

ORDINANCE NO. 15-75

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Russell Sweetman
ON THE 17th DAY OF February, 1975.

AN ORDINANCE AMENDING PART THREE - TRAFFIC
CODE OF THE CENTERVILLE MUNICIPAL CODE.

THE MUNICIPALITY OF CENTERVILLE HEREBY ORDAINS:

Section 1. Title One, Chapter 301 of the Centerville
Municipal Code is hereby amended as follows:

A. Section 301.03. ALLEY.

"Alley" means a [public] street [in the Municipality
which] or highway intended to provide access to the rear
or side of lots or buildings in urban districts and not
intended for the purpose of through vehicular traffic,

- [(a) Is used primarily for the convenience of
the owner of property abutting thereon
and of the persons dealing with him;]
- [(b) Is abutted on both sides by property which
is not customarily designated by an
official property number; or]
- [(c) Has] and includes any street or highway
that has been declared an "alley" by
Council. (ORC 4511.01 (WW))

B. Section 301.04. BICYCLE.

"Bicycle" means [a two-wheel vehicle,] every device
propelled by human power, upon which any person may ride
having [a] either two tandem [arrangement of] wheels
[equipped with tires either] or one wheel in the front
and two wheels in the rear, any of which is [over twenty]
more than fourteen inches in diameter; and includes any
such [vehicle] device fitted with a helper motor rated
less than one brake horsepower transmitted by friction
and not by gear or chain, which produces only ordinary
pedaling speeds up to a maximum of twenty miles per
hour. (ORC 4511.01 (G)).

C. Section 301.17. INTERSECTION.

"Intersection" means [the area, bounded by the lateral
lines, real or projected, of two or more streets or
highways which meet or cross each other.]:

- (1) The area embraced within the prolongation
or connection of the lateral curb lines, or,
if none, then the lateral boundary lines of
the roadways of two highways which join one
another at, or approximately at, right angles.
The area within which vehicles traveling upon
different highways joining at any other angle
may come in conflict.

(2) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

(3) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection. (ORC 4511.01 (JJ))

Section 2. Title Three, Chapter 313 of the Centerville Municipal Code is hereby amended as follows:

A. Section 313.04. SIGNAL TO CONTROL LANE DIRECTION OF TRAVEL.

[Whenever it is necessary to indicate and control the direction of travel in a traffic lane or lanes of a street or highway for the purpose of reversing the direction of traffic in the lane] When lane - use control signals are placed over individual lanes of a street or highway, [rectangular signal units shall be placed over each reversible lane and] said signals shall indicate and apply to [operators] drivers of vehicles as follows:

(a) [Rectangular signal with] a steady downward [pointing illuminated] green arrow:

[Traffic facing such signal] Vehicular traffic may travel in [the] any lane over which [the] a green arrow signal is shown.

(b) [Rectangular signal unit with an illuminated red] a steady yellow "X":

[Traffic facing such signal shall not enter or travel in any lane over which the] Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.

(c) A flashing yellow "X":

Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.

(d) A steady red "X":

Vehicular traffic shall not enter or travel in any lane over which such signal is shown.
(ORC 4511.131)

B. Section 313.06. FLASHING TRAFFIC SIGNALS.

Whenever an illuminated flashing red or yellow traffic [signals are] signal is used [they] in a traffic signal or with a traffic sign it shall require obedience as follows:

(a) Flashing red stop signal: Operators of vehicles shall stop [before entering the intersection or at a limit line when marked,] at a clearly marked stop line, but if none, before entering

the crosswalk on the near side of the intersection, or if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

- (b) Flashing yellow caution signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings, conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. Sections 4511.61 and 4511.62. (ORC 4511.15; Ord. 16-59. Passed 11-30-59.)

Section 3. Title Five, Chapter 331 of the Centerville Municipal Code is hereby amended as follows:

A. Section 331.01. DRIVING UPON RIGHT SIDE OF ROADWAY: EXCEPTIONS.

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:

- [(a)] (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
- [(b)] (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
- [(c)] (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
- [(d)] (4) When driving upon a roadway designated and posted with signs for one-way traffic;
- [(e)] (5) When otherwise directed by a police officer or traffic control device.

- (b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn.

- (c) Upon any roadway having four or more lanes for moving traffic and providing for two-way

movement of traffic, no vehicle shall be driven to the left of the centerline of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under division (a) (2) of this section. Division (c) of this section shall not be construed as prohibiting the crossing of the centerline in making a left turn into or from an alley, private road, or driveway. (ORC 4511.25)

B. Section 331.04. OVERTAKING, PASSING TO RIGHT OR LEFT.

(a) The [operator] driver of a vehicle may overtake and pass upon the right of another vehicle [which is making or about to make a left turn.] only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn;

(2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety, the movement shall not be made by driving off the roadway.

[The operator of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle proceeding in the same direction either upon the left or upon the right on a roadway with unobstructed pavement of sufficient width whenever such roadway has been divided into four or more clearly marked lanes for moving traffic, or whenever traffic is moving in two or more substantially continuous lines in the same direction, provided such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.]
(ORC 4511.28; Ord. 16-59. Passed 11-30-59.)

C. Section 331.05. OVERTAKING, PASSING TO LEFT OF CENTERLINE.

No vehicle shall be driven to the left of the center [or centerline] of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle. (ORC 4511.29; Ord. 16-59. Passed 11-30-59.)

D. Section 331.06. PROHIBITIONS AGAINST OVERTAKING, PASSING TO LEFT OF CENTERLINE.

No vehicle shall [, in overtaking and passing traffic, or at any other time,] be driven [to] upon the left side of [the center or center line of] the roadway under the following conditions:

- (a) When approaching the crest of a grade or upon a curve in the street, where the operator's view is obstructed within such distance as to create a hazard in the event traffic might approach from the opposite direction;
- (b) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel;
- (c) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing [, unless compliance with this section is impossible because of insufficient roadway space].

This section does not apply to vehicles upon a one-way roadway [or]. Upon a roadway where traffic is lawfully directed to be driven to the left side [.] or under the conditions described in division (a) (2) of Section 331.01. (ORC 4511.30)

E. Section 331.08. DRIVING WITHIN LANES OR CONTINUOUS LINES OF TRAFFIC.

Whenever any roadway has been divided into [three] two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

- (a) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
- (b) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
- (c) Official signs may be erected directing [slow moving] specified traffic to use a designated lane or [allocating specified] designating those lanes to be used by traffic moving in [the same direction] a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of such signs.

(d) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadways and drivers of vehicles shall obey the directions of every such device. (ORC 4511.33; Ord. 16-59. Passed 11-30-59.)

F. Section 331.14. SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

- (a) No person shall turn a vehicle [from a direct course] or move right or left upon a street or highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety [to other users of the highway, and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement, or after] nor without giving an appropriate signal in the [event any traffic may be affected by such movement.] manner hereinafter provided.
- (b) When required, a signal of intention to turn or move right or left shall be given [in sufficient time in advance of the movement indicated to give ample warning to other users of the street who would be affected by such movement.] continuously during not less than the last one hundred feet traveled by the vehicle before turning.
- (c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal [to the traffic immediately to the rear.] in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.
- (d) Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights [or a mechanical signal device] that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a street or highway shall be equipped with, and the required signal shall be given by, signal lights [or a mechanical signal device] when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.
- (e) The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "Do Pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section. (ORC 4511.39; Ord. 16-59. Passed 11-30-59.)

G. Section 331.16. RIGHT OF WAY AT INTERSECTIONS.

[The operator of a vehicle shall yield the right of way at an intersection of two or more roads or streets which cross each other to a vehicle approaching from the right, except as provided in Section 331.18.]

[At an intersection at which one or more roads or streets meet but do not cross the others, the operator of a vehicle traveling on the dead-end road or street shall yield the right of way to any vehicle traveling on the road or street which crosses the intersection unless otherwise directed by a traffic control device, or as provided in Section 331.18.]

(a) Except as otherwise provided in Chapter 331, when two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right.

(b) The right-of-way rule declared in Division (a) of this section is modified at through streets and highways and otherwise as stated in Chapter 331. (ORC 4511.41)

H. Section 331.17. RIGHT OF WAY WHEN TURNING LEFT.

The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. (ORC 4511.42; Ord. 16-59. Passed 11-30-59.)

I. Section 331.18. RIGHT OF WAY AT THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS: MERGING INTO LANED TRAFFIC.

[The operator of a vehicle, intending to enter a through street, shall yield the right of way to all other vehicles on such through street, unless otherwise directed by a traffic control signal, or as provided in this section.]

The operator of a vehicle shall stop in obedience to a stop sign at an intersection and shall yield the right of way to all other vehicles not obliged to stop, or as provided in this section.]

[The operator of a vehicle in obedience to a yield sign shall yield the right of way to all other vehicles or pedestrians approaching from a different direction into its or his path.]

[The operator of a vehicle transferring from one traffic lane to another, on entering a through street from a ramp or entrance, shall not do so until the driver has first ascertained that such movement can be made with safety.]

(a) Except as directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of

the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

- (b) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After moving or stopping, the driver shall yield the right-of-way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right-of-way. (ORC 4511.43)

J. Section 331.21. RIGHT OF WAY OF PUBLIC SAFETY VEHICLE;
PEDESTRIAN TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE

- (a) Upon the approach of a public safety vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle and the driver is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right of way, immediately drive to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in such position until the public safety vehicle has passed, except when otherwise directed by a police officer.

This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the street. [(ORC 4511.45)]

- (b) Upon the immediate approach of a public safety vehicle, as stated in subparagraph (a) above, every pedestrian shall yield the right-of-way to the public safety vehicle.

(c) Subsection (b) shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian. (ORC 4511.45 and 4511.452)

K. Section 331.22. RIGHT OF WAY AT [PRIVATE DRIVEWAY, ALLEY OR BUILDING] ANY PLACE OTHER THAN ANOTHER ROADWAY; PEDESTRIANS ON SIDEWALK.

(a) The operator of a vehicle about to enter or cross a street or highway from [a private road, driveway, alley, or building] any place other than another roadway shall [stop and] yield the right of way to all traffic approaching on [such street] the roadway to be entered or crossed.

(b) The driver of a vehicle shall yield the right-of-way to any pedestrian on a sidewalk. (ORC 4511.44 and 4511.441; Ord. 16-59. Passed 11-30-59.)

L. Section 331.23. EMERGING FROM PRIVATE DRIVEWAY, ALLEY OR BUILDING.

[It shall be the duty of the driver of any vehicle emerging from a private road or driveway, alley or building to yield the right of way to pedestrians using the sidewalk or sidewalk area extending across any alleyway. When conditions restrict a clear view of any approaching pedestrians, the driver shall stop the vehicle immediately prior to driving onto such sidewalk or sidewalk area, sound an audible approach signal and yield the right of way to pedestrians as may be required.]

The driver of a vehicle emerging from an alley, building, private road, or driveway within a business or residential district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon. (ORC 4511.431)

M. Section 331.25. DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS; OPENING DOOR OF VEHICLE; UNATTENDED VEHICLE.

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or [as] to interfere with the driver's control over the driving mechanism of the vehicle.

[(b) No passenger in a vehicle shall ride in such position or by any manner of conduct obstruct the view of the driver to the front or sides of the vehicle or interfere with the driver's control of the vehicle.]

(b) No passenger in a vehicle shall ride in such a position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

(c) No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(d) No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway. (ORC 4511.70 and 4511.66.1; Ord. 16-59. Passed 11-30-59.)

N. Section 331.38. STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle [upon any street or highway] within the Municipality [upon] meeting or overtaking from either direction any school bus [which has] stopped on the street or highway, [for the purpose of receiving or discharging any school child] shall stop before reaching the [vehicle not less than ten feet from such] school bus and the driver shall not proceed until such school bus resumes motion, or [until] he is signaled by the school bus driver to proceed.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of Section 4511.771 of the Ohio Revised Code, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the street or highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the red visual signals:

(1) In business districts and on urban arterial streets designated by the Department of Transportation or local authorities;

(2) At intersections or other places where traffic is controlled by traffic control signals or law enforcement officers;

(3) In designated school bus loading areas where the bus is entirely off the roadway.

[(b) Upon a divided street or highway as set forth in Section 331.31 only the driver of a vehicle proceeding on the same roadway as the school bus shall comply with subsection (a) of this section.]

(c) Where a street or highway has been divided

into two roadways as set forth in Section 331.31 a driver of a vehicle proceeding on one roadway of said street or highway need not stop when approaching a school bus which has stopped on the other roadway of said street or highway for the purpose of receiving or discharging any school child. The driver of any vehicle proceeding on the same roadway of said street or highway as the school bus shall comply with division (a) of this section.

- [(c)] (d) School busses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children on their residence side of the highway.
- [(d)] (e) No school bus driver shall start his bus until after any child who may have alighted therefrom has reached a place of safety on his residence side of the road. (ORC 4511.75)

O. Section 331.39. DRIVING ACROSS GRADE CROSSING.

[No person shall drive a vehicle across a railroad grade crossing in the following instances:]

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, he shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

[(a)] (1) [When a] A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train;

[(b)] (2) [When a] A crossing gate is lowered;

[(c)] (3) [When a] A human flagman gives or continues to give a signal of the approach or passage of a train;

(4) A train approaching within approximately one thousand five hundred feet of the highway crossing emits a signal audible from that distance and the train, by reason of its speed or nearness to the crossing, is an immediate hazard;

(5) An approaching train is plainly visible and is in hazardous proximity to the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. (ORC 4511.62)

P. Section 331.41. VEHICLES ON SIDEWALKS; ENTERING OF INTERSECTION OR MARKED CROSSWALK; DRIVING ONTO GRADE CROSSING.

(a) No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a

permanent or duly authorized temporary driveway.

- (b) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or grade crossing to accommodate the vehicle he is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
(ORC 4511.71.1 and 4511.71.2)

Section 4. Title Five, Chapter 333 of the Centerville Municipal Code is hereby amended as follows:

A. Section 333.01. DRIVING OR PHYSICAL CONTROL WHILE UNDER INFLUENCE; EVIDENCE.

- (a) No person who is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any drug of abuse, shall operate any vehicle within the Municipality.
(ORC 4511.19)
- (b) No person who is under the influence of alcohol or any drug of abuse, or the combined influence of alcohol and any drug of abuse, shall be in actual physical control of any vehicle within the Municipality.
- (c) In any criminal prosecution for a violation of this section relating to driving a vehicle while under the influence of alcohol, the court may admit evidence on the concentration of alcohol in the defendant's blood at the time of the alleged violation as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance withdrawn within two hours of the time of such alleged violation. When a person submits to a blood test at the request of a police officer under Ohio R.C. 4511.191, only a physician or a registered nurse shall withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the taking of breath or urine specimens. Such bodily substance shall be analyzed in accordance with methods approved by the Ohio Director of Health by an individual possessing a valid permit issued by the Director of Health pursuant to Ohio R.C. 3701.143. Such evidence gives rise to the following:
- (1) If there was at that time a concentration of less than ten hundredths of one percent by weight of alcohol, but more than five hundredths of one percent by weight of alcohol, in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

- (2) If there was at that time a concentration of ten hundredths of one percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of alcohol.
- (3) If there was at the time a concentration of five hundredths of one percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of alcohol.

Upon the request of the person who was tested, the results of such test shall be made available to him, his attorney or agent, immediately upon the completion of the test analysis.

The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a police officer, and shall be so advised. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a police officer. (ORC 4511.19; Ord. 30-72. Passed 5-1-72.)

- (d) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the first degree, in addition to the license suspension or revocation provided in Ohio R.C. 4507.16. (ORC 4511.99(A))

Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree.

B. Section 333.06. SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating, or oscillating light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

Section 5. Title Five, Chapter 371 of the Centerville Municipal Code is hereby amended as follows:

A. Section 371.01. RIGHT OF WAY OF PEDESTRIAN IN CROSSWALK.

- [(a) It shall be the duty of the operator of any vehicle to yield the right of way to a

pedestrian lawfully crossing the roadway within any crosswalk.]

[(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. (ORC 4511.46; Ord. 16-59. Passed 11-30-59.)]

(a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Division (A) of this section does not apply under the conditions stated in division (B) of Section 4511.48 of the Revised Code.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle, trackless trolley, or streetcar approaching from the rear shall not overtake and pass the stopped vehicle. (ORC 4511.46; Ord. 16-59. Passed 11-30-59.)

B. Section 371.03. RIGHT OF WAY YIELDED BY PEDESTRIAN.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all [traffic operating lawfully] vehicles upon the [street] roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

- [(b)] (e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway. (ORC 4511.48)
- C. Section 371.04. MOVING IN CROSSWALK; [STEPPING INTO STREET] UNDER INFLUENCE OF ALCOHOL, OR DRUGS OF ABUSE, OR COMBINATION THEREOF
- (a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
- (b) [Pedestrians shall not step into or upon a street or highway without looking in both directions to see what is approaching.] A pedestrian who is under the influence of alcohol or any drug of abuse, or any combination thereof, to a degree which renders himself a hazard, shall not walk or be upon a street or highway. (ORC 4511.49; 4511.481.)
- D. Section 371.05. WALKING ON PATH OR STREET; JAYWALKING.
- [(a) When usable walks or paths parallel the street or highway, pedestrians shall not walk in, along or upon the vehicular traveled portion of such street or highway.]
- [(b) Where usable walks or paths are not provided parallel to the street or highway, pedestrians may walk or upon the traveled portion of such street or highway, and, where practicable, they shall face the approaching traffic and shall exercise due care to avoid approaching traffic.]
- [(c) No pedestrians shall cross a roadway at a place other than a crosswalk except in cases where crosswalks are an unreasonable distance apart.]
- (a) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in Sections 313.03 and 371.01, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway. (ORC 4511.50; Ord. 16-59. Passed 11-30-59.)
- E. Section 371.06. SOLICITING RIDES, EMPLOYMENT, BUSINESS, CONTRIBUTIONS; RIDING ON OUTSIDE OF VEHICLE; MOVING VEHICLES.

- (a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.
 - (b) No person shall stand on the highway for the purpose of soliciting employment, business, or contributions from the occupant of any vehicle.
 - [(b)] (c) No person shall hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments.
 - [(c)] (d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments. (ORC 4511.51)
 - [(d)] (e) No person shall leave or enter a vehicle which is in motion except in an emergency necessitating such action.
- F. 371.07. PASSING THROUGH OR ENTERING BRIDGE SIGNAL GATE, BARRIER; RAILROAD CROSSING GATE, BARRIER.
- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate, or barrier after a bridge operation signal indication has been given.
 - (b) No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed. (ORC 4511.51.1)

Section 6. Title Five, Chapter 373 of the Centerville Municipal Code is hereby amended as follows:

- A. Section 373.02. RIDING UPON SEATS; MOTORCYCLE HANDLE BARS; HELMETS AND GLASSES.

For purposes of this section, "snowmobile" has the same meaning as given that term in Section 375.01.

- (a) A person operating a bicycle or motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.
- (b) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.
- (c) No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars.
- [(b)] (d) No bicycle or motorcycle shall be used to carry more persons at one time than the

number for which it is designed and equipped, nor shall any motorcycle be operated on a street or highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

- [(c)] (e) No person shall operate a snowmobile or a motorcycle on a street or highway, or be a passenger on a snowmobile or a motorcycle, unless wearing a protective helmet on his head, with the chin strap properly fastened, and using safety glasses or other protective eye device. Such helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Highway Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action. (ORC 4511.53)

B. Section 373.04. RIDING BICYCLES AND MOTORCYCLES ABREAST.

- (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

- [(a)] (b) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles. (ORC 4511.55; Ord. 16-59. Passed 11-30-59.)

C. Section 373.05. SIGNAL DEVICE ON BICYCLE; SIREN.

No person shall [ride] operate a bicycle unless it is equipped with a bell or other device capable of giving [an] a [audible signal] signal audible for a distance of at least one hundred feet, except that [no] a bicycle shall not be equipped with [,] nor shall any person use upon a bicycle any siren or whistle. (ORC 4511.56 (B); Ord. 16-59. Passed 11-30-59.)

D. Section 373.06. LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

- [(a)] No person shall operate or move a bicycle upon a roadway or sidewalk under the conditions specified in Section 337.02, unless it is equipped with a headlight emitting a white light on the front and a tail light or reflector emitting a red light on the rear, which equipment shall be of such size and characteristics and so displayed and maintained as to be visible from all distances within 500 feet of such bicycle.]

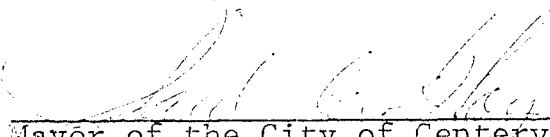
- [(b)] No person shall operate a bicycle unless such bicycle is equipped with an adequate brake which will enable the operator to make the brake wheel skid on dry, level, clean pavement.]

(a) Every bicycle when in use at the times specified in Section 337.02 shall be equipped with a lamp on the front that shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the director of highway safety that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle and a lamp emitting a red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector.

(b) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

Section 7. This ordinance shall become effective from and after the earliest date allowed by law.

PASSED this 17th day of February, 1975.



Mayor of the City of Centerville, Ohio

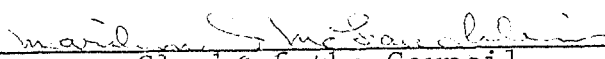
ATTEST:



Clerk of the Council of the
City of Centerville, Ohio

C E R T I F I C A T E

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Ordinance No. 1575, passed by the Council of the City of Centerville, Ohio, on the 17th day of February, 1975.



Clerk of the Council

Approved as to form, consistency
with existing laws, and
charter of said city.

Robert H. Farquhar
Municipal Attorney.