

**ORDINANCE NO. OR08-22**

**AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 339.02 “USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS” OF THE CITY OF TROTWOOD CODE OF ORDINANCES AND ADOPTING NEW SECTION 339.02 “USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS” TO CONFORM WITH THE CITY OF TROTWOOD’S TABLE OF FEES ESTABLISHED BY RESOLUTION OF COUNCIL.**

**WHEREAS**, City Council has adopted a resolution establishing a Table of Fees which sets forth various permit fees, administrative fees, and service charges; and

**WHEREAS**, City Council has determined that the current Section 339.02 (“Use of Local Streets; Local Permit and Conditions”) of Part Three (“Traffic Code”), Chapter 339 (“Commercial and Heavy Vehicles”), requires revision to conform to the City of Trotwood’s Table of Fees; and

**WHEREAS**, City Council has determined that the current Section 339.02 “Use of Local Streets; Local Permit and Conditions” of the City of Trotwood Code of Ordinances should be repealed in its entirety and replaced with a new Section 339.02 (“Use of Local Streets; Local Permit and Conditions”).

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:**

**SECTION I:** The current Section 339.02 (“Use of Local Streets; Local Permit and Conditions”) of the City of Trotwood Code of Ordinances be and hereby is repealed in its entirety.

**SECTION II:** A new Section 339.02 (“Use of Local Streets; Local Permit and Conditions”) of the City of Trotwood Code of Ordinances be and hereby is adopted to read as set forth in Exhibit “A”, which is attached hereto and incorporated herein by reference, with additions in **bold** and underlined and deletions in ~~strikethrough~~.

**SECTION III:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to, Section 121.22 of the Ohio Revised Code.

TROTWOOD, OHIO 45426

3035 OLIVE ROAD

CITY OF TROTWOOD

**SECTION IV:**

This Ordinance shall take effect at the earliest time allowed by law.

Passed this 4th day of April, 2022.

ATTEST:

APPROVED:

Kara B. Landis  
KARA B. LANDIS  
CLERK OF COUNCIL

Mary A. McDonald  
MARY A. McDONALD  
MAYOR

Yvette F. Page  
YVETTE F. PAGE  
VICE-MAYOR

**CERTIFICATE OF RECORDING OFFICER**

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. **OR08-22** adopted by the Trotwood City Council at a regular scheduled meeting held on the **4th** day of **April, 2022**, and that I am duly authorized to execute this certificate.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
KARA B. LANDIS  
CLERK OF COUNCIL

**EXHIBIT A**  
**PROPOSED ORDINANCE REVISIONS**  
 NEW LANGUAGE IN **BOLD AND UNDERLINED** / DELETIONS IN ~~STRIKETHROUGH~~

**339.02 USE OF LOCAL STREETS; LOCAL PERMIT AND CONDITIONS.**

- (a) Use of Local Streets. No person shall operate a vehicle exceeding a size as specified in Section 339.03 or exceeding a gross weight of five tons, upon any street in the Municipality other than a State route, except those local streets designated as a truck route and marked as such by appropriate traffic signs, and except when such operation is necessary to load or unload property, to go to or from the usual place of storage of such vehicle or to perform any other legitimate business or act other than passage through the Municipality. Operators of vehicles so deviating from either a State route or a designated truck route within the Municipality shall confine such deviation to that required in order to accomplish the purpose of the departure.
- (b) Local Permit and Conditions. Upon application and for good cause, the Public Safety Director may issue a local permit authorizing an applicant to move an oversize or overweight vehicle or combination of vehicles upon local streets.

No permittee shall be required to obtain a special permit from the Ohio Director of Transportation for the movement of the vehicle or combination of vehicles on streets or highways under local jurisdiction; however, the approval of the Ohio Director of Transportation shall be required for movement upon State routes as provided in Section 339.01.

The Public Safety Director may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Public Safety Director in his discretion deems advisable, or for the duration of any construction project. The Public Safety Director may limit or prescribe terms or conditions of operation for such vehicle or combination of vehicles by designating the route, hours, speed or such other restrictions as may be necessary for the preservation of the public peace, property, health and safety. The Public Safety Director may require the posting of bond or other security necessary to compensate for any damage to a roadway or road structure.

For each such permit, the Public Safety Director shall charge ~~ten dollars (\$10.00)~~ **an amount pursuant to the City of Trotwood Table of Fees established by Resolution of Council**, and for each hour of time or any part thereof spent by each police officer in supervising the movement of such vehicle, the applicant shall pay ~~twenty-five dollars (\$25.00)~~ **an amount pursuant to the City of Trotwood Table of Fees established by Resolution of Council** per hour per officer. The charge can be prorated into fifteen minute increments.

Signs shall be posted to apprise drivers of the limitations imposed by this section. Such signs shall be in accordance with the standards for traffic control devices of the State Department of Transportation. No driver shall disobey the instructions indicated on any such sign.

Violation of any of the limitations, terms or conditions of the permit granted by the Police Chief shall be cause for immediate revocation or suspension of such permit, and denial of request for any future permit. Such violation shall also subject the violator to the penalty prescribed by subsection (c) hereof.

- (c) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree.