

331.44 WEARING EARPLUGS OR EARPHONES PROHIBITED.

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CODIFIED ORDINANCES OF THE CITY OF SHEFFIELD LAKE, OHIO

CERTIFICATION

ROSTER OF OFFICIALS

ADOPTING ORDINANCE NO. 116-84

COMPARATIVE SECTION TABLE

TABLES OF SPECIAL ORDINANCES OF SHEFFIELD LAKE

CHARTER

PART ONE - ADMINISTRATIVE CODE

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

TITLE THREE - Streets and Traffic Control Devices

TITLE FIVE - Vehicles

CHAPTER 331 Operation Generally

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

331.03 OVERTAKING, PASSING TO LEFT; DRIVER'S DUTIES.

331.04 OVERTAKING AND PASSING UPON RIGHT.

331.05 OVERTAKING, PASSING TO LEFT OF CENTER.

331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.

331.07 HAZARDOUS OR NO PASSING ZONES.

331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

331.09 FOLLOWING TOO CLOSELY.

331.10 TURNING AT INTERSECTIONS.

331.11 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.

331.12 "U" TURNS RESTRICTED.

331.13 STARTING AND BACKING VEHICLES.

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

331.15 HAND AND ARM SIGNALS.

331.16 RIGHT OF WAY AT INTERSECTIONS.

331.17 RIGHT OF WAY WHEN TURNING LEFT.

331.18 OPERATION OF VEHICLE AT YIELD SIGNS.

331.19 OPERATION OF VEHICLE AT STOP SIGNS.

331.20 EMERGENCY OR PUBLIC SAFETY VEHICLES AT STOP SIGNALS OR SIGNS.

331.21 RIGHT OF WAY OF PUBLIC SAFETY OR CORONER'S VEHICLE.

331.211 REPORT OF VEHICLE FAILING TO YIELD RIGHT OF WAY TO PUBLIC SAFETY VEHICLE.

331.22 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: DUTY TO YIELD.

331.23 DRIVING ONTO ROADWAY FROM PLACE OTHER THAN ROADWAY: STOPPING AT SIDEWALK.

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

331.25 DRIVER'S VIEW AND CONTROL TO BE UNOBSTRUCTED BY LOAD OR PERSONS.

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

331.28 DRIVING OVER FIRE HOSE.

331.29 DRIVING THROUGH SAFETY ZONE.

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

331.31 DRIVING UPON DIVIDED ROADWAYS.

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.
331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.
331.35 OCCUPYING
331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.
331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.
331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.
331.381 SCHOOL BUS OPERATOR TO REPORT VIOLATIONS.
331.39 DRIVING ACROSS GRADE CROSSING.
331.40 STOPPING AT GRADE CROSSING.
331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.
331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.
331.42 DRIVING ACROSS OPEN DITCHES.
331.43 LITTERING FROM MOTOR VEHICLE.
331.44 WEARING EARPLUGS OR EARPHONES PROHIBITED.
331.45 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.
331.46 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

CHAPTER 333 OVI; Willful Misconduct; Speed

CHAPTER 335 Licensing; Accidents

CHAPTER 337 Safety and Equipment

CHAPTER 339 Commercial and Heavy Vehicles

CHAPTER 341 Commercial Drivers

CHAPTER 343 Transportation of Hazardous Wastes

TITLE SEVEN - Parking

TITLE NINE - Pedestrians, Bicycles and Motorcycles

PART FIVE - GENERAL OFFENSES CODE

PART SEVEN - BUSINESS REGULATION CODE

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

PART ELEVEN - PLANNING AND ZONING CODE

PART THIRTEEN - BUILDING CODE

PART FIFTEEN - FIRE PREVENTION CODE

OH

Sheffield Lake

Codified Ordinances of Sheffield Lake, OH

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CHAPTER 331 Operation Generally

331.401 SLOW-MOVING VEHICLES OR EQUIPMENT CROSSING RAILROAD TRACKS.

(a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with subsections (a)(1) and (a)(2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagperson or otherwise of the immediate approach of a train or car or other on-track equipment.

(b) If the normal sustained speed of the vehicle, equipment, or structure is not more than three miles per hour, the person owning, operating, or moving the same shall also give notice of the intended crossing to a station agent or superintendent of the railroad, and a reasonable time shall be given to the railroad to provide proper protection for the crossing. Where the vehicles or equipment are being used in constructing or repairing a section of highway lying on both sides of a railroad grade crossing, and in this construction or repair it is necessary to repeatedly move the vehicles or equipment over the crossing, one daily notice specifying when the work will start and stating the hours during which it will be prosecuted is sufficient.

(c) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(d) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under Section 303.991.

(ORC 4511.64)

331.41 SHORTCUTTING; AVOIDING TRAFFIC CONTROL DEVICES.

(a) No person shall operate a vehicle across public or private property marked with signs "No Through Traffic" or words of similar import for the purpose of passing from one roadway to another.

(b) No person shall operate a vehicle across public or private property for the purpose of avoiding compliance with a traffic control device.

(c) It shall be prima-facie evidence of a violation of this section for the operator of a vehicle to cross public or private property as provided herein without using the service of such property, stopping the engine or both.

(d) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

331.42 DRIVING ACROSS OPEN DITCHES.

(a) No person shall operate or permit the operation of a motor vehicle, or any other vehicle, or any equipment, across an open ditch so as to result in the stoppage of the flow of water through such ditch.

(b) Whoever violates subsection (a) hereof, in addition to the penalty provided in subsection (c) hereof, shall be required to reimburse the City for any expenses incurred by the City in cleaning or opening such ditch. (Ord. 42-72. Passed 4-25-72.)

(c) Whoever violates any provision of 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.

331.43 LITTERING FROM MOTOR VEHICLE.

(a) No operator or occupant of a motor vehicle shall, regardless of intent, throw, drop, discard or deposit litter from any motor vehicle in operation upon any street, road or highway, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(b) No operator of a motor vehicle in operation upon any street, road or highway shall allow litter to be thrown, dropped, discarded or deposited from the motor vehicle, except into a litter receptacle in a manner that prevents its being carried away or deposited by the elements.

(c) As used in this section, "litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass or anything else of an unsightly or unsanitary nature.

(d) Whoever violates this section is guilty of a minor misdemeanor.

(ORC 4511.82)

331.44 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) As used in this section:

(1) "Earphones" means any device that covers all or a portion of both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

"Earphones" does not include speakers or other listening devices that are built into protective headgear.

(2) "Earplugs" means any device that can be inserted into one or both ears and that does either of the following:

A. Through either a physical connection to another device or a wireless connection, provides the listener with radio programs, music, or other information;

B. Provides hearing protection.

(b) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears.

(c) This section does not apply to:

(1) Any person wearing a hearing aid;

(2) Law enforcement personnel while on duty;

(3) Fire Department personnel and emergency medical service personnel while on duty;

(4) Any person engaged in the operation of equipment for use in the maintenance or repair of any highway;

(5) Any person engaged in the operation of refuse collection equipment;

(6) Any person wearing earphones or earplugs for hearing protection while operating a motorcycle.

(d) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one predicate motor vehicle or traffic offense, whoever violates this section is guilty of a misdemeanor of the fourth degree. If, within one year of the offense, the offender previously has been convicted of two or more predicate motor vehicle or traffic offenses, whoever violates this section is guilty of a misdemeanor of the third degree.

(ORC 4511.84)

331.45 VEHICULAR OPERATION ON STREET CLOSED DUE TO RISE IN WATER LEVEL.

(a) No person shall operate a vehicle on or onto a public street or highway that is temporarily covered by a rise in water level, including groundwater or an overflow of water, and that is clearly marked by a sign that specifies that the road is closed due to the rise in water level and that any person who uses the closed portion of the road may be fined up to two thousand dollars (\$2,000).

(b) A person who is issued a citation for a violation of subsection (a) hereof is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in court, but instead must appear in person in the proper court to answer the charge.

(c) (1) Whoever violates subsection (a) hereof is guilty of a minor misdemeanor.

(2) In addition to the financial sanctions authorized or required under Section 501.99 and to any costs otherwise authorized or required under any provision of law, the court imposing the sentence upon an offender who is convicted of or pleads guilty to a violation of subsection (a) hereof shall order the offender to reimburse one or more rescuers for the cost any such rescuer incurred in rescuing the person, excluding any cost of transporting the rescued person to a hospital or other facility for treatment of injuries, up to a cumulative maximum of two thousand dollars (\$2,000). If more than one rescuer was involved in the emergency response, the court shall allocate the reimbursement proportionately, according to the cost each rescuer incurred. A financial sanction imposed under this section is a judgment in favor of the rescuer and, subject to a determination of indigency under division (B) of Ohio R.C. 2929.28, a rescuer may collect the financial sanction in the same manner as provided in Ohio R.C. 2929.28.

(d) As used in this section:

(1) "Emergency medical service organization", "firefighting agency" and "private fire company" have the same meanings as in Ohio R.C. 9.60.

(2) "Rescuer" means a state agency, political subdivision, firefighting service, private fire company, or emergency medical service organization.

(ORC 4511.714.)

331.46 RESTRICTIONS ON THE OPERATION OF SCHOOL BUSES.

(a) No person shall operate a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety. No person, being the owner thereof, or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this Municipality in violation of the rules of the Ohio Department of Education and Workforce or the Ohio Department of Public Safety.

(b) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the Ohio Department of Education and Workforce by rule and that is subject to O.A.C. Chapter 3301-83.

(c) Except as otherwise provided in this subsection, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or Ohio R.C. 4511.76, or Ohio R.C. 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 or a municipal ordinance that is substantially equivalent to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4511.76(C), (H), (I))

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- ORDINANCE NO. 116-84
- ORDINANCES OF SHEFFIELD LAKE
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- Ord. 42-72
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