

CHAPTER 339
Commercial and Heavy Vehicles

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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 righthand 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, or otherwise not in conformity with Ohio R.C. 4513, 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.

No person shall operate a vehicle exceeding a size as specified in Section 339.03, or exceeding a gross weight of three (3) tons, upon any street in the Municipality other than State routes and County roads, except those local streets designated as a truck route and marked as such by appropriate 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 departure. No vehicle or combination of vehicles shall be operated on any public roadway within the Municipality that exceeds the maximum weight limits specified in Ohio R.C. 557.01 to 557.09, inclusive.

No person granted permission by the Director 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 Public Safety-Service may grant permission for a single or round trip, or for such period of time, not to exceed one (1) 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.

Streets or highways under local jurisdiction shall be posted with signs indicating "no thru trucks - gross weight 3 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 permission granted by the Director of Public Safety-Service shall be cause for immediate revocation or suspension of such permission and denial of request for any future permission. Such violation shall also subject the violator to the penalty prescribed by Section 303.99. (Ord. 7-74. Passed 1-14-74.)

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) One hundred four (104) inches for passenger bus type vehicles operated exclusively within municipal corporations;
 - (2) One hundred thirty-two (132) 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 (22) feet, except those roads or portions thereof over which operation of 132-inch buses is prohibited by order of the Ohio Director of Transportation;
 - (3) One hundred thirty-two (132) inches for traction engines;
 - (4) One hundred two (102) inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six (6) inches or less in width;
 - (5) One hundred two (102) inches, including load, for all other vehicles.

- (b) No such vehicle shall have a length in excess of:
 - (1) Sixty (60) feet for passenger bus type vehicles operated by a regional transit authority pursuant to Sections 306.30 to 306.54 of the Ohio Revised Code;
 - (2) Forty (40) feet for all other passenger bus type vehicles;
 - (3) Fifty-three (53) feet for any semitrailer when operated with or without load;
 - (4) Twenty-eight and one-half (28-1/2) feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination;
 - (5) Seventy-five (75) feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, not to exceed three (3) saddlemounted vehicles, but which may include one (1) fullmount;
 - (6) Sixty-five 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;
 - (7) Forty-five (45) feet for recreational vehicles;
 - (8) Forty (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 (13) feet six (6) inches, with or without load.

(d) An automobile transporter or boat transporter shall be allowed a length of sixty-five (65) feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five (75) feet, except that the

load thereon may extend no more than four (4) feet beyond the rear of such vehicles and may extend no more than three (3) feet beyond the front of such vehicles. The width prescribed in division (a) (5) of this section shall not include automatic covering devices used by a vehicle hauling solid waste.

The lengths prescribed in divisions (b) (2) to (7) of this section shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conversion devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigerating 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 Ohio 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. 119.01 to 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, the 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.)
(Ord. No. 180-04. Passed 12/13/04)

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 semi-trailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three (3) 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-third (1/3) 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.) (Ord. No. 181-04. Passed 12/13/04.)

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 (8) inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four (24) inches square marked with the word "DANGER" in white letters six (6) 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 (2) 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 (15) 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 (12) 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 semi-trailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in O.R.C. 5727.01(A), 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 (25) 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 (1) 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 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,

taraulins, 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 STUDED 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.)

339.12 WEIGHT REDUCTION DURING THAWS AND MOISTURE.

When thaws, excessive moisture or the nature of the road bed, construction and other factors which are material to the proper preservation and maintenance of the roads, streets or highways render them insufficient to bear the traffic thereon, or when such streets, roads or highways would be damaged or destroyed by the type or nature of the usual traffic thereon, the maximum weight of vehicles and/or load shall be reduced as prescribed by the Director of Public Safety-Service as the type, nature and condition of such street, road or highway justifies. At least one (1) day before such reduction becomes effective the Director of Public Safety-Service shall cause to be placed and retained on such streets, roads or highways, at both ends and at points of intersection by other streets, roads or highways, during the period of such reduced limitation of weight, signs of substantial construction, which will conspicuously indicate the limitation of

weight and/or load which is allowed thereon and the date on which such limitation shall go into effect.

A record of the action of the Director of Public Safety-Service with respect thereto shall be kept in his office. No person shall operate upon any such road, street or highway, any vehicle whose maximum weight is in excess of the limitations prescribed by the Director of Public Safety-Service.

The provisions of this Section shall not be applicable to fire trucks or other vehicles of any fire department of any political subdivision.
(Ord. 21-75. Passed 3-10-75.)

339.13 REMOVAL OF EXCESS LOAD; INFORMATION AS TO CONTENTS.

(a) Any police officer having reason to believe that the weight of a vehicle and its load is unlawful may require the driver of the vehicle to stop and submit to a weighing of it by means of a compact, self-contained, portable, sealed scale specially adapted to determining the wheel loads of vehicles on highways; a sealed scale permanently installed in a fixed location, having a load-receiving element specially adapted to determining the wheel loads of highway vehicles; a sealed scale, permanently installed in a fixed location, having a load-receiving element specially adapted to determining the combined load of all wheels on a single axle or on successive axles of a highway vehicle, or a sealed scale adapted to weighing highway vehicles, loaded or unloaded.

The driver of such vehicle shall, if necessary, be directed to proceed to the nearest available of such sealed scales to accomplish the weighing, provided such scales are within three (3) miles of the point where such vehicle is stopped. Any vehicle stopped in accordance with this Section may be held by the police officer for a reasonable time only to accomplish the weighing as prescribed by this Section. All scales used in determining the lawful weight of a vehicle and its load shall be annually compared by a municipal, County or State sealer with the State standards or standards approved by the State, and such scales shall not be sealed if they do not conform to the State standards or standards approved by the State.

At each end of a permanently installed scale there shall be a straight approach in the same plane as the platform of sufficient length and width to insure the level positioning of vehicles during weight determinations. During determination of weight by compact, self-contained, portable scales, they shall be used on level terrain of sufficient length and width to accommodate the entire vehicle being weighed.

Whenever such officer, upon weighing a vehicle and load, determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as is necessary to reduce the weight of such vehicle to the limit permitted under Ohio R.C. Sections 5577.01 to 5577.14, inclusive, and this Chapter. (ORC 4513.33.)

(b) All drivers of vehicles described in this Chapter shall be required, upon request by any member of the Police Division, 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. (Ord. 38-64. Passed 2-24-64.)

339.14 BRIDGE VERTICAL CLEARANCE.

No operator of any loaded or unloaded vehicle, shall pass under or attempt to pass under any bridge or elevated structure unless there is sufficient vertical clearance to permit the safe and unobstructed passage of such vehicle and load without touching or damaging such bridge or elevated structure. Signs shall be posted sufficiently in advance warning operators of vehicles of the maximum vertical clearance for safe and unobstructed passage. (Ord. 21-75. Passed 3-10-75.)

339.15 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.

No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway. (ORC 4511.701)

339.16 EXTRA SIGNAL EQUIPMENT.

(a) No person shall operate any motor truck, bus or commercial tractor upon any highway within the City at any time from one-half hour after sunset to one-half hour before sunrise unless there is carried in such vehicle, except as provided in subsection (b), the following equipment which shall be of the types approved by the Ohio Director of Transportation:

- (1) At least three flares or three red reflectors or three red electric lanterns, each of which shall be capable of being seen and distinguished at a distance of 500 feet under normal atmospheric conditions at night time.
- (2) At least three red-burning fuses, unless red reflectors or red electric lanterns are carried.
- (3) At least two red cloth flags, not less than twelve inches square, with standards to support same.
- (4) The type of red reflectors shall comply with such standards and specifications in effect on September 16, 1963, or later, established by the Interstate Commerce Commission, and must be certified as meeting such standards by Underwriter's Laboratories.

(b) No person shall operate, at the time and under the conditions stated in subsection (a), any motor vehicle used in transporting flammable liquids in bulk, or transporting compressed flammable gases, unless there is carried in

such vehicle three red electric lanterns or three red reflectors meeting the requirements stated above and there shall not be carried in any such vehicle any flares, fuses or signal produced by a flame.

(c) This section does not apply to any person who operates any motor vehicle in a work area designated by protection equipment devices that are displayed and used in accordance with the manual adopted by the Ohio Department of Transportation under Ohio R.C. 4511.09. (ORC 4513.27)

339.17 UNLAWFUL OPERATION; TAX COMMISSIONER TO BE NOTIFIED.

(a) It shall be unlawful for any person to operate a commercial car with three or more axles, a commercial car as part of a commercial tandem, or a commercial tractor as part of a commercial tractor combination or commercial tandem on a public highway without a valid highway use permit for such commercial car or commercial tractor.

(b) The Judge or Magistrate or any court finding any person guilty of unlawfully operating a commercial car or commercial tractor as provided for in this section shall immediately notify the Ohio Tax Commissioner of such violation and shall transmit to the Commissioner the name and the permanent address of the owner of the commercial car or commercial tractor operated in violation of this section, the registration number, the State of registration, and the certificate of title number of the commercial car or commercial tractor. (5728.04 ORC; Ord. 1997-110. Passed 6-2-97.)

339.99 PENALTY.

(a) Any person found guilty of a violation of Section 339.01 maybe imprisoned for not more than thirty (30) days and fined for the overload as follows:

<u>OVERLOAD</u>	<u>FINE</u>
Less than 2,000 lbs.	\$80.00
2,001 to 5,000 lbs.	\$100.00 + \$1 per 100 lbs. of overload
5,001 to 10,000 lbs.	\$130.00 + \$2 per 100 lbs. of overload
10,001 to 20,000 lbs.	\$160.00 + \$3 per 100 lbs. of overload
In excess of 20,000 lbs.	\$180.00 + \$4 per 100 lbs. of overload

No penalty prescribed in this section shall be imposed on any vehicle combination if the overload on any axle does not exceed one thousand pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this section, two axles on one vehicle less than eight feet apart, shall be considered as one axle.

(b) Any person found guilty of a violation of Section 339.02 to and including 339.14 shall be subject to a fine not in excess of \$100.
(Ord. 60-07 Passed 6-26-07) JUNE 2007 REVISION