

ORDINANCE NO. 04 - 2018

**AN ORDINANCE APPROVING, ADOPTING AND ENACTING THE 2018 EDITION OF THE MODEL OHIO MUNICIPAL CODE – TRAFFIC CODE, AS REVISED THROUGH JULY 18, 2017, PUBLISHED BY AMERICAN LEGAL PUBLISHING FOR THE VILLAGE OF BRADNER, OHIO; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; PUBLISHING THE ENACTMENT OF NEW MATTER; AND DECLARING AN EMERGENCY.**

**WHEREAS**, American Legal Publishing Corporation has prepared and published a Model Ohio Municipal Code – Traffic Code, as revised through July 18, 2017, which components are based upon and consistent with State law through July 18, 2017; and

**WHEREAS**, the Village is in need of a codification of such legislation, with which to administer the affairs of the Village, ensure law and order and avoid practical and legal entanglements; and

**WHEREAS**, Article XVIII, Section 3, of the Ohio Constitution requires that Village law be in conformity with State law in those areas specified therein;

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF BRADNER, OHIO:**

**SECTION 1.** The 2018 Edition of the Model Ohio Municipal Code – Traffic Code, as published by American Legal Publishing Corporation, is hereby approved, adopted and enacted by and for the Village.

**SECTION 2.** One book-form copy of the 2018 Edition of this Model Ohio Municipal Code – Traffic Code shall be attached to this ordinance as a part hereof and filed with the permanent ordinance records of the Village.

**SECTION 3.** All ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provision of the 2018 Edition of the Model Ohio Municipal Code – Traffic Code, as adopted in Section 1 hereof, are hereby repealed as of the effective date of this ordinance, except as follows:

- A. The enactment of the 2018 Edition of the Model Ohio Municipal Code – Traffic Code 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 legislative 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 4.** 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 5.** Whenever reference is made in any documents, publications, or signs of the municipality, including but not limited to traffic tickets and traffic-control signs, to a section as it existed in a former edition of the Model Ohio Municipal Code, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered.

**SECTION 6.** 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 a Municipal Code that is consistent with the latest State law, as required by the Ohio Constitution, and this ordinance, including the 2018 Edition of the Model Ohio Municipal Code – Traffic Code adopted hereby, shall take effect and be in force immediately upon its passage by at least two-thirds of all members elected to Council, otherwise from and after the earliest period allowed by law.

Date Passed: 2/1/18

Attest:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk of Council

## ORDINANCE NO. 04 -2018

ORDINANCE ESTABLISHING BONDS TO BE POSTED BY THE ACCUSED IN CASES INVOLVING VIOLATION OF VILLAGE OF BRADNER ORDINANCES, ESTABLISHING FEES AND COSTS FOR MAGISTRATE'S COURT, ADOPTING AMEMDMENTS TO THE VILLAGE OFFENSE CODE TO CONFORM WITH STATE STATUTES AND TO DECLARE AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BRADNER, COUNTY OF WOOD AND STATE OF OHIO.

SECTION 1. The following schedule of bonds is to be posted by the accused in cases involving violation of Village Ordinances is hereby established. In each instance, the sum of \$85.00, representing court costs, shall be added to the amount shown as the fine.

<u>ORDINANCE &amp; OHIO MUNICIPAL CODE</u>	<u>OFFENSE</u>	<u>FINE</u>
	<u>Enforcement, Impounding</u>	
404.02	Resisting an enforcing official	\$300.00
404.07	Impounding of vehicles; redemption	\$ 20.00/day
	<u>Obstruction and special uses of public ways</u>	
412.04	Toy vehicles on roadway	\$ 25.00
	<u>Traffic Control Devices</u>	
414.01	Obedience to traffic control devices	\$ 65.00
414.08	Alternation, injury, removal of traffic control devices	\$200.00
	<u>Pedestrians</u>	
416.06	Soliciting rides or business; riding on outside of vehicle Or in cargo storage area	\$100.00
416.07	Passing through bridge signals or railroad barriers	\$ 50.00
416.10	Intoxication	\$150.00
	<u>Operation Generally</u>	
432.04	Overtaking, passing to the right of vehicle	\$ 75.00
432.06	Driving upon left side of roadway	\$ 75.00
432.07	Hazardous or no passing zones	\$ 75.00
432.09	Follow to closely (assure clear distance)	\$ 70.00
432.10	Turning at Intersections	\$ 75.00
432.11	"U" turns restricted	\$ 75.00
432.12	Starting and backing vehicles	\$ 50.00
432.13	Signals before changing course, turning or stopping	\$ 50.00
432.14	Hand and arm signals	\$ 50.00

432.15	Right-of-way at intersections	\$ 70.00
432.18	Operation of vehicles at stop and yield signs	\$ 65.00
432.19	Emergency or Public safety vehicles at stop signals or signs.	\$150.00
432.20	Right of way of public safety or coroner's vehicle	\$ 75.00
432.25	Driving upon sidewalks, tree lawns, or curbs	\$ 55.00
432.27	Driving on streets posted as closed for repair	\$ 55.00
432.29	Driving over fire hose	\$150.00
432.31	One way streets and rotary traffic islands	\$ 65.00
432.33	Stopping for school bus; actuating visual signals: Discharging children	\$150.00
432.34	Driving across grade crossings	\$ 75.00
432.35	Stopping at grade crossings	\$ 75.00
432.37	Obstructing intersections, crosswalks or grade crossings	\$ 75.00
432.38	"Peeling", cracking exhaust noises	\$100.00
432.41	Weaving; full time and attention	\$150.00
432.43	Littering from motor vehicles	\$100.00

**D.U.I.; Reckless Operation: Speed**

434.01	Driving or physical of vehicle control while under The influence of alcohol or drugs	\$1,000.00
434.03	Reckless operation on streets, public or private property	\$300.00
434.04	Maximum speed limit; assured Clear distance ahead	
	1 - 10mph	\$ 40.00
	11 - 20mph	\$ 60.00
	21 - 30mph	\$ 80.00
	31 + mph	\$150.00
	Second moving offense- in a year	\$150.00
434.06	Slow Speed; Posted Minimum Speeds	\$ 50.00
434.09	Reasonable Control	\$100.00
434.10	Street Racing Prohibited	\$250.00

**Licensing; Accidents**

436.01	Drivers or Commercial driver's License Expired	\$100.00
436.02	Possession of more than one license prohibited	\$100.00
436.07	Display of license plates; registration; obstructions	\$ 75.00
436.09	Driving under suspension or in violation of license restrictions or without proof of financial responsibility or in violation of license restrictions	\$550.00
436.09	Operating motor vehicle or motorcycle without valid license	\$550.00
436.15	Use of illegal license plates	\$ 80.00
436.16	Stopping after accident upon streets; collision with Unattended vehicle	\$300.00
436.17	Stopping after accident upon property other than streets	\$300.00
436.18	Vehicle accident resulting in damage to realty	\$300.00

### Safety and Equipment

438.01	Driving unsafe vehicles; application	\$ 75.00
438.02	Lighted lights; measurement of distances and heights	\$ 75.00
438.03	Headlights on motor vehicles and motorcycles	\$ 75.00
438.04	Tail light; illumination of rear license plate	\$ 75.00
438.05	Rear Red Reflector	\$ 50.00
438.12	Cowl, fender and back-up lights	\$ 75.00
438.14	Use of headlight beams (Intensity)	\$ 75.00
438.22	Muffler; muffler cutout; excessive smoke, gas, noise	\$ 75.00
438.23	Rear-view mirror, clear view to front both sides and rear	\$ 75.00
438.25	Tinted glass; materials on glass	\$ 75.00
438.27	Motor vehicle stop lights	\$ 75.00
438.30	Use of child restraints	1 <sup>st</sup> \$ 75.00 2 <sup>nd</sup> \$100.00
438.31	Use of occupant restraining devices	Driver \$ 30.00 Passenger \$ 20.00

### Bicycles and Motorcycles

444.02	Riding upon seats; carrying packages; motorcycle handles Bars; helmets and glasses	\$ 50.00
440.03	Wheel protectors and mud flaps	\$ 25.00
444.06	Riding bicycles upon sidewalks	\$ 25.00

### Snowmobiles and All Purpose Vehicles

446.03	Code application; prohibited operation	\$ 50.00
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### Vehicle Parking

452.04	Wrong way PARKING & SNOW Emergency 2" of more	\$ 20.00
452.04	Handicap parking	\$ 50.00

### Alcoholic Beverages

612.04	Consumption in motor vehicle	\$150.00
612.07	Open container	\$100.00

### Animals

618.01	Dogs and animals running at large	\$ 100.00
618.02	Abandoning Animals	\$ 75.00
618.07	Barking or Howling Dogs	\$ 50.00
618.08	Registration of Dogs Required	\$100.00
618.10	Dogs Required to wear tags	\$ 50.00
618.17	Defecation on sidewalk	\$150.00/offense

<u>Drugs</u>		
624.02	Trafficking in Controlled substances; gift of marijuana	\$150.00
624.04	Drug possession offences	\$100.00
624.05	Possession of drug abuse instruments	\$200.00
624.06	Permitting Drug abuse	\$200.00
624.07	Use or possession of paraphernalia	\$ 75.00

Curfew Violation

Ord. No. 18-91	Curfew Violation (charge Parents)	1 <sup>st</sup>	\$ 50.00
		2 <sup>nd</sup>	\$ 75.00

Section 2. This Ordinance will be adopting the following fee's referring to traffic violations and Bradner Mayor's Court.

Computer fund \$13.00	deducted from each ticket
State – Indigent Defense Support \$9.00	deducted from each (T) ticket
State – Criminal Justice Services \$3.50	deducted from each (T) ticket
State – IDSF \$20.00	deducted from each (T) ticket
State – Victims of Crime \$9.00	deducted from each ticket
State – Indigent Defense Support \$5.00	deducted from each ticket
Forfeiture Applied \$75.00	
Forfeiture Release \$75.00	
Registration Block \$75.00	
Registration Release \$75.00	
Payment plan \$10	per month
Late fee \$10	if ticket not paid in 30 days
Continuance fee \$10	per extended month
Notary Fee \$1.00	per item
Public record request & copy .25¢ ea	per item
Accident reports \$5.00	fax, mail or email
Faxes & emails 1 <sup>st</sup> pg. \$1.00	.50¢ea page after cover sheet
Certified mail sent (up to 5 pages) \$6.50	Over 5 pages \$6.75
Non- Sufficient check	\$50.00
A Fee of \$1.50 imposed on all moving traffic cases	Fee to be paid to the Bowling Green Municipal Court to Fund the county or municipal indigent driver's alcohol treatment fund created pursuant to ORC 4511.191 (H)"

Section 3. That the Model Ohio Municipal Code 2017 Edition conforming to current Ohio law, which Code is published in book form and on file in the office of the Clerk of the Village of Bradner, Ohio is hereby adopted, effective immediately on passage of this ordinance.

Section 4. Prior Ordinance No. 17-91 and 21-99, 25-2010, 4-2013, 2-2014, 01-2015, 3-2016 all prior versions of the Model Ohio Municipal Code and all other Ordinances inconsistent with this Ordinance are hereby repealed.