

**ORDINANCE 2021-08**  
**BY**  
**MAYOR RAYMOND ARRIOLA**

**AN ORDINANCE AMENDING §70.01 OF THE CODE OF ORDINANCES OF THE MUNICIPALITY OF NEW LEBANON.**

**WHEREAS**, §70.01 of the Code of Ordinances of the Municipality of New Lebanon which reads as follows:

**§ 70.01 DEFINITIONS.**

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this Title VII and the penal laws of the municipality. For the purpose of this Title VII, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AGRICULTURAL TRACTOR.** Every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of the other vehicles, and used principally for agricultural purposes.

**ALLEY.** A street 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, and includes any street or highway that has been declared an **ALLEY** by Council.

**ARTERIAL STREET.** Any United States or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

**BEACON.** A highway traffic signal with one or more signal sections that operate in a flashing mode.

**BICYCLE.** Every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than 14 inches in diameter.

**BUS.** Every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

**BUSINESS DISTRICT.** The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality where 50% or more of the frontage between the successive intersections is occupied by buildings in use for business, or within the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

**CHILD DAY-CARE CENTER** and **TYPE A FAMILY DAY-CARE HOME.** These terms have the same meaning as in R.C. § 5104.01.

**COMMERCIAL TRACTOR.** Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

**CONTROLLED-ACCESS HIGHWAY.** Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at the points only and in the manner as may be determined by the public authority having jurisdiction over the street or highway.

**CROSSWALK.** Means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (1) and (2) of this definition, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.

**DRIVER or OPERATOR.** Every person who drives or is in actual physical control of a vehicle.

**ELECTRIC BICYCLE.** Means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined below.

(1) **CLASS 1 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) **CLASS 2 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) **CLASS 3 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

**EMERGENCY VEHICLE.** Emergency vehicles of municipal or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

**EXPLOSIVES.** Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities, of such nature or in packing, that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

**EXPRESSWAY.** A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

**FLAMMABLE LIQUID.** Any liquid which has a flash point of 70°F, or less, as determined by a tagliabue or equivalent closed cup test device.

**FREEWAY.** A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

**FUNERAL ESCORT VEHICLE.** Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

**GROSS WEIGHT.** The weight of a vehicle plus the weight of any load thereon.

**HIGHWAY MAINTENANCE VEHICLE.** A vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

**HIGHWAY TRAFFIC SIGNAL.** A power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

**HYBRID BEACON.** A type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

**INTERSECTION.** Means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

**LANED HIGHWAY.** A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

**LOCAL AUTHORITIES.** Every county, municipal and other local board or body having authority to adopt police regulations under the constitution and laws of the state.

**MEDIAN.** The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

**MOTORCYCLE.** Every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as a “motor-driven cycle,” “motor scooter,” “autocycle,” “cab-enclosed motorcycle”, or “motorcycle” without regard to weight or brake horsepower.

**MOTORIZED BICYCLE or MOPED.** Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be capable of being pedaled and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 m.p.h. on a level surface.

**MOTORIZED WHEELCHAIRS.** Any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of 8 m.p.h.

**MOTOR VEHICLE.** Every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than 10 miles and at a speed of 25 m.p.h. or less.

**MOTORCYCLE.** Every motor vehicle, other than a tractor, having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as a “motor-driven cycle,” “motor scooter,” “autocycle,” “cab-enclosed motorcycle”, or “motorcycle” without regard to weight or brake horsepower.

**MOTORIZED BICYCLE or MOPED.** Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be capable of being pedaled and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 m.p.h. on a level surface. The terms do not include an electric bicycle.

**MOTORIZED WHEELCHAIRS.** Any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of 8 m.p.h.

**MULTI-WHEEL AGRICULTURAL TRACTOR.** A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

**OPERATE.** To cause or have caused movement of a vehicle.

**PARKING (WHEN PROHIBITED).** When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or receiving or discharging passengers.

**PEDESTRIAN.** Any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

**PERSON.** Every natural person, firm, copartnership, association, or corporation.

**POLE TRAILER.** Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily

used for transporting long or irregular shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**POLICE OFFICER.** Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

**PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.** Any of the following:

(1) A violation of R.C. §§ 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(2) A violation of R.C. §§ 4511.17(A)(2), 4511.51(A) to (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

**PRIVATE ROAD OPEN TO PUBLIC TRAVEL.** A private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

**PRIVATE ROAD OR DRIVEWAY.** Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

**PUBLIC SAFETY VEHICLE.** Means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49.

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state.

(3) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighter responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety

vehicle when transporting an ill or injured person to a hospital regardless of whether the vehicle has already passed a hospital.

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

**RAILROAD.** A carrier of persons or property operating upon rails placed principally on a private right-of-way.

**RAILROAD SIGN OR SIGNAL.** Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

**RAILROAD TRAIN.** A steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

**RESIDENCE DISTRICT.** The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

**RIDESHARING ARRANGEMENT.** The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools and buspools.

**RIGHT-OF-WAY.** Means either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path.

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, **RIGHT-OF-WAY** includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

**ROAD SERVICE VEHICLE.** Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

**ROADWAY.** That portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term **ROADWAY** means any roadway separately but not all the roadways collectively.

**RURAL MAIL DELIVERY VEHICLE.** Every vehicle used to deliver United States mail on a rural mail delivery route.

**SAFETY ZONE.** The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

**SCHOOL BUS.** Every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided **SCHOOL BUS** does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the municipality, or within the limits and the territorial limits of municipal corporations immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is

devoted exclusively to the transportation of children to and from a school session or a school function, and **SCHOOL BUS** does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

**SEMITRAILER.** Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

**SHARED-USE PATH.** A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

**SIDEWALK.** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

**STAND or STANDING.** The halting of a vehicle, even momentarily, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**STATE HIGHWAY.** A highway under the jurisdiction of the Ohio Department of Transportation, provided that the authority conferred upon the Ohio Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

**STATE ROUTE.** Every highway which is designated with an official state route number and so marked.

**STOP (WHEN REQUIRED) .** A complete cessation of movement.

**STOP or STOPPING (WHEN PROHIBITED).** Any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

**STOP INTERSECTION.** Any intersection at one or more entrances of which stop signs are erected.

**STREET or HIGHWAY.** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

**THROUGH HIGHWAY.** Every street or highway as provided in § 71.23.

**THRUWAY.** A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

**TRAFFIC.** Pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

**TRAFFIC CONTROL DEVICE.** A flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

**TRAFFIC CONTROL SIGNAL.** Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

**TRAILER.** Every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed greater than 25 m.p.h., and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than 10 miles and at a speed of more than 25 m.p.h.

**TRUCK.** Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

**URBAN DISTRICT.** The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of  $\frac{1}{4}$  of a mile or more, and the character of the territory is indicated by official traffic-control devices.

**VEHICLE.** Every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that **VEHICLE** does not include any motorized wheelchair, any electric personal assistive mobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

**WASTE COLLECTION VEHICLE.** A vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

(R.C. § 4511.01) ('80 Code, § 70.01) (Am. Ord. 83-15, passed 7-19-83)

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Municipality of New Lebanon, Ohio, that **§70.01 IS HEREBY AMENDED TO READ**

#### § 70.01 DEFINITIONS.

Except as otherwise provided, the definitions set forth in R.C. § 4501.01 shall apply to this Title VII and the penal laws of the municipality. For the purpose of this Title VII, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONED MOTOR VEHICLE-**

- (1) Any motor vehicle which is left on private property for more than 48 hours without the permission of the person having the right to the possession of the property, or their agent.
- (2) Any motor vehicle which is left on public property for 48 hours or longer without permission of the Chief of Police or Director of Public Safety.

**AGRICULTURAL TRACTOR-** Every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of the other vehicles, and used principally for agricultural purposes.

**ALLEY-** A street 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,



and includes any street or highway that has been declared an ALLEY by the legislative authority of the municipal corporation in which such street or highway is located.

**ARTERIAL STREET-** Any United States or state numbered route, controlled-access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways.

**BEACON-** A highway traffic signal with one or more signal sections that operate in a flashing mode.

**BICYCLE-** Every device, other than a device that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which a person may ride, and that has two or more wheels, any of which is more than 14 inches in diameter.

**BUS.** Every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons, other than in a ridesharing arrangement, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.

**BUSINESS DISTRICT-** The territory fronting upon a street or highway, including the street or highway, between successive intersections within the municipality where 50% or more of the frontage between the successive intersections is occupied by buildings in use for business, or within the municipality where 50% or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of the territory is indicated by official traffic-control devices.

**CHILD DAY-CARE CENTER** and **TYPE A FAMILY DAY-CARE HOME-** These terms have the same meaning as in R.C. § 5104.01.

**COMMERCIAL TRACTOR-** Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of the other vehicles, or the load thereon, or both.

**CONTROLLED-ACCESS HIGHWAY-** Every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at the points only and in the manner as may be determined by the public authority having jurisdiction over the street or highway.

**CROSSWALK-** Means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (1) and (2) of this definition, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.

**DRIVE** or **OPERATE-** To cause, or have caused movement of a vehicle.

**DRIVER** or **OPERATOR-** Every person who causes movement of a vehicle, or is in actual physical control of a vehicle. Used interchangeably with Operator.

**ELECTRIC BICYCLE-** Means a "class 1 electric bicycle", a "class 2 electric bicycle", or a "class 3 electric bicycle" as defined below.

(1) **CLASS 1 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(2) **CLASS 2 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that may provide assistance regardless of whether the rider is pedaling and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(3) **CLASS 3 ELECTRIC BICYCLE.** Means a bicycle that is equipped with fully operable pedals and an electric motor of less than 750 watts that provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

**EMERGENCY VEHICLE-** Emergency vehicles of municipal or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety, or local authorities, and motor vehicles when commandeered by a police officer.

**EXPLOSIVES-** Any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by a detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb. Manufactured articles shall not be held to be explosives when the individual units contain explosives in limited quantities, of such nature or in packing, that it is impossible to procure a simultaneous or a destructive explosion of the units, to the injury of life, limb, or property by fire, by friction, by concussion, by percussion, or by a detonator, such as fixed ammunition for small arms, firecrackers, or safety fuse matches.

**EXPRESSWAY-** A divided arterial highway for through traffic with full or partial control of access with an excess of 50% of all crossroads separated in grade.

**FLAMMABLE LIQUID-** Any liquid which has a flash point of 70°F, or less, as determined by a tagliabue or equivalent closed cup test device.

**FREEWAY-** A divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access.

**FUNERAL ESCORT VEHICLE-** Any motor vehicle, including a funeral hearse, while used to facilitate the movement of a funeral procession.

**GROSS WEIGHT-** The weight of a vehicle plus the weight of any load thereon.

**HIGHWAY MAINTENANCE VEHICLE-** A vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities.

**HIGHWAY TRAFFIC SIGNAL-** A power-operated traffic control device by which traffic is warned or directed to take some specific action. The term does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

**HYBRID BEACON-** A type of beacon that is intentionally placed in a dark mode between periods of operation where no indications are displayed and, when in operation, displays both steady and flashing traffic control signal indications.

**INOPERATIVE MOTOR VEHICLE-** Any motor vehicle not moved for 30 consecutive days shall be presumed inoperative.

**INTERSECTION-** Means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways that join at any other angle might come into conflict. The junction of an alley or driveway with a roadway or highway does not constitute an intersection unless the roadway or highway at the junction is controlled by a traffic control device.

(2) If a highway includes two roadways that are 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway constitutes a separate intersection. If both intersecting highways include two roadways 30 feet or more apart, then every crossing of any two roadways of such highways constitutes a separate intersection.

(3) At a location controlled by a traffic control signal, regardless of the distance between the separate intersections as described in division (2) of this definition:

(a) If a stop line, yield line, or crosswalk has not been designated on the roadway within the median between the separate intersections, the two intersections and the roadway and median constitute one intersection.

(b) Where a stop line, yield line, or crosswalk line is designated on the roadway on the intersection approach, the area within the crosswalk and any area beyond the designated stop line or yield line constitute part of the intersection.

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

**JUNK MOTOR VEHICLE-** Any motor vehicle meeting any three of the following:

(1) Three years old or older

(2) Disabling damage, such damage including, but not limited to, any of the following:

a. Missing wheel

b. Missing or deflated tire

c. Missing motor

d. Missing transmission

e. Missing or broken drive shaft

(3) Fair Market Value less than \$400.00

(4) Inoperative

(5) Unlicensed, Expired, or improperly licensed

**LANED HIGHWAY-** A highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

**LOCAL AUTHORITIES-** Every county, municipal and other local board or body having authority to adopt police regulations under the constitution and laws of the state.

**LOW-SPEED MICRO MOBILITY DEVICE-** a device weighing less than one hundred pounds that has handlebars, is propelled by an electric motor or human power, and has an attainable speed on a paved level surface of not more than twenty miles per hour when propelled by the electric motor.

**MEDIAN-** The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

**MOTORCYCLE-** Every motor vehicle with motive power having a seat or saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as a "motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed motorcycle", or "motorcycle" without regard to weight or brake horsepower.

**MOTORIZED BICYCLE or MOPED-** Any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that may be capable of being pedaled and that is equipped with a helper motor of not more than 50 cubic centimeters piston displacement that produces not more than one brake horsepower and is capable of propelling the vehicle at a speed of not greater than 20 m.p.h. on a level surface.

**MOTORIZED WHEELCHAIRS-** Any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of 8 m.p.h.

**MOTOR VEHICLE-** Every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, electric bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than 10 miles and at a speed of 25 m.p.h. or less.

**MULTI-WHEEL AGRICULTURAL TRACTOR-** A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

**OPERATE or DRIVE-** To cause or have caused movement of a vehicle.

**OPERATOR or DRIVER-** Every person who causes movement of a vehicle, or is in actual physical control of a vehicle. Used interchangeably with Driver.

**PARKING (WHEN PROHIBITED)-** When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or receiving or discharging passengers.

**PEDESTRIAN-** Any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

**PERSON-** Every natural person, firm, copartnership, association, or corporation.

**POLE TRAILER-** Every trailer or semitrailer attached to the towing vehicle by means of a reach, pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, or

structural members capable, generally, of sustaining themselves as beams between the supporting connections.

**POLICE OFFICER-** Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

**PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE-** Any of the following:

(1) A violation of R.C. §§ 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 4511.84;

(2) A violation of R.C. §§ 4511.17(A)(2), 4511.51(A) to (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

**PRIVATE ROAD OPEN TO PUBLIC TRAVEL-** A private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. The term includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

**PRIVATE ROAD OR DRIVEWAY-** Every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

**PUBLIC SAFETY VEHICLE-** Means any of the following:

(1) Ambulances, including private ambulance companies under contract to a municipal corporation, township, or county, and private ambulances and nontransport vehicles bearing license plates issued under R.C. § 4503.49.

(2) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the state.

(3) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service.

(4) Vehicles used by fire departments, including motor vehicles when used by volunteer firefighter responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

(5) Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether the vehicle has already passed a hospital.

(6) Vehicles used by the Motor Carrier Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in R.C. § 5503.34.

***RAILROAD-*** A carrier of persons or property operating upon rails placed principally on a private right-of-way.

***RAILROAD SIGN OR SIGNAL-*** Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

***RAILROAD TRAIN-*** A steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad.

***RESIDENCE DISTRICT-*** The territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.

***RIDESHARING ARRANGEMENT-*** The transportation of persons in a motor vehicle where such transportation is incidental to another purpose of a volunteer driver and includes ridesharing arrangements known as carpools, vanpools and buspools.

***RIGHT-OF-WAY-*** Means either of the following, as the context requires:

(1) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it, he or she is moving in preference to another vehicle or pedestrian approaching from a different direction into its, his or her path.

(2) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, RIGHT-OF- WAY includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the state or local authority.

***ROAD SERVICE VEHICLE-*** Means wreckers, utility repair vehicles, and state, county, and municipal service vehicles equipped with visual signals by means of flashing, rotating, or oscillating lights.

***ROADWAY-*** That portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term ROADWAY means any roadway separately but not all the roadways collectively.

***RURAL MAIL DELIVERY VEHICLE-*** Every vehicle used to deliver United States mail on a rural mail delivery route.

***SAFETY ZONE-*** The area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

***SCHOOL BUS-*** Every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided SCHOOL BUS does not include a bus

operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the municipality, or within the limits and the territorial limits of municipal corporations immediately contiguous to the municipality, nor a common passenger carrier certified by the Public Utilities Commission unless the bus is devoted exclusively to the transportation of children to and from a school session or a school function, and SCHOOL BUS does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than 15 children in the van or bus at any time.

**SEMITRAILER-** Every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

**SHARED-USE PATH-** A bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non- motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for non-motorized use.

**SIDEWALK-** That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

**STAND or STANDING-** The halting of a vehicle, even momentarily, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

**STATE HIGHWAY-** A highway under the jurisdiction of the Ohio Department of Transportation, outside the limits of municipal corporations, provided that the authority conferred upon the Ohio Director of Transportation in R.C. § 5511.01 to erect state highway route markers and signs directing traffic shall not be modified by R.C. §§ 4511.01 through 4511.79 and 4511.99.

**STATE ROUTE-** Every highway which is designated with an official state route number and so marked.

**STOP (WHEN REQUIRED) -** A complete cessation of movement.

**STOP or STOPPING (WHEN PROHIBITED)-** Any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device.

**STOP INTERSECTION-** Any intersection at one or more entrances of which stop signs are erected.

**STREET or HIGHWAY-** The entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

**THROUGH HIGHWAY-** Every street or highway as provided in § 71.23.

**THRUWAY-** A through highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited.

**TRAFFIC-** Pedestrians, ridden or herded animals, vehicles, streetcars, and other devices, either singly or together, while using for purposes of travel any highway or private road open to public travel.

**TRAFFIC CONTROL DEVICE-** A flagger, sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or, in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

**TRAFFIC CONTROL SIGNAL-** Any highway traffic signal by which traffic is alternately directed to stop and permitted to proceed.

**TRAILER-** Every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public street or highway at a speed greater than 25 m.p.h., and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than 10 miles and at a speed of more than 25 m.p.h.

**TRUCK-** Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

**URBAN DISTRICT-** The territory contiguous to and including any street or highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of ¼ of a mile or more, and the character of the territory is indicated by official traffic-control devices.

**VEHICLE-** Every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that VEHICLE does not include any motorized wheelchair, any electric personal assistive mobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

**WASTE COLLECTION VEHICLE-** A vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

**SECTION 1:** This ordinance shall take effect and be in force from and after the earliest period by law.

Passed this 7<sup>th</sup> day of December, 2021.

First Reading: November 2, 2021

Second Reading: November 16, 2021

Third Reading: December 7, 2021



Effective Date: December 27, 2021

APPROVED:



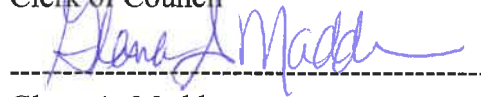
Raymond Arriola  
Mayor

ATTEST:



Sandra F. Wright  
Clerk of Council

APPROVED:

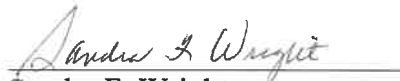


Glenna A. Madden  
Municipal Manager

Dated: December 7, 2021

### CERTIFICATE

I, Sandra F. Wright, Clerk of Council of the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Ordinance 2021-08 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.17 of the Charter of the Municipality of New Lebanon, Ohio.



Sandra F. Wright  
Clerk of Council