

**ORDINANCE NO. 2013 - 47**

**AMENDING SECTION 371.06 OF THE MASON CODIFIED  
ORDINANCES REGARDING SOLICITING RIDES OR BUSINESS**

WHEREAS, Section 371.06 of the Mason Codified Ordinances currently provides regulations for the soliciting rides and business; and

WHEREAS, Council for the City of Mason has determined that it is in the best interest of the City to make certain amendments to said regulations.


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, seven members elected thereto concurring:

Section 1. That Section 371.06 of the Mason Codified Ordinances is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

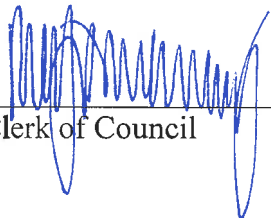
Section 2. That all remaining provisions of Section 371.06 shall remain in full force and effect.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed this 12<sup>th</sup> day of August, 2013.

  
\_\_\_\_\_  
Mayor

Attest:

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

## EXHIBIT "A"

### 371.06 SOLICITING RIDES OR BUSINESS; RIDING ON OUTSIDE OF VEHICLE OR IN CARGO STORAGE AREA.

(a) No person while on a roadway outside a safety zone shall solicit a ride from the driver of any vehicle.

(b) (1) Except as provided in division (b)(2) of this section, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.

(2) With rules approved by the City Manager, the Safety Director may authorize the issuance of a permit to a charitable organization to allow a person acting on behalf of the organization to solicit charitable contributions from the occupant of a vehicle by standing on a highway, other than a freeway as provided in R.C. § 4511.051(A), that is under the jurisdiction of the municipality. The permit shall be valid for only one period of time, which shall be specified in the permit, in any calendar year.

(3) As used in division (b)(2) of this section, "charitable organization" means an organization that has received from the Internal Revenue Service a currently valid ruling or determination letter recognizing the tax-exempt status of the organization pursuant to IRC 501(c)(3).

(c) No person shall hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(d) No operator shall knowingly permit any person to hang onto or ride on the outside of any motor vehicle while it is moving upon a roadway, except mechanics or test engineers making repairs or adjustments, or workers performing specialized highway or street maintenance or construction under authority of a public agency.

(e) No driver of a truck, trailer or semitrailer shall knowingly permit any person who has not attained the age of 16 years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than 25 miles per hour, unless either of the following applies:

(1) The cargo storage area of the vehicle is equipped with a properly secured seat to which is attached a seat safety belt that is in compliance with federal standards for an occupant restraining device as defined in R.C. § 4513.263(A)(2), the seat and seat safety belt were installed at the time the vehicle was originally assembled, and the person riding in the cargo storage area is in the seat and is wearing the seat safety belt; or

(2) An emergency exists that threatens the life of the driver or the person being transported in the cargo storage area of the truck, trailer or semitrailer.

(f) No driver of a truck, trailer or semitrailer shall permit any person, except for those workers performing specialized highway or street maintenance or construction under authority of a public agency, to ride in the cargo storage area or on a tailgate of the driver's vehicle while the tailgate is unlatched.

(g) Any person denied a permit by the Safety Director pursuant to this Section shall have the right to appeal said denial to City Council. Notice of such appeal shall be submitted in writing to the Safety Director. A hearing on such appeal shall be conducted at the next regularly scheduled Council meeting, or at a Council meeting agreed to by the appealing party

(h) (1) Except as otherwise provided in this division, whoever violates any provision of divisions (a) to (d) of 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 any provision of divisions (a) to (d) of 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 any provision of divisions (a) to (d) of this section is guilty of a misdemeanor of the third degree.

(2) Whoever violates division (e) or (f) of this section is guilty of a minor misdemeanor.

(RC 4511.51)