507.16, and in addition to the minimum fines provided in ORC 4511.99.
- (b) Whoever violates Section 333.01(b) is guilty of operating a vehicle after under-age alcohol consumption and shall be punished as follows:
1. If, within one (1) year of the offense, the offender has not been convicted of or pleaded guilty any violation of Division (A) or (B) of Section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, Section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that Section, or Section 2903.06, Section 2903.07 or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to Section 2903.07 of the Revised code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the fourth degree.
 2. If, within one (1) year of the offense, the offender has been convicted of or pleaded guilty to any violation of division (A) or (B) of Section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, Section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, or Section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is

substantially similar to Section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the third degree and shall not be eligible for a sentence to a community control sanction, as defined in Ohio R.C. 2929.01, pursuant to Ohio R.C. 2929.13, for judicial release pursuant to Ohio R.C. 2929.20 or for release pursuant to Ohio R.C. 2967.24. (ORC 2903.07)
(Ord. 46-97. Passed 3-10-97)

3. In addition to or independent of all other penalties provided by law, the offender's driver's or commercial driver's license or permit or nonresident operating privilege shall be suspended in accordance with, and for the period of time specified in, Division (E) of Section 4507.16 of the Revised Code.
- (5) Physical Control; Reckless Operation; Drag Racing; Failure to Control. Whoever violates Sections 333.01(d), 333.02, 333.07, or 331.34(a) is guilty of a misdemeanor of the first degree.
- (6) 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 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); ORC 4503.99(A).)
- (7) 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).)
- (8) DELETED.
(Ord. No. 60-07. Passed 6-26-07.)
- (9) Snowmobiles and All Purpose Vehicles. Whoever violates Section 375.03 to 375.04 is guilty of a misdemeanor of the third degree.
- (10) Stopping for School Buses. Whoever violates Section 331.38(a) may be fined an amount not to exceed Five Hundred Dollars (\$500.00).
(ORC 4511.99(G).)
- (11) Watercraft Reckless Operation; Operation Under Influence of Alcohol or Drugs. Whoever violates Section 381.07 or 381.11 is guilty of a misdemeanor of the first degree.

(12) Railroad Gate or Barrier Crossing. Whoever violates Section 331.39(b) is guilty of a misdemeanor of the fourth degree for the first offense. Any subsequent offense shall be a misdemeanor of the third degree.
(Ordinance No. 37-2000. Passed 5-8-00.)

(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.

Classification of Misdemeanor	Maximum Term of Imprisonment	Maximum Fine
First Degree	6 months	\$1,000.00
Second Degree	90 days	750.00
Third Degree	60 days	500.00
Fourth Degree	30 days	250.00
Minor	No Imprisonment	150.00

(Ord. 17-05. Passed 2/14/05.)

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