

RECORD OF ORDINANCES

Ordinance No. 2016-2

March 14, 2016

City of Bellbrook

Ordinance No. 2016-2

An Ordinance Amending Part Four – Traffic Code of the Bellbrook Municipal Code.

WHEREAS, the City of Bellbrook periodically reviews its policies and procedures; and

WHEREAS, the City has determined that sections of the Traffic Code are duplicated from sections of the Ohio Revised Code; and

WHEREAS, the City will use the Ohio Revised Code section when appropriate; and

WHEREAS, the City desires to eliminate the sections of the Traffic Code that are duplicates of the Ohio Revised Code.

Now, Therefore, The City of Bellbrook Hereby Ordains:

Section 1. That the following amendments to Chapter 402 “Definitions” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§402.01 Meaning of Words and Phrases

(a) Except as otherwise provided, the definitions set forth in Ohio R.C. 4501.01 *and Ohio R.C. 4511.01* shall apply to this Traffic Code and the penal laws of the Municipality.

(b) Except as otherwise provided, the following words and phrases, when used in this Traffic Code, shall have the meanings respectively ascribed to them in this chapter.

Section 2. That the following sections of Chapter 402 “Definitions” of the Bellbrook Municipal Code be deleted in their entirety:

§402.02 Agricultural Tractor; Multi-Wheel Agricultural Tractor
§402.03 Alley
§402.04 Arterial Street
§402.05 Bicycle
§402.06 Bus
§402.07 Business District
§402.075 Chauffeured Limousine
§402.077 Child Day-Care Center or Type A Family Day-Care Home
§402.08 Commercial Tractor
§402.09 Controlled-Access Highway
§402.10 Crosswalk
§402.11 Driver or Operator

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- §402.12 Emergency Vehicle
- §402.13 Explosives
- §402.14 Expressway
- §402.15 Flammable Liquid
- §402.16 Freeway
- §402.165 Funeral Escort Vehicle
- §402.17 Gross Weight
- §402.18 Intersection
- §402.19 Laned Highway
- §402.20 Motor Vehicle
- §402.21 Motorcycle
- §402.22 Motorized Bicycle and Moped
- §402.225 Motorized Wheelchair
- §402.227 Operate
- §402.24 Pedestrian
- §402.25 Person
- §402.26 Pole Trailer
- §402.27 Police Officer
- §402.275 Predicate Motor Vehicle or Traffic Offense
- §402.28 Private Road or Driveway
- §402.29 Public Safety Vehicle
- §402.30 Railroad
- §402.31 Railroad Sign or Signal
- §402.32 Railroad Train
- §402.33 Residence District
- §402.335 Ridesharing Arrangement
- §402.34 Right-of-Way
- §402.35 Roadway
- §402.355 Rural Mail Delivery Vehicle
- §402.36 Safety Zone
- §402.37 School Bus
- §402.38 Semitrailer
- §402.39 Sidewalk
- §402.40 State Route
- §402.42 Stop Intersection
- §402.44 Street or Highway
- §402.45 Through Street or Highway
- §402.46 Thruway
- §402.47 Traffic
- §402.48 Traffic Control Device
- §402.49 Traffic Control Sign
- §402.50 Trailer
- §402.51 Truck
- §402.52 Urban District
- §402.53 Vehicle

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Section 3. That the following sections of Chapter 404 “Enforcement; Impounding” of the Bellbrook Municipal Code be deleted in their entirety:

- §404.01 Compliance with Lawful Order of Police Officer; Fleeing
- §404.02 Resisting an Enforcement Official
- §404.03 Road Workers, Motor Vehicles and Equipment Excepted
- §404.035 Emergency, Public Safety and Coroners’ Vehicles Excepted
- §404.04 Application to Persons Riding, Driving Animals Upon Roadway
- §404.99 Penalty

Section 4. That the following section of Chapter 408 “Penalties” of the Bellbrook Municipal Code be deleted in its entirety:

- §408.03 Suspension of Driver’s License

Section 5. That the following section of Chapter 412 “Obstruction and Special Uses of Public Ways” of the Bellbrook Municipal Code be deleted in its entirety:

- §412.05 Freeway Use Prohibited by Pedestrians, Bicycles and Animals
- §412.99 Penalty

Section 6. That the following sections of Chapter 414 “Traffic Control Devices” of the Bellbrook Municipal Code be deleted in their entirety:

- §414.01 Obedience to Traffic Control Devices
- §414.02 Through Streets; Stop and Yield Right-of-Way Signs
- §414.03 Traffic Control Signal Terms and Lights
- §414.04 Signal to Control Lane Direction of Travel
- §414.05 Pedestrian Control Signals
- §414.07 Unauthorized Signs and Signals, Hiding from View, Advertising
- §414.99 Penalty

Section 7. That the following sections of Chapter 416 “Pedestrians” of the Bellbrook Municipal Code be deleted in their entirety:

- §416.01 Duties of Pedestrians and Drivers at Crosswalks
- §416.02 Right-of-Way of Blind Person
- §416.03 Right-of-Way Yielded by Pedestrian; Crossing Roadways
- §416.04 Moving in Crosswalks
- §416.05 Walking on Sidewalks and Streets
- §416.06 Soliciting Rides or Business; Riding on Outside of Vehicles or in Cargo Storage Area
- §416.07 Passing Through Bridge Signals or Railroad Barriers
- §416.08 Right-of-Way of Public Safety Vehicles
- §416.09 Right-of-Way on Sidewalks

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- §416.10 Intoxication
- §416.11 Motorized Wheelchair Operators
- §416.12 Operation of Electric Personal Assistive Mobility Devices
- §416.99 Penalty

Section 8. That the following sections of Chapter 432 “Operation Generally” of the Bellbrook Municipal Code be deleted in their entirety:

- §432.01 Driving Upon Right Side of Roadway; Exceptions
- §432.02 Passing to Right When Proceeding in Opposite Directions
- §432.03 Overtaking, Passing to Left; Driver's Duties
- §432.04 Overtaking, Passing to Right of Vehicle
- §432.05 Overtaking, Passing to Left of Centerline
- §432.06 Driving Upon Left Side of Roadway
- §432.07 Hazardous or No Passing Zones
- §432.08 Driving Within Lanes or Continuous Lines of Traffic
- §432.09 Following Too Closely
- §432.10 Turning at Intersections
- §432.11 “U” Turns Restricted
- §432.12 Starting and Backing Vehicles
- §432.13 Signals before Changing Course, Turning or Stopping
- §432.14 Hand and Arm Signals
- §432.15 Right-Of-Way at Intersections
- §432.155 Intersections at Which Traffic Control Signals Fail or Malfunction
- §432.16 Right-of-Way When Turning Left
- §432.17 Operation of Vehicle at Stop and Yield Signs
- §432.18 Emergency or Public Safety Vehicles at Stop Signals or Signs
- §432.19 Right-of-Way of Public Safety or Coroner's Vehicle
- §432.195 Driving While Approaching Stationary Public Safety Vehicle with Flashing Lights
- §432.20 Right-of-Way at Private Driveway, Alley or Building
- §432.205 Stop Signs on Private Roads and Driveways
- §432.21 Right-of-Way of Funeral Procession
- §432.23 Driver's View and Control to be Unobstructed by Load or Persons
- §432.24 Driving upon Street Posted as Closed for Repair
- §432.25 Following and Parking near Emergency or Safety Vehicles
- §432.26 Driving over Fire Hose
- §432.27 Driving through Safety Zone
- §432.28 One-Way Streets and Rotary Traffic Islands
- §432.29 Driving upon Divided Roadways
- §432.30 Stopping for School Bus; Actuating Visual Signals; Discharging Children
- §432.305 Failure to Stop for School Bus; Prosecution or Warning
- §432.31 Driving Across Grade Crossings
- §432.32 Stopping at Grade Crossings
- §432.33 Slow-Moving Vehicles or Equipment at Grade Crossings
- §432.34 Obstructing Intersections, Crosswalks or Grade Crossings

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- §432.37 Entering and Exiting Controlled-Access Highway
- §432.39 Operation on Paths Set Aside for Bicycles
- §432.40 Littering from Motor Vehicles
- §432.41 Use of Earphones while Driving
- §432.99 Penalty

Section 9. That the following sections of Chapter 434 “O.V.I.; Reckless Operation; Speed” of the Bellbrook Municipal Code be deleted in their entirety:

- §434.02 Reckless Operation on Streets, Public or Private Property
- §434.025 Reasonable Control
- §434.03 Maximum Speed Limits; Assured Clear Distance Ahead
- §434.035 Speed Limits on Private Roads and Driveways
- §434.04 Slow Speed; Posted Minimum Speeds
- §434.05 Speed Limitations over Bridges
- §434.06 Speed Exceptions for Emergency or Safety Vehicles
- §434.99 Penalty

Section 10. That the following sections of Chapter 436 “Licensing; Accidents” of the Bellbrook Municipal Code be deleted in their entirety:

- §436.01 Driver's or Commercial Driver's License Required
- §436.02 Possession of More than One License Prohibited
- §436.03 Driving with Temporary Instruction Permit
- §436.035 Driving with Probationary License
- §436.04 Certain Acts Prohibited
- §436.05 Owner or Operator Allowing Another to Drive
- §436.06 Display of License
- §436.071 Driving Under Suspension or in Violation of License Restriction
- §436.072 Operating Motor Vehicle or Motorcycle without Valid License
- §436.08 Operation or Sale without Certificate of Title
- §436.09 Display of License Plates; Registration; Obstructions
- §436.10 Use of Illegal License Plates
- §436.99 Penalty

Section 11. That the following amendments to Chapter 438 “Safety and Equipment” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

- §438.21 [~~Muffler; Muffler Cutout; Excessive Smoke, Gas or Noise;~~] Prohibition of the Use of Engine Brakes

~~[(a) (1) Every motor vehicle and motorcycle with an internal combustion engine shall at all times be equipped with a muffler which is in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler~~

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~~cutout, bypass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.~~

~~(2) No person shall own, operate or have in the person's possession any motor vehicle or motorcycle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle, or equipped in any way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle, other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation.]~~

~~[(3) A.] (a) No driver of a motor vehicle that is equipped with an engine or exhaust brake, or other device that uses engine compression to slow the vehicle, shall use such engine or exhaust brake or other device anywhere within the City. This provision does not apply to emergency vehicles.~~

~~[(3) B.] (b) It is an affirmative defense to a charge under this section that the driver was in an emergency situation and the use of such brake or device was necessary to avoid a collision or to keep the vehicle under control.~~

~~[(3) C.] (c) Whoever violates this section is guilty of a minor misdemeanor.~~

Section 12. That the following sections of Chapter 438 "Safety and Equipment" of the Bellbrook Municipal Code be deleted in their entirety:

- §438.01 Driving Unsafe Vehicles; Application
- §438.02 Lighted Lights; Measurement of Distances and Heights
- §438.03 Headlights on Motor Vehicles and Motorcycles
- §438.04 Tail Light; Illumination of Rear License Plate
- §438.05 Rear Red Reflectors
- §438.06 Safety Lighting on Commercial Vehicles
- §438.07 Obscured Lights on Vehicles in Combination
- §438.08 Red Light or Red Flag on Extended Loads
- §438.09 Lights on Parked or Stopped Vehicles
- §438.10 Lights on Slow-Moving Vehicles; Emblem Required; Lights and Reflectors on Multi-Wheel Agricultural Tractors or Farm Machinery
- §438.11 Spotlight and Auxiliary Lights
- §438.12 Cowl, Fender and Back-Up Lights
- §438.13 Two Lights Displayed
- §438.14 Use of Headlight Beams
- §438.15 Lights of Less intensity on Slow-Moving Vehicles
- §438.16 Number of Lights Permitted; Red and Flashing Lights
- §438.165 Lights and Sound-Producing Devices on Coroners' Vehicles
- §438.17 Vehicles Transporting Preschool Children
- §438.18 Focus and Aim of Headlights
- §438.19 Motor Vehicle and Motorcycle Brakes
- §438.20 Horn, Siren and Theft Alarm Signal
- §438.22 Rear-View Mirror; Clear View to Front, Both Sides and Rear
- §438.23 Windshield Required; Sign or Poster Upon Windshield; Windshield Wiper
- §438.235 Tinted Glass; Materials on Glass

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- §438.24 Limited Load Extension on Left Side of Passenger Vehicle
- §438.25 Motor Vehicle Stop Lights
- §438.26 Bumpers
- §438.27 Air Cleaner Required
- §438.28 Use of Child Restraints
- §438.29 Use of Occupant Restraining Devices
- §438.31 Air Bags
- §438.99 Penalty

Section 13. That the following amendments to Chapter 440 “Commercial and Heavy Vehicles” of the Bellbrook Municipal Code be approved with deletions shown by brackets and strikethrough and additions shown by italics and underlined:

§440.01 LOAD LIMITS.

~~[(a) State Regulations.]~~

- (1) A. ~~The Municipality, with respect to highways under their jurisdiction, upon application in writing, shall issue a special regional heavy hauling permit authorizing the applicant to operate or move a vehicle or combination of vehicles as follows:~~
 1. ~~At a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 to 5577.09, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37.~~
 2. ~~Upon any highway under the jurisdiction of municipality except those highways with a condition insufficient to bear the weight of the vehicle or combination of vehicles as stated in the application.~~
 3. ~~For regional trips at distances of 150 miles or less from a facility stated on the application as the applicant’s point of origin.~~
 4. ~~Issuance of a special regional heavy hauling permit is subject to the payment of a fee established by the municipality in accordance with this section.~~
- ~~B. In circumstances where a person is not eligible to receive a permit under division (a)(1)A. of this section, the Municipality, with respect to highways under its jurisdiction, upon application in writing and for good cause shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Ohio R.C. 5577.01 through 5577.09, or otherwise not in conformity with Ohio R.C. 4513.01 through 4513.37, upon any highway under its jurisdiction.~~
- (2) ~~Notwithstanding Ohio R.C. 715.22 and 723.01, the holder of a permit issued by the Director of Transportation under Ohio R.C. 4513.34 may move the vehicle or combination of vehicles described in the permit on any highway that is a part of the State highway system when the movement is partly within and partly without the corporate limits of the Municipality. No local authority shall require any other permit or license or charge any license fee or other charge against the holder of a permit for the movement of a vehicle or combination of vehicles on any highway which is a part~~

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~~of the State highway system. The Ohio Director of Transportation shall not require the holder of a permit issued by the Municipality to obtain a special permit for the movement of vehicles or combination of vehicles on highways within the jurisdiction of the Municipality. Permits may be issued for any period of time not to exceed one year, as the local authority in its discretion determines advisable or for the duration of any public construction project.~~

- ~~(3) A. The application for a permit issued under this section shall be in the form that the Municipality prescribes. The Municipality may prescribe a permit fee to be imposed and collected when any permit described in this section is issued. The permit fee may be in an amount sufficient to reimburse the Municipality for the administrative costs incurred in issuing the permit, and also to cover the cost of normal and expected damage caused to the roadway or a street or highway structure as the result of the operation of the nonconforming vehicle or combination of vehicles.~~
- ~~— B. For the purposes of this section and of rules adopted by the Director under Ohio R.C. 4513.34, milk transported in bulk by vehicle is deemed a nondivisible load.~~
- ~~— C. For purposes of this section and of rules adopted by the Director under Ohio R.C. 4513.34, three or fewer aluminum coils, transported by a vehicle, are deemed a nondivisible load. The Director shall adopt rules establishing requirements for an aluminum coil permit that are substantially similar to the requirements for a steel coil permit under O.A.C. Chapter 5501:2-1.~~
- ~~(4) The Municipality shall issue a special regional heavy hauling permit under division (a)(1)A. of this section upon application and payment of the applicable fee. However, the Municipality may issue or withhold a special permit specified in division (a)(1)B. of this section. If a permit is to be issued, the Municipality may limit or prescribe conditions of operation for the vehicle and may require the posting of a bond or other security conditioned upon the sufficiency of the permit fee to compensate for damage caused to the roadway or a street or highway structure. In addition, the Municipality, as a condition of issuance of an overweight permit, may require the applicant to develop and enter into a mutual agreement with the Municipality to compensate for or to repair excess damage caused to the roadway by travel under the permit.~~
- ~~(5) Every permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. No person shall violate any of the terms of a permit.~~
- ~~(6) The Director of Transportation may debar an applicant from applying for a special permit under this section upon a finding based on a reasonable belief that the applicant has done any of the actions specified in Ohio R.C. 4513.34(F).~~
- ~~(7) Notice and procedures for debarment shall be as provided in Ohio R.C. 4513.34(G).~~
- ~~(8) A. No person shall violate the terms of a permit issued under this section that relate to gross load limits.~~
- ~~— B. No person shall violate the terms of a permit issued under this section that relate to axle load by more than 2,000 pounds per axle or group of axles.~~

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~~— C. No person shall violate the terms of a permit issued under this section that relate to an approved route except upon order of a law enforcement officer or authorized agent of the issuing authority.~~

~~(9) A permit issued by the municipality under this section for the operation of a vehicle or combination of vehicles is valid for the purposes of the vehicle operation in accordance with the conditions and limitations specified on the permit. Such a permit is voidable by law enforcement only for operation of a vehicle or combination of vehicles in violation of the weight, dimension, or route provisions of the permit. However, a permit is not voidable for operation in violation of a route provision of a permit if the operation is upon the order of a law enforcement officer.~~

~~(ORC 4513.34)~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)]~~

~~[(e)](a)Local Thoroughfares.~~ No person shall drive or operate any vehicle used for the transportation of goods or property, the gross weight of which, with load, exceeds five tons, upon the street, highways, bridges and culverts of the Municipality, except on designated and marked truck routes or on State routes. Drivers of such vehicles whose gross weight, with load, exceeds weight limits prescribed by this subsection may deliver or pick up goods or property at places not located on State or truck routes provided such vehicles are only operated by the shortest way possible between the State or truck route and the place of delivery or pick up or as otherwise directed by a police officer.

~~[(d)](b)Special Permits.~~ The Chief of Police may, upon application in writing and for good cause shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination or vehicles of a size or weight of vehicle or load exceeding the maximum specified in subsection (b) hereof and Section 440.02 or otherwise not in conformity with Chapter 438, upon any street or other public place. Any such permit may be issued for a single or round trip or, in special instances, for a certain period of time. The Chief may issue or withhold a permit or, if a permit is issued, may limit or prescribe conditions of operation for a vehicle and require a bond or other security necessary to compensate for any damage to a roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or other lawful authority. No person shall violate any of the terms of a permit.

§440.06 LOADS DROPPING OR LEAKING; TRACKING MUD; REMOVAL REQUIRED.

~~[(a) (1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed, loaded, or covered as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining the roadway.~~

~~— (2) Except for a farm vehicle used to transport agricultural produce or agricultural production materials or a rubbish vehicle in the process of acquiring its load, no vehicle loaded with garbage, swill, cans, bottles, waste paper, ashes, refuse, trash,~~

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~~rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any highway unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the highway.~~

~~(ORC 4513.31)~~

~~(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.99)]~~

~~[(e)](a) No person shall operate any vehicle so as to track mud on any public way or place.~~

~~[(d)](b) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud or permits the load or any portion thereof to be dropped or deposited upon any public way or place to immediately remove the same or cause it to be removed.~~

Section 14. That the following sections of Chapter 440 “Commercial and Heavy Vehicles” of the Bellbrook Municipal Code be deleted in their entirety:

- §440.02 Maximum Width, Height and Length
- §440.03 Wheel Protectors
- §440.04 Vehicles Transporting Explosives
- §440.05 Towing Requirements; Exception to Size and Weight Restrictions
- §440.07 Vehicles with Spikes, Lugs and Chains
- §440.08 Occupying Travel Trailer or Manufactured Home while in Motion
- §440.11 Weighing Vehicle; Removal of Excess Load
- §440.13 Chauffeured Limousines
- §440.99 Penalty

Section 15. That the following sections of Chapter 442 “Drivers of Commercial Vehicles” of the Bellbrook Municipal Code be deleted in their entirety:

- §442.01 Definitions
- §442.02 Use of Actual Gross Weight in Lieu of Rating
- §442.03 Licensing Requirements
- §442.04 Physical Qualification to Operate Commercial Motor Vehicles
- §442.06 Application of 49 C.F.R. 383
- §442.07 Information Required of Prospective Drivers by Employers; Unauthorized Driving
- §442.08 Authority of Peace Officers Re Drunk Driving
- §442.09 Permitting or Driving While Fatigued or Ill Prohibited
- §442.99 Penalty

Section 16. That the following sections of Chapter 444 “Offenses Relating to Theft and Fraud” of the Bellbrook Municipal Code be deleted in their entirety:

- §444.02 Police may Remove Ignition Key

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Section 17. That the following sections of Chapter 452 “Parking Generally” of the Bellbrook Municipal Code be deleted in their entirety:

- §452.01 Prohibition against Parking on Streets or Highways
- §452.02 Police May Remove Illegally Parked Vehicle
- §452.03 Prohibited Standing or Parking Places
- §452.04 Manner of Parallel and Angle Parking; Handicapped Persons
- §452.05 Willfully Leaving Vehicles on Private or Public Property
- §452.055 Parking Prohibitions on Private Property; Private Tow-Away Zones
- §452.06 Unattended Vehicles; Duty to Lock Ignition, Remove Key, Set Brake, Etc.
- §452.07 Opening Doors on Side Available to Traffic
- §452.99 Penalty

Section 18. That the following sections of Chapter 474 “Bicycles, Mopeds and Motorcycles Generally” of the Bellbrook Municipal Code be deleted in their entirety:

- §474.01 Code Application to Bicycles
- §474.02 Riding upon Seats; Carrying Packages; Motorcycle Handle Bars; Helmets and Glasses
- §474.03 Attaching to Other Vehicles
- §474.04 Riding on Right Side of Roadway; Riding Abreast
- §474.05 Lights, Signal Devices, Brakes on Bicycles
- §474.11 Operation of Motorized Bicycles
- §474.99 Penalty

Section 19. That the following sections of Chapter 476 “Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles” of the Bellbrook Municipal Code be deleted in their entirety:

- §476.01 Definitions
- §476.02 Equipment
- §476.03 Code Application; Prohibited Operation
- §476.04 Permitted Operation
- §476.05 Licensing Requirements of Operator
- §476.06 Accident Reports
- §476.07 Local Control within Police Power
- §476.08 Registration of Vehicles
- §476.09 Operation of Off-Highway Motorcycle or All-Purpose Vehicle without Certificate of Title; Failure to Surrender
- §476.99 Penalty

Section 20. This ordinance shall take effect May 1, 2016.

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PASSED this ____ day of _____, 2016.

Robert L. Baird, Mayor

Jami L. Kinion, Clerk of Council

APPROVED AS TO FORM:
Patricia N. Campbell, Municipal Attorney