

OPINION NO. 2005-040**Syllabus:**

Pursuant to the Ohio Manual of Uniform Traffic Control Devices § 2B.35 (2003 ed.), if a residential subdivision located outside the limits of a municipal corporation is a “business district,” “residence district,” or “urban district” as defined in R.C. 4511.01(NN), R.C. 4511.01(OO), or R.C. 4511.01(PP), respectively, a board of township trustees may prohibit vehicle parking in the subdivision by posting no parking signs only at the boundaries of the subdivision when blanket parking regulations apply in the subdivision, such posting of the regulations is necessary to minimize the number of parking signs in the subdivision, and the prohibition is legal.

To: Frederick O. Kiel, Anderson Township Law Director, Anderson Township, Ohio

By: Jim Petro, Attorney General, October 28, 2005

You have requested an opinion whether § 2B.35 of the Ohio Manual of Uniform Traffic Control Devices (2003 ed.) (OMUTCD) authorizes a board of township trustees to prohibit vehicle parking in a residential subdivision by posting no parking signs only at the subdivision’s entrances.¹ OMUTCD § 2B.35 provides this authority to a board of township trustees when the residential subdivision is a “business district,” “residence district,” or “urban district” as defined in R.C. 4511.01.

**Authority of a Board of Township Trustees to Prohibit
Vehicle Parking in the Township**

Let us begin by examining the authority of a board of township trustees to

¹ Signs governing the parking of vehicles on township streets cover a wide variety of regulations. Ohio Manual of Uniform Traffic Control Devices (OMUTCD) § 2B.34 (2003 ed.). Examples of restrictions and prohibitions that may be conveyed by such signs include, but are not limited to, no parking any time, no parking except Sundays and holidays, one hour parking, no parking loading zone, no parking bus stop, no parking on pavement, no parking except on shoulder, and no parking. *Id.* See generally R.C. 4511.68 (setting forth parking prohibitions). The signs may convey their restrictions and prohibitions by way of symbols, word messages, or a combination of both. See OMUTCD § 2B.35; OMUTCD § 2B.36; see also OMUTCD § 2A.01. Any sign setting forth a parking prohibition or restriction of some type should, however, display the restriction or prohibition, the times of the day that it is applicable, if not at all hours, and the days of the week that it is applicable, if not every day. OMUTCD § 2B.35. See generally OMUTCD § 2B.01 (a regulatory sign must “clearly indicate the requirements imposed by the regulations and shall be designed and installed to provide adequate visibility and legibility in order to obtain compliance” (bold omitted)).

prohibit vehicle parking on streets in residential subdivisions. R.C. 505.17 provides, in pertinent part:

(A) *Except in a township or portion thereof that is within the limits of a municipal corporation, the board of township trustees may make such regulations and orders as are necessary to control passenger car, motorcycle, and internal combustion engine noise, as permitted under [R.C. 4513.221], and all vehicle parking in the township.* This authorization includes, among other powers, the power to regulate parking on established roadways proximate to buildings on private property as necessary to provide access to the property by public safety vehicles and equipment, if the property is used for commercial purposes, the public is permitted to use such parking area, and accommodation for more than ten motor vehicles is provided, and the power to authorize the issuance of orders limiting or prohibiting parking on any township street or highway during a snow emergency declared pursuant to a snow-emergency authorization adopted under this division. *All such regulations and orders shall be subject to the limitations, restrictions, and exceptions in [R.C. 4511.01-.76 and R.C. 4513.02-.37].*

.....
 (C) *Such regulations and orders may be enforced where traffic control devices conforming to [R.C. 4511.09] are prominently displayed*

.....
 (E) Whoever violates any regulation or order adopted pursuant to this section is guilty of a minor misdemeanor, unless the township has enacted a regulation pursuant to [R.C. 4521.02(A)²] that specifies that the violation shall not be considered a criminal offense and shall be handled pursuant to [R.C. Chapter 4521]. (Emphasis added.)

In addition, R.C. 4511.07 states:

[R.C. 4511.01-.78, R.C. 4511.99, and R.C. 4513.01-.37] do not prevent local authorities from carrying out the following activities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power:

(A) *Regulating the stopping, standing, or parking of vehicles, trackless trolleys, and streetcars;*

² R.C. 4521.02(A) states that a township that enacts a regulation that regulates the standing or parking of vehicles and that is authorized pursuant to R.C. 505.17 or R.C. 4511.07 may, by regulation, specify that a violation of the standing or parking regulation “shall not be considered a criminal offense for any purpose, that a person who commits the violation shall not be arrested as a result of the commission of the violation, and that the violation shall be handled pursuant to [R.C. Chapter 4521 (local, noncriminal parking infractions)].”

Every ordinance, resolution, or regulation enacted under division (A) of this section shall be enforced in compliance with [R.C. 4511.071³], unless the local authority that enacted it also enacted an ordinance, resolution, or regulation pursuant to [R.C. 4521.02(A)] that specifies that a violation of it shall not be considered a criminal offense, in which case the ordinance, resolution, or regulation shall be enforced in compliance with [R.C. Chapter 4521]. (Emphasis added.)

For purposes of R.C. Chapters 4511 and 4513, the term “local authorities” means “every county, municipal, and other local board or body having authority to adopt police regulations under the constitution and laws of this state.” R.C. 4511.01(AA). Because R.C. 505.17 authorizes boards of township trustees to adopt vehicle parking regulations, which are criminal laws, R.C. 505.17(E); 1979 Op. Att’y Gen. No. 79-065 at 2-217, the definition of “local authorities” includes townships. See *Royce v. Smith*, 68 Ohio St. 2d 106, 109, 429 N.E.2d 134 (1981); *Slicker v. Bd. of Educ. of Boardman Local Sch. Dist.*, 90 Ohio L. Abs. 108, 109, 187 N.E.2d 392 (Ct. App. Mahoning County 1961), *appeal dismissed*, 173 Ohio St. 119, 180 N.E.2d 10 (1962); 1981 Op. Att’y Gen. No. 81-008 at 2-27; 1955 Op. Att’y Gen. No. 5437, p. 310 (syllabus, paragraph one); see also 1979 Op. Att’y Gen. No. 79-058 at 2-198. Accordingly, pursuant to R.C. 505.17 and R.C. 4511.07,⁴ a board of township trustees may prohibit vehicle parking on the streets of a residential

³ R.C. 4511.071 reads as follows:

(A) Except as provided in division (C) of this section, the owner of a vehicle shall be entitled to establish nonliability for prosecution for violation of an ordinance, resolution, or regulation enacted under [R.C. 4511.07(A)] by proving the vehicle was in the care, custody, or control of a person other than the owner at the time of the violation pursuant to a written rental or lease agreement or affidavit providing that except for such agreement, no other business relationship with respect to the vehicle in question exists between the operator and owner.

(B) Proof that the vehicle was in the care, custody, or control of a person other than the owner shall be established by sending a copy of such written rental or lease agreement or affidavit to the prosecuting authority within thirty days from the date of receipt by the owner of the notice of violation. The furnishing of a copy of a written rental or lease agreement or affidavit shall be prima-facie evidence that a vehicle was in the care, custody, or control of a person other than the owner.

(C) This section does not apply to a violation of an ordinance, resolution, or regulation enacted under [R.C. 4511.07(A)] if the ordinance, resolution, or regulation is one that is required to be enforced in compliance with [R.C. Chapter 4521].

⁴ Unlike R.C. 505.17, R.C. 4511.07 does not grant a township the power to prohibit vehicle parking on the streets of a residential subdivision. See *Geauga Cty. Bd. of Comm’rs v. Munn Road Sand & Gravel*, 67 Ohio St. 3d 579, 621 N.E.2d 696 (1993) (R.C. 4511.07 is not an express grant of authority to local authorities to regulate traffic); 1955 Op. Att’y Gen. No. 5437, p. 310 (syllabus, paragraph three)

subdivision located outside the limits of a municipal corporation,⁵ subject to the limitations, restrictions, and exceptions in R.C. 4511.01-.76 and R.C. 4513.02-.37.⁶ See 1979 Op. Att’y Gen. No. 79-065 (syllabus, paragraph two); 1979 Op. Att’y Gen. No. 79-058 (syllabus, paragraph two). See generally R.C. 4511.06 (R.C. 4511.01-.78, R.C. 4511.99, and R.C. 4513.01-.37 “shall be applicable and uniform throughout this state and in all political subdivisions and municipal corporations of this state. No local authority shall enact or enforce any rule in conflict with such

(except as provided in R.C. 4511.21 and R.C. 4511.65, a board of township trustees is “without any other independent authority to promulgate traffic regulations”). But see also *Todd v. Finlay*, 2002-Ohio-1058, 2002 Ohio App. LEXIS 1101, at *8 (Lawrence County Mar. 8, 2002) (“R.C. 4511.07(A) grants local governments police power to regulate the parking of vehicles on streets under their jurisdiction”); *Slicker v. Bd. of Educ. of Boardman Local Sch. Dist.*, 90 Ohio L. Abs. 108, 187 N.E.2d 392 (Ct. App. Mahoning County 1961) (a board of township trustees is empowered under R.C. 4511.07 and R.C. 4511.11 to designate one-way traffic on township roads), *appeal dismissed*, 173 Ohio St. 119, 180 N.E.2d 10 (1962); 1981 Op. Att’y Gen. No. 81-008 at 2-27 (“R.C. 4511.07 is the source for the power of a township to formulate a regulation to protect its streets”). Instead, R.C. 4511.07 indicates that nothing in R.C. 4511.01-.78, R.C. 4511.99, and R.C. 4513.01-.37 prevents a board of township trustees from prohibiting vehicle parking on streets in residential subdivisions pursuant to R.C. 505.17. See generally *Geauga Cty. Bd. of Comm’rs v. Munn Road Sand & Gravel*, 67 Ohio St. 3d at 584, 621 N.E.2d 696 (“[w]hen the scope of a *municipality’s* powers is at issue, a provision that certain statutes ‘do not prevent’ regulation is effectively the same as specifically providing that no conflict exists with general laws of the state when a municipality [exercises its home rule powers and] regulates in the enumerated areas”).

⁵ “[T]he prohibition of an activity within a certain area is a valid exercise of the power to regulate.” 1979 Op. Att’y Gen. No. 79-058 at 2-198. A board of township trustees may, in accordance with its power to regulate vehicle parking on township streets, prohibit vehicle parking on the streets of a residential subdivision located outside the limits of a municipal corporation. See *id.* at 2-198 and 2-199; see also *Smith v. Juillerat*, 161 Ohio St. 424, 119 N.E.2d 611 (1954) (a township ordinance prohibiting the strip mining of coal in residential areas of the township is a valid exercise of the power to regulate).

⁶ A township regulation that prohibits vehicle parking on the streets in a residential subdivision and does not conflict with R.C. 4511.01-.76 and R.C. 4513.02-.37 must be reasonable, nondiscriminatory, applied uniformly, rationally related to its purpose, and applied so as not to interfere with private rights beyond the necessities of the situation. See *Todd v. Finlay*, 2002-Ohio-1058, 2002 Ohio App. LEXIS 1101, at **8-9; 1981 Op. Att’y Gen. No. 81-008; see also R.C. 4511.07; *Slicker v. Bd. of Educ. of Boardman Local Sch. Dist.*, 90 Ohio L. Abs. at 110, 187 N.E.2d 392. “The determination of the validity of a particular regulation is a judicial function and depends not upon the form of the regulation but upon its operation and effect.” 1981 Op. Att’y Gen. No. 81-008 (syllabus).

sections, except that this section does not prevent local authorities from exercising the rights granted them by [R.C. Chapter 4521] and does not limit the effect or application of the provisions of that chapter”).

Relationship of the OMUTCD to Township Regulatory Power

A township regulation prohibiting vehicle parking on the streets of a residential subdivision may be enforced where traffic control devices conforming to the OMUTCD are prominently displayed.⁷ R.C. 505.17(C); *see* R.C. 4511.11(A) (“[l]ocal authorities in their respective jurisdictions shall place and maintain traffic control devices in accordance with the department of transportation manual and specifications for a uniform system of traffic control devices, adopted under [R.C. 4511.09] upon highways under their jurisdiction as are necessary to indicate and to carry out [R.C. 4511.01-.76 and R.C. 4511.99], local traffic ordinances, or to regulate, warn, or guide traffic”). *See generally* R.C. 4511.11(D) (“[a]ll traffic control devices erected on a public road, street, or alley, shall conform to the state manual and specifications”); R.C. 4511.12(A) (“[n]o pedestrian, driver of a vehicle, or operator of a streetcar or trackless trolley shall disobey the instructions of any traffic control device placed in accordance with this chapter, unless at the time otherwise directed by a police officer”).

Because signs prohibiting vehicle parking on the streets of a residential subdivision are traffic control devices for purposes of the OMUTCD, *see* R.C. 4511.01(QQ); OMUTCD § 1A.13,⁸ a township is required to comply with the OMUTCD when posting such signs. *See* R.C. 505.17; R.C. 4511.11. *See generally* R.C. 4511.12(A) (no provision in R.C. Chapter 4511 “for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person”); *City of Lyndhurst v. McGinness*, 138 Ohio App. 3d 617, 621, 741 N.E.2d 976 (Cuyahoga County 2000) (a traffic control device

⁷ R.C. 4511.09 requires the Department of Transportation to “adopt a manual and specifications for a uniform system of traffic control devices, including signs denoting names of streets and highways, for use upon highways within this state.” In accordance with this mandate, the Department of Transportation has adopted the OMUTCD, which establishes standards for the placement and use of traffic control devices in this state. *See* OMUTCD (Introduction). *See generally White v. Ohio Dept. of Transp.*, 56 Ohio St. 3d 39, 41, 564 N.E.2d 462 (1990) (“[t]he Ohio Manual of Uniform Traffic Control Devices for Streets and Highways . . . has been adopted as the state’s official specifications for highway signs and markings pursuant to the mandate of R.C. 4511.09”).

⁸ Pursuant to R.C. 4511.01(QQ) and OMUTCD § 1A.13, all signs placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic are traffic control devices for purposes of the OMUTCD. *See generally* OMUTCD § 1A.13 (unless otherwise defined in the OMUTCD, definitions set forth in the Ohio Revised Code are incorporated and adopted by reference into the OMUTCD).

must adhere to the requirements of the OMUTCD in order to be an official sign that conveys criminal liability); *City of Maple Heights v. Smith*, 131 Ohio App. 3d 406, 411, 722 N.E.2d 607 (Cuyahoga County 1999) (same); *City of Bowling Green v. McNamara*, 132 Ohio App. 3d 240, 242, 724 N.E.2d 1175 (Wood County 1999) (same); *City of Cincinnati v. Evers*, 63 Ohio Misc. 2d 220, 222, 621 N.E.2d 905 (Hamilton County Mun. Ct. 1993) (same).

Placement of Traffic Signs that Prohibit Vehicle Parking on Streets under the OMUTCD

The OMUTCD contains the basic principles that govern the design and use of traffic signs “for all streets and highways open to public travel regardless of type or class or the public agency having jurisdiction.” OMUTCD § 1A.02; *see also* R.C. 4511.09; R.C. 4511.11(A). Traffic signs “within the highway right-of-way shall be placed only as authorized by a public authority or the official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.” OMUTCD § 1A.08 (bold omitted); *see* R.C. 4511.11(A); OMUTCD § 1A.01; OMUTCD § 2A.01; *see also* OMUTCD § 2A.05 (traffic signs shall be classified as regulatory signs, warning signs, or guide signs). *See generally* *Howe v. Jackson Twp. Bd. of Trustees*, 67 Ohio App. 3d 159, 164, 586 N.E.2d 217 (Wood County 1990) (“R.C. 4511.11(A) requires that local governmental units place and maintain traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices for Streets and Highways . . . as are necessary to regulate, warn, or guide traffic”); 1955 Op. Att’y Gen. No. 5437, p. 310 (syllabus, paragraph two) (R.C. 4511.11 “merely authorizes local authorities, as to roads under their jurisdiction, to place and maintain traffic control devices (1) to guide traffic and (2) to warn highway users of dangerous road conditions and of existing traffic regulations”).

Traffic signs that prohibit vehicle parking on streets are regulatory signs since they inform road users of traffic laws or regulations and indicate the applicability of legal requirements for compliance. *See* OMUTCD § 2A.05; OMUTCD § 2B.01; OMUTCD § 2B.34. *See generally* OMUTCD § 1A.08 (regulatory signs must be supported by laws, ordinances, or regulations); OMUTCD § 1A.13 (as used in the OMUTCD, regulatory signs are signs that give notice to road users of traffic laws and regulations); OMUTCD § 2B.35 (parking signs should display the restriction or prohibition). As regulatory signs, signs prohibiting vehicle parking on streets must be installed at or near where the regulations apply in order to obtain compliance. OMUTCD § 2B.01; *see* OMUTCD § 1A.04 (“[t]o aid in conveying the proper meaning, [a] traffic control device should be appropriately positioned with respect to the location, object, or situation to which it applies”). *See generally* OMUTCD § 1A.08 (provisions of the OMUTCD “are based upon the concept that effective traffic control depends upon both appropriate application of the devices and reasonable enforcement of the regulations”).

More specific provisions governing the placement of traffic signs that prohibit vehicle parking on streets are set forth in OMUTCD §§ 2B.35 and 2B.36.

These provisions provide Standard, Guidance, and Option statements for the placement of these types of signs.⁹ In this regard, OMUTCD § 2B.35 states, in part:

Standard:

The legend on parking signs shall state applicable regulations. Parking signs shall conform to the standards of shape, color, and location.

Guidance:

If the parking restriction applies to a limited area or zone, the limits of the restriction should be shown by arrows or supplemental plaques.

If arrows are used and if the sign is at the end of a parking zone, there should be a single-headed arrow pointed in the direction that the regulation is in effect. If the sign is at an intermediate point in a zone, there should be a double-headed arrow pointing both ways.

When a single sign is used at the transition point between two parking zones, it should display a right and left arrow pointing in the direction that the respective restrictions apply.

Option:

To minimize the number of parking signs, blanket regulations that apply to a given district may, if legal, be posted at district boundary lines.

As an alternate to the use of arrows to show designated restriction

⁹ Material in the OMUTCD is classified under the headings Standard, Guidance, Option, or Support. As explained in the introduction to the OMUTCD:

The Standard, Guidance, Option, and Support material described in the **OMUTCD** provide the transportation professional with the information needed to make appropriate decisions regarding the use of traffic control devices on streets and highways. The material in this **Manual** is organized to better differentiate between Standards that must be satisfied for the particular circumstances of a situation, Guidances that should be followed for the particular circumstances of a situation, and Options that may be applicable for the particular circumstances of a situation.

Throughout this Manual the headings Standard, Guidance, Option, and Support are used to classify the nature of the text that follows. Figures, tables, and illustrations supplement the text and might constitute a Standard, Guidance, Option, or Support. The user needs to refer to the appropriate text to classify the nature of the figure, table, or illustration.

zones, word messages such as BEGIN, END, HERE TO CORNER, HERE TO ALLEY, THIS SIDE OF SIGN, or BETWEEN SIGNS may be used.

In addition, OMUTCD § 2B.36 provides as follows:

Guidance:

When signs with arrows are used to indicate the extent of the restricted zones, the signs should be set at an angle of not less than 30 degrees nor more than 45 degrees with the line of traffic flow in order to be visible to approaching traffic.

Spacing of signs should be based on legibility and sign orientation.

If the zone is unusually long, signs showing a double arrow should be used at intermediate points within the zone.

Standard:

If the signs are mounted at an angle of 90 degrees to the curb line, two signs shall be mounted back to back at the transition point between two parking zones, each with the appended message THIS SIDE OF SIGN.

Guidance:

At intermediate points within a zone, a single sign without any arrow or appended plaque should be used, facing in the direction of approaching traffic. Otherwise the standards of placement should be the same as for signs using directional arrows.

Pursuant to OMUTCD §§ 2B.35 and 2B.36, the following pertinent Standard, Guidance, and Option statements apply to the placement of traffic signs that prohibit vehicle parking on streets in a residential subdivision located outside the limits of a municipal corporation. First, a Standard statement in OMUTCD § 2B.35 requires these signs to “conform to the standards of . . . location” for regulatory signs. (Bold omitted.) This means that these signs must conform to the Standard statement that requires regulatory signs to “be installed at or near where the regulations apply.” OMUTCD § 2B.01 (bold omitted).

The Standard and Guidance statements of OMUTCD §§ 2B.35 and 2B.36 also require, in some instances, and recommend, in all other instances, that these signs be placed so as to mark the boundaries of the zone in which the prohibition applies or to indicate the continuation of a zone that is unusually long. The Standard and Guidance statements of OMUTCD §§ 2B.35 and 2B.36 thus provide for the placement of traffic signs that prohibit vehicle parking on streets at or near and within the zones in which parking is prohibited.

In addition, an Option statement in OMUTCD § 2B.35 declares that, “[t]o minimize the number of parking signs, blanket regulations that apply to a given

district may, if legal, be posted at district boundary lines.’’ This statement thus authorizes a local authority to place, at district boundary lines, traffic signs prohibiting vehicle parking in a district when blanket parking regulations apply in the district, such posting of the regulations is necessary to minimize the number of parking signs in the district, and the prohibition is legal.

According to the introduction to the OMUTCD, Standard, Guidance, and Option statements are to be applied in the following manner:

When used in [the OMUTCD], the text headings shall be defined as follows:

1. Standard—a statement of required, mandatory, or specifically prohibitive practice regarding a traffic control device. All standards are labeled.... The verb ‘‘shall’’ is typically used. Standards are sometimes modified by Options.
2. Guidance—a statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. All Guidance statements are labeled.... The verb ‘‘should’’ is typically used. Guidance statements are sometimes modified by Options.
3. Option—a statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements are labeled.... The verb ‘‘may’’ is typically used. (Bold omitted.)

Thus, unless modified by an Option statement, a Standard statement concerning the placement of traffic signs that prohibit vehicle parking on streets must be followed and a Guidance statement on the placement of such signs may be followed.

OMUTCD § 2B.35 Authorizes a Board of Township Trustees to Prohibit Vehicle Parking in a Residential Subdivision by Posting No Parking Signs Only at the Subdivision’s Entrances

With respect to your specific question, the Standard and Guidance statements of OMUTCD §§ 2B.35 and 2B.36 provide for the placement of traffic signs that prohibit vehicle parking on streets at or near and within the zone in which parking is prohibited. While these statements generally govern a board of township trustees’ placement of traffic signs that prohibit vehicle parking on streets, *see* OMUTCD (Introduction), there is one Option statement in OMUTCD § 2B.35 that modifies the provisions of the Standard and Guidance statements of OMUTCD §§ 2B.35 and 2B.36, *see id.* As indicated earlier, under an Option statement in OMUTCD § 2B.35, a board of township trustees may post traffic signs that prohibit vehicle parking at the boundaries of a particular district in which the prohibition applies when blanket parking regulations apply in the district, such posting of the regulations is necessary to minimize the number of parking signs in the district, and the prohibition is legal. *See generally* OMUTCD § 2A.04 (‘‘[g]uidance: Regulatory and warning signs should be used conservatively because these signs, if used to

excess, tend to lose their effectiveness”). In light of this Option statement in OMUTCD § 2B.35, it follows that, if a residential subdivision located outside the limits of a municipal corporation is a district for purposes of the Option statement, a board of township trustees may prohibit vehicle parking in the subdivision by posting no parking signs only at the boundaries of the subdivision when blanket parking regulations apply in the subdivision, such posting of the regulations is necessary to minimize the number of parking signs in the subdivision, and the prohibition is legal.¹⁰

No provision in the OMUTCD defines the term “district” for purposes of OMUTCD § 2B.35. In fact, this term is not defined anywhere in the OMUTCD. Nevertheless, it remains that the OMUTCD has been adopted to provide local authorities with uniform standards when placing traffic control devices “upon highways under their jurisdiction as are necessary to indicate and to carry out [R.C. 4511.01-.76 and R.C. 4511.99], local traffic ordinances, or to regulate, warn, or guide traffic.” R.C. 4511.11(A); *see also* R.C. 505.17(C); R.C. 4511.09; R.C. 4511.11(D); R.C. 4511.12(A). It is, therefore, appropriate to review the provisions of R.C. Chapter 4511 when determining the meaning to be accorded to the term “district” as used in OMUTCD § 2B.35. *See* OMUTCD § 1A.11 (the latest version of the Ohio Revised Code is a useful source of information with respect to use of the OMUTCD); OMUTCD § 1A.13 (“[u]nless otherwise defined herein, or in the other Parts of this Manual, definitions contained in the most recent edition of the ‘Ohio Revised Code[]’ . . . are also incorporated and adopted by reference” (bold omitted)).

Under R.C. Chapter 4511, the General Assembly has used the terms “busi-

¹⁰ We are unable to be means of a formal opinion to determine whether a particular township regulation prohibiting vehicle parking on the streets in a residential subdivision located outside the limits of a municipal corporation is legal and enforceable. Rather, this determination must be made by the courts on a case-by-case basis. *See* note six, *supra*. *See generally* 1983 Op. Att’y Gen. No. 83-001 at 2-2 (the Attorney General “cannot render a verdict as to the criminal guilt or innocence of a particular person or organization. Only a court of law may make such a decision”). *See generally also* R.C. 4511.12(A) (no provision in R.C. Chapter 4511 “for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section of this chapter does not state that signs are required, that section shall be effective even though no signs are erected or in place”); *City of Lyndhurst v. McGinness*, 138 Ohio App. 3d 617, 621, 741 N.E.2d 976 (Cuyahoga County 2000) (a traffic control device must adhere to the requirements of the OMUTCD in order to be an official sign that conveys criminal liability); *City of Maple Heights v. Smith*, 131 Ohio App. 3d 406, 411, 722 N.E.2d 607 (Cuyahoga County 1999) (same); *City of Bowling Green v. McNamara*, 132 Ohio App. 3d 240, 242, 724 N.E.2d 1175 (Wood County 1999) (same); *City of Cincinnati v. Evers*, 63 Ohio Misc. 2d 220, 222, 621 N.E.2d 905 (Hamilton County Mun. Ct. 1993) (same).

ness district,” “residence district,” or “urban district” when setting forth the elements of certain state traffic laws. *See, e.g.*, R.C. 4511.21; R.C. 4511.34; R.C. 4511.431; R.C. 4511.65; R.C. 4511.66. For purposes of these statutes, these terms are defined as follows:

(NN) “Business district” means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) “Residence district” means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business.

(PP) “Urban district” means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet for a distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices.

R.C. 4511.01.

Because the OMUTCD has been adopted to provide local authorities with uniform standards when placing traffic control devices to carry out R.C. 4511.01-.76 and R.C. 4511.99, *see* R.C. 4511.11(A), it is reasonable to conclude that the term “district,” as used in OMUTCD § 2B.35, denotes business, residence, and urban districts as defined in R.C. 4511.01(NN)-(PP). *See generally, e.g.*, OMUTCD § 2B.43 (using the term residential district when discussing the use of weight limit signs); OMUTCD § 2D.31 (using the term urban district when discussing the installation of reassurance assemblies); OMUTCD § 2D.38 (using the term business district when discussing the placement of street name signs); OMUTCD § 3B.01 (using the terms residential district and business district when discussing the use of centerline markings); OMUTCD § 6F.03 (using the terms residential district, business district, commercial district, urban district, and rural district when discussing the placement of temporary post-mounted signs); OMUTCD § 8B.03 (using the term business district when discussing the use of highway-rail grade crossing advance warning signs); OMUTCD § 10C.11 (using the term business district when discussing the use of highway-rail advance warning signs). Thus, in accordance with OMUTCD § 2B.35, a board of township trustees may prohibit vehicle parking in a residential subdivision located outside the limits of a municipal corporation by posting no parking signs only at the subdivision’s entrances when the subdivision is

a “business district,” “residence district,” or “urban district” as defined in R.C. 4511.01(NN), R.C. 4511.01(OO), or R.C. 4511.01(PP), respectively.¹¹

Conclusion

Based on the foregoing, it is my opinion, and you are hereby advised that, pursuant to the Ohio Manual of Uniform Traffic Control Devices § 2B.35 (2003 ed.), if a residential subdivision located outside the limits of a municipal corporation is a “business district,” “residence district,” or “urban district” as defined in R.C. 4511.01(NN), R.C. 4511.01(OO), or R.C. 4511.01(PP), respectively, a board of township trustees may prohibit vehicle parking in the subdivision by posting no parking signs only at the boundaries of the subdivision when blanket parking regulations apply in the subdivision, such posting of the regulations is necessary to minimize the number of parking signs in the subdivision, and the prohibition is legal.

¹¹ Whether a residential subdivision located outside the limits of a municipal corporation is a “business district,” “residence district,” or “urban district” as defined in R.C. 4511.01(NN), R.C. 4511.01(OO), or R.C. 4511.01(PP), respectively, is a question of fact that must be answered on a case-by-case basis by a board of township trustees. *See* R.C. 4511.11(A) (local authorities in their respective jurisdictions are responsible for placing and maintaining traffic control devices). It does appear, however, from the plain language of the definitions of business district, residence district, and urban district set forth in R.C. 4511.01 that each such district may encompass territory on a single street or highway. As such, if a residential subdivision is composed of two or more streets, a board of township trustees must treat each street as a separate district when posting traffic signs prohibiting vehicle parking in the subdivision.