

ORDINANCE NO. 4 -83

AN ORDINANCE APPROVING, ADOPTING AND ENACTING  
PART FOUR (TRAFFIC) AND PART SIX (GENERAL OFFENSES)  
OF THE CODIFIED ORDINANCES OF VILLAGE OF SPENCER, OHIO:  
REPEALING ORDINANCES IN CONFLICT THEREWITH:  
PUBLISHING THE ENACTMENT OF NEW MATTER: AND  
DECLARING AN EMERGENCY

WHEREAS, The Justinian Publishing Company has prepared and published Traffic and General Offenses Codes for the Municipality, incorporating the latest State law; and

WHEREAS, the 1983 Traffic and General Offenses Codes, together with the new matter to be adopted, the matters to be amended and those to be repealed, are before the Council.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF Village of Spencer, Ohio, three-fourths of its members concurring herein as follows:

SECTION 1. The Traffic and General Offenses Codes of the Municipality are hereby approved, adopted and enacted as Part Four (Traffic) and Part Six (General Offenses) of the Codified Ordinances of Village of Spencer, Ohio.

One book-form copy of Part Four (Traffic) and Part Six (General Offenses) of the Codified Ordinances shall be certified as correct by the Mayor and the Clerk of Council, attached to this ordinance as a part hereof, and filed with the permanent ordinance records of Village of Spencer, Ohio.

SECTION 2. All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of Part Four (Traffic) and Part Six (General Offenses) of the Codified Ordinances are hereby repealed as of the effective date of this ordinance except as follows:

- (a) The enactment of Part Four (Traffic) and Part Six (General Offenses) of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislation provision shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

(b) The repeal provided above shall not affect:

- (1) The grant or creation of a franchise, license, right, easement or privilege;
- (2) The purchase, sale, lease or transfer of property;
- (3) The appropriation or expenditure of money or promise or guarantee of payment;
- (4) The assumption of any contract or obligation;
- (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness;
- (6) The levy or imposition of taxes, assessments or charges;
- (7) The establishment, naming, vacating or grade level of any street or public way;
- (8) The dedication of property or plat approval;
- (9) The annexation or detachment of territory;
- (10) Any legislation enacted subsequent to the adoption of this ordinance.

SECTION 3. Pursuant to Ohio R.C. 731.21, 731.22 and 731.23 the Clerk of Council shall cause to be published a notice of the enactment of this ordinance, containing the title of the ordinance and a summary of the new matters covered by it, which summary is attached hereto and marked "Exhibit A."

SECTION 4. This ordinance is hereby declared to be an emergency measure, immediately necessary for the preservation of the public peace, health and safety, such emergency existing by reason of the necessity of providing Traffic and General Offenses Codes for the Municipality which are consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including Part Four (Traffic) and Part Six (General Offenses) of the Codified Ordinances adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all the members elected to Council, otherwise from and after the earliest period allowed by law.

PASSED: June 22 , 1983

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

\_\_\_\_\_  
Clerk

"EXHIBIT A"

SUMMARY OF NEW MATTER

CONTAINED IN THE MODEL TRAFFIC AND GENERAL OFFENSES CODES

1983 EDITION

UNDER ORDINANCE NO.

-82

"AN ORDINANCE APPROVING, ADOPTING AND ENACTING PART FOUR (TRAFFIC) AND PART SIX (GENERAL OFFENSES) OF THE CODIFIED ORDINANCES OF VILLAGE OF SPENCER, OHIO: REPEALING ORDINANCES IN CONFLICT THEREWITH: PUBLISHING THE ENACTMENT OF NEW MATTER: AND DECLARING AN EMERGENT"

PART FOUR - TRAFFIC CODE

- Chap. 402. Definitions
- .01 Meaning of words and phrases.
  - .02 Agricultural tractor.
  - .03 Alley.
  - .04 Arterial street.
  - .05 Bicycle.
  - .06 Bus.
  - .07 Business district.
  - .08 Commercial tractor.
  - .09 Controlled-access highway.
  - .10 Crosswalk.
  - .11 Driver or operator.
  - .12 Emergency vehicle.
  - .13 Explosives.
  - .14 Expressway.
  - .15 Flammable liquid.
  - .16 Freeway.
  - .17 Gross weight.
  - .18 Intersection.
  - .19 Laned street or highway.
  - .20 Motor vehicle.
  - .21 Motorcycle.
  - .22 Motorized bicycle.
  - .23 Parking.
  - .24 Pedestrian.
  - .25 Person.
  - .26 Pole trailer.
  - .27 Police officer.
  - .28 Private road or driveway.
  - .29 Public safety vehicle.
  - .30 Railroad.
  - .31 Railroad sign or signal.
  - .32 Railroad train.
  - .33 Residence district.
  - .335 Ridesharing arrangement.
  - .34 Right of way.
  - .35 Roadway.
  - .36 Safety zone.
  - .37 School bus.
  - .38 Semitrailer.
  - .39 Sidewalk.
  - .40 State route.
  - .41 Stop.
  - .42 Stop intersection.
  - .43 Stopping and standing.
  - .44 Street or highway.
  - .45 Through street or highway.
  - .46 Thruway.
  - .47 Traffic.
  - .48 Traffic control devices.
  - .49 Traffic control signal.
  - .50 Trailer.
  - .51 Truck.
  - .52 Urban district.
  - .53 Vehicle.

- Chap. 404.      Enforcement; Impounding
- .01      Compliance with lawful order of police officer; fleeing.
  - .02      Resisting an enforcing official.
  - .03      Road workers, motor vehicles and equipment excepted.
  - .04      Application to persons riding, driving animals upon roadway.
  - .05      Impounding of vehicles; redemption.
  - .06      Traffic direction in emergencies; obedience to school guards.
  - .07      Application to drivers of government vehicles.
- Chap. 406.      Traffic Control
- .01      Authority and considerations for placement of devices.
  - .02      Conformity with State Manual.
  - .03      Powers of designated person.
  - .04      Posting of signs and signals required.
  - .05      Designated person's powers not limited.
  - .06      Records of designated person.
  - .07      Reservation of power to Council.
  - .08      Violations subject to general Code penalty.
- Chap. 408.      Penalties
- .01      Penalties for misdemeanor.
  - .02      General Code penalty.
- Chap. 412.      Obstruction and Special Uses of Public Ways
- .01      Placing injurious material or obstruction in street.
  - .02      Zones of quiet.
  - .03      Play streets.
  - .04      Toy vehicles on roadway.
  - .05      Freeway use prohibited by pedestrians, bicycles and animals.
- Chap. 414.      Traffic Control Devices
- .01      Obedience to traffic control devices.
  - .02      Through streets; stop and yield right-of-way signs.
  - .03      Traffic control signal terms and lights.
  - .04      Signal to control lane direction of travel.
  - .05      Pedestrian control signals.
  - .06      Flashing traffic signals.
  - .07      Unauthorized signs and signals, hiding from view, advertising.
  - .08      Alteration, injury, removal of traffic control devices.
- Chap. 416.      Pedestrians
- .01      Duties of pedestrians and drivers at crosswalks.
  - .02      Right of way of blind person.
  - .03      Right of way yielded by pedestrian; crossing roadways.
  - .04      Moving in crosswalk.
  - .05      Walking on sidewalks and streets.
  - .06      Soliciting rides or business; riding on outside of vehicle.
  - .07      Passing through bridge signals or railroad barriers.
  - .08      Right of way of public safety vehicles.
  - .09      Right of way on sidewalks.
  - .10      Intoxication.

Chap. 432.

Operation Generally

- .01 Driving upon right side of roadway; exceptions.
- .02 Passing to right when proceeding in opposite directions.
- .03 Overtaking, passing to left; driver's duties.
- .04 Overtaking, passing to right of vehicle.
- .05 Overtaking, passing to left of centerline.
- .06 Driving upon left side of roadway.
- .07 Hazardous or no passing zones.
- .08 Driving within lanes or continuous lines of traffic.
- .09 Following too closely.
- .10 Turning at intersections.
- .11 "U" turns restricted.
- .12 Starting and backing vehicles.
- .13 Signals before changing course, turning or stopping.
- .14 Hand and arm signals.
- .15 Right of way at intersections.
- .16 Right of way when turning left.
- .17 Operation of vehicle at stop and yield signs.
- .18 Emergency or public safety vehicles at stop signals or signs.
- .19 Right of way of public safety vehicle.
- .20 Right of way at private driveway, alley or building.
- .21 Right of way of funeral procession.
- .22 Driving upon sidewalks, tree lawns or curbs.
- .23 Driver's view and control to be unobstructed by load or persons.
- .24 Driving upon street posted as closed for repair.
- .25 Following and parking near emergency or safety vehicles.
- .26 Driving over fire hose.
- .27 Driving through safety zone.
- .28 One-way streets and rotary traffic islands.
- .29 Driving upon divided roadways.
- .30 Stopping for school bus; actuating visual signals; discharging children.
- .31 Driving across grade crossings.
- .32 Stopping at grade crossings.
- .33 Slow-moving vehicles or equipment at grade crossings.
- .34 Obstructing intersections, crosswalks or grade crossings.
- .35 "Peeling"; cracking exhaust noises.
- .36 Shortcutting across private property.
- .37 Entering and existing controlled-access highway.
- .38 Failure to control; weaving; full time and attention.

Chap. 434.

DWI; Reckless Operation; Speed

- .01 Driving or physical control while under the influence; evidence.
- .02 Reckless operation on streets, public or private property.
- .025 Reasonable control.
- .03 Maximum speed limits; assured clear distance ahead.
- .04 Slow speed; posted minimum speeds.
- .05 Speed limitations over bridges.
- .06 Speed exceptions for emergency or safety vehicles.
- .07 Drag racing prohibited.
- .08 Vehicular homicide.

- Chap. 436.      Licensing; Accidents
- .01      Operator or chauffeur license required.
  - .02      Possession of more than one license prohibited.
  - .03      Driving with temporary instruction permit without licensed driver.
  - .04      Certain acts prohibited.
  - .05      Owner or operator allowing another to drive.
  - .06      Display of license.
  - .07      Driving under suspension or revocation.
  - .08      Operation or sale without certificate of title.
  - .09      Display of license plates; registration; obstructions.
  - .10      Use of illegal license plates.
  - .11      Stopping after accident upon streets; collision with unattended vehicle.
  - .12      Stopping after accident upon property other than streets.
  - .13      Vehicle accident resulting in damage to realty.

- Chap. 438.      Safety and Equipment
- .01      Driving unsafe vehicles; application.
  - .02      Lighted lights; measurement of distances and heights.
  - .03      Headlights on motor vehicles and motorcycles.
  - .04      Tail light; illumination of rear license plate.
  - .05      Rear red reflectors.
  - .06      Safety lighting on commercial vehicles.
  - .07      Obscured lights on vehicles in combination.
  - .08      Red light or red flag on extended loads.
  - .09      Lights on parked or stopped vehicles.
  - .10      Lights on slow-moving vehicles; emblem required.
  - .11      Spotlight and auxiliary lights.
  - .12      Cowl, fender and back-up lights.
  - .13      Two lights displayed.
  - .14      Use of headlight beams.
  - .15      Lights of less intensity on slow-moving vehicles.
  - .16      Number of lights permitted; red and flashing lights.
  - .17      Vehicles transporting preschool children.
  - .18      Focus and aim of headlights.
  - .19      Motor vehicle and motorcycle brakes.
  - .20      Horn, siren and theft alarm signal.
  - .21      Muffler; muffler cutout; excessive smoke, gas or noise.
  - .22      Rear-view mirror; clear view to front, both sides and rear.
  - .23      Sign or poster upon windshield; windshield wiper.
  - .24      Limited load extension on left side of passenger vehicle.
  - .25      Motor vehicle stop lights.
  - .26      Bumpers.
  - .27      Air cleaner required.
  - .28      Use of child restraints.

- Chap. 440.      Commercial and Heavy Vehicles
- .01      Load limits.
  - .02      Maximum width, height and length.
  - .03      Wheel protectors.
  - .04      Vehicles transporting explosives.
  - .05      Towing requirements.
  - .06      Loads dropping or leaking; tracking mud; removal required.
  - .07      Vehicles with spikes, lugs and chains.
  - .08      Occupying travel trailer while in motion.
  - .09      Route and load information.
  - .10      Shifting load; loose loads.

- Chap. 442.      Drivers of Commercial Cars or Tractors
- .01      Definitions.
  - .02      Permitting or driving while fatigued or ill prohibited.
  - .03      Driver's consecutive service and off-duty hours.

- Chap. 444.      Offenses Relating to Theft and Fraud
- .01      Definitions.
  - .02      Police may remove ignition key.
  - .03      Illegal sale or possession of master vehicle keys.
  - .04      Motor vehicle with concealed identity.
  - .05      Odometers; tampering with and repairing.
  - .06      Devices that cause false registration.
  - .07      Operation of vehicles with disconnected odometers.
  - .08      Transfers of motor vehicles.
  - .09      Disclosure of true readings.
  - .10      Violations; liability to transferee; venue; limitations.
  - .11      Remedies cumulative.
- Chap. 452.      Parking Generally
- .01      Prohibition against parking on streets or highways.
  - .02      Police may remove illegally parked vehicle.
  - .03      Prohibited standing or parking places.
  - .04      Manner of parallel and angle parking; handicapped persons.
  - .05      Willfully leaving vehicles on private or public property.
  - .055      Parking prohibitions on private property; private tow-away zones.
  - .06      Unattended vehicles; duty to lock ignition, remove key, set brake, etc.
  - .07      Opening doors on side available to traffic.
  - .08      Selling, washing or repairing vehicle upon roadway.
  - .09      Truck loading zones.
  - .10      Bus stops and taxicab stands.
  - .11      Parking in alleys and narrow streets; exceptions.
  - .12      Registered owner prima-facie liable for unlawful parking.
  - .13      Waiver.
- Chap. 474.      Bicycles and Motorcycles
- .01      Code application to bicycles.
  - .02      Riding upon seats; carrying packages; motorcycle handle bars; helmets and glasses.
  - .03      Attaching bicycles, motorcycles to other vehicles.
  - .04      Riding on right side of roadway; riding abreast.
  - .05      Lights, signal devices, brakes on bicycles.
  - .06      Riding bicycles upon sidewalks.
  - .07      Safe riding regulations for bicycles.
  - .08      Parking; locks.
  - .09      Parent's responsibility.
  - .10      Suspension of riding privileges; impounding of bicycles.
  - .11      Operation of motorized bicycles.
- Chap. 476.      Snowmobiles and All Purpose Vehicles
- .01      Definitions.
  - .02      Equipment.
  - .03      Code application; prohibited operation.
  - .04      Permitted operation.
  - .05      Licensing requirements of operator.
  - .06      Accident reports.
  - .07      Local control within police power.
  - .08      Registration of vehicles.

## PART SIX - GENERAL OFFENSES CODE

### Chap. 606. General Provisions; Administration and Enforcement

- .01 Definitions.
- .02 Culpable mental states.
- .03 Classification of offenses.
- .04 Offenses defined.
- .05 Rule of construction.
- .06 Limitation on criminal prosecutions.
- .07 Requirements for criminal liability.
- .08 Organizational criminal liability.
- .09 Personal accountability for organizational conduct.
- .10 Falsification.
- .11 Compounding a crime.
- .12 Failure to report a crime or death.
- .13 Failure to aid a law enforcement officer.
- .14 Obstructing official business.
- .15 Obstructing justice.
- .16 Resisting arrest.
- .17 Having an unlawful interest in a public contract.
- .18 Soliciting or receiving improper compensation.
- .19 Dereliction of duty.
- .20 Interfering with civil rights.
- .21 Attempt.
- .22 Complicity.
- .23 Detention of shoplifters, disorderly persons and thieves; arrest without warrant.
- .24 Disposition of property held by Police Department.
- .25 Impersonating an officer.
- .26 Display of law enforcement agency emblem.

### Chap. 612. Alcoholic Beverages

- .01 Definitions.
- .02 Sales to minors; prohibitions and misrepresentations.
- .03 Sales to intoxicated persons.
- .04 Liquor consumption in motor vehicle.
- .05 Permit required.
- .06 Posting liquor age warning signs.
- .07 Open container prohibited.
- .08 Hours of sale or consumption.

### Chap. 618. Animals

- .01 Dogs and other animals running at large.
- .02 Abandoning animals.
- .03 Killing or injuring animals.
- .04 Poisoning animals.
- .05 Cruelty to animals.
- .06 Coloring rabbits and baby poultry; sale or display of poultry.
- .07 Barking or howling dogs.
- .08 Registration of dogs required.
- .09 Hindering capture of unlicensed dog.
- .10 Unlawful tags.
- .11 Rabies quarantine.
- .12 Hunting prohibited.
- .13 Nuisance conditions prohibited.
- .14 Impounding and disposition; records.



- Chap. 624.      Drugs
- .01      Definitions.
  - .02      Trafficking in marihuana.
  - .03      Drug abuse.
  - .04      Possession of drug abuse instruments.
  - .05      Permitting drug abuse.
  - .06      Deception to obtain a dangerous drug.
  - .07      Abusing harmful intoxicants; trafficking.
  - .08      Illegal dispensing of drug samples.
  - .09      Possession, sale and disposal of hypodermics.
  - .10      Evidence.
  - .11      Double jeopardy.
  - .12      Controlled substance schedules.
  - .13      Controlled substance or prescription labels.
  - .14      Sale of paraphernalia for use of marihuana to juveniles.

- Chap. 630.      Gambling
- .01      Definitions.
  - .02      Gambling in general.
  - .03      Operating a gambling house.
  - .04      Public gaming.
  - .05      Cheating.
  - .06      Responsibility of charitable organization conducting bingo game.
  - .07      Maintenance of records by charitable organizations.
  - .08      Qualifications of bingo game operator.
  - .09      Exemption for bingo games conducted for amusement.

- Chap. 636.      Offenses Relating to Persons
- .01      Negligent homicide.
  - .02      Assault.
  - .03      Negligent assault.
  - .04      Aggravated menacing.
  - .05      Menacing.
  - .06      Unlawful restraint.
  - .07      Child stealing.
  - .08      Coercion.
  - .09      Nonsupport of dependents.
  - .10      Suspension of sentence on posting bond.
  - .11      Endangering children.
  - .12      Interference with custody.
  - .13      Consensual abortion.
  - .14      Party lines to be yielded in emergencies.
  - .15      Threatening or harassing telephone calls.
  - .16      Placing harmful substance or objects in food or confection.
  - .17      Domestic violence.
  - .18      Safety of crowds attending live entertainment performances.
  - .19      Hazing.

- Chap. 642.      Offenses Relating to Property
- .01      Definitions.
  - .02      Theft.
  - .03      Degree of offense when certain property involved.
  - .04      Unauthorized use of a vehicle; vehicle trespass.
  - .05      Unauthorized use of property.
  - .06      Injuring vines, bushes, trees or crops.
  - .07      Desecration.
  - .08      Removal of improvements from real property.
  - .09      Arson.
  - .10      Criminal damaging or endangering.
  - .11      Criminal mischief.
  - .12      Criminal trespass.

- .13 Tampering with coin machines.
- .14 Passing bad checks.
- .15 Misuse of credit cards.
- .16 Making or using slugs.
- .17 Defrauding a livery or hostelry.
- .18 Tampering with records.
- .19 Securing writings by deception.
- .20 Personating an officer.
- .21 Defrauding creditors.
- .22 Receiving stolen property.
- .23 Theft of C. A. T. V.
- .24 Determining property value in theft offense.
- .25 Determining property value in arson.
- .26 Tampering with and theft of utilities.

Chap. 648. Peace Disturbances

- .01 Riot.
- .02 Failure to disperse.
- .03 Justifiable use of force to suppress riot.
- ✓.04 Disorderly conduct.
- .05 Disturbing a lawful meeting.
- .06 Misconduct at an emergency.
- .07 Inducing panic.
- .08 Making false alarms.

Chap. 654. Railroads

- .01 Obstructing streets by railroad companies.
- .02 Climbing upon railroad cars.
- .03 Duties of locomotive engineer.

Chap. 660. Safety, Sanitation and Health

- .01 Venting of heaters and burners.
- .02 Spreading contagion.
- .03 Littering.
- .04 Noxious odors; filthy accumulations; polluting and diverting watercourses.
- .05 Duty to keep sidewalks in repair and clean.
- .06 Abandoned refrigerators and airtight containers.
- ✓.07 Storage of junk vehicles.
- .08 Open burning.
- .09 Barricades and warning lights.
- .10 Sidewalk obstructions; damage or injury.
- .11 Notice to fill lots, remove putrid substances.
- .12 Fences.

Chap. 666. Sex Related Offenses

- .01 Definitions.
- .02 Corruption of a minor.
- .03 Sexual imposition.
- .04 Importuning.
- .05 Voyeurism.
- .06 Public indecency.
- .07 Procuring.
- .08 Soliciting.
- .09 Prostitution.
- .10 Rules of evidence.
- .11 Disseminating matter harmful to juveniles.
- .12 Pandering obscenity.
- .13 Deception to obtain matter harmful to juveniles.
- .14 Presumptions; notice.
- .15 Declaratory judgment.
- .16 Injunction; abatement of nuisance.

Chap. 672.

Weapons and Explosives

- .01 Definitions.
- .02 Carrying concealed weapons.
- .03 Using weapons while intoxicated.
- .04 Improperly handling firearms in a motor vehicle.
- .05 License or permit to possess dangerous ordnance.
- .06 Failure to secure dangerous ordnance.
- .07 Unlawful transactions in weapons.
- .08 Improperly furnishing firearms to a minor.
- .09 Sale of explosives to minors.
- .10 Sale of fireworks.
- .11 Fireworks display permits.
- .12 Pointing and discharging firearms and other weapons.

Chap. 698.

Penalties and Sentencing

- .01 Definitions.
- .02 Penalties for misdemeanor.
- .03 Imposing sentence for misdemeanor.
- .04 Organizational penalties.
- .05 Multiple sentences.
- .06 Modification of sentence.