

**CODIFIED
ORDINANCES
OF THE
CITY OF
JACKSON
OHIO**

Complete to June 15, 2008

CERTIFICATION

We, Randy Heath, Mayor, and Tera Brown, Clerk of Council of the City of Jackson, Ohio, pursuant to Ohio Revised Code 731.23 and 731.42, hereby certify that the general and permanent ordinances of the City of Jackson, Ohio, as revised, rearranged, compiled, renumbered as to sections, codified and printed herewith in component codes are correctly set forth and constitute the Codified Ordinances of the City of Jackson, Ohio, 1976, as amended to June 15, 2008.

/s/ Randy Heath
Mayor

/s/ Tera Brown
Clerk of Council

Codified, edited and prepared for
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THE WALTER H. DRANE COMPANY
Cleveland, Ohio

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ROSTER OF OFFICIALS

CITY OF JACKSON

(2008)

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Troy Adams	At Large
Tera Brown	Clerk

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William Sheward	Service/Safety Director
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The publisher
expresses his appreciation
to

JOHN L. DETTY
Director of Law

and all other officials who gave
their time and counsel to this 1976 codification,
and the preparation of replacement pages

GENERAL INDEX

EDITOR'S NOTE: References are to individual code sections. As additional aids for locating material, users are directed to:

- (a) The Comparative Section Table, which indicates in the Codified Ordinances the disposition of the ordinances or resolutions integrated therein.
- (b) The Table of Contents preceding each component code, and the sectional analysis preceding each chapter.
- (c) The cross references to related material following the chapter analysis.

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<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
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112-87	12-28-87	921.06, 921.07 921.08, 921.09, 921.11(d)	3-92	2-10-92	957.01, 957.02
10-88	2-22-88	179.01 to 179.03, 179.99	11-92	3-9-92	Repeals 707.01 to 707.03, 1315.01
18-88	2-8-88	945.03	28-92	5-11-92	919.02, 919.03, 919.04
23-88	3-14-88	191.01 to 191.12, 191.99	71-92	9-14-92	131.07
28-88	4-11-88	945.01	78-92	10-26-92	927.05
29-88	4-11-88	945.19	99-92	12-14-92	351.06 to 351.08
30-88	4-11-88	177.01 to 177.05	100-92	12-14-92	147.11
31-88	4-11-88	303.99	16-93	3-22-93	131.01
43-88	6-27-88	929.07	17-93	3-30-93	921.15
45-88	6-27-88	1313.05	28-93	5-10-93	925.26
46-88	6-27-88	1313.03	32-93	4-26-93	921.08
50-88	6-27-88	147.10	34-93	4-26-93	921.05, 921.06
61-88	9-12-88	927.12	57-93	7-26-93	926.07
62-88	9-12-88	929.04	75-93	9-13-93	941.27, 941.99
63-88	9-12-88	921.05	76-93	9-13-93	505.01 to 505.16
6-89	1-23-89	945.03(a)	92-93	11-9-93	558.01 to 558.03
11-89	3-13-89	929.28	103-93	11-23-93	147.12
17-89	3-13-89	945.04	116-93	11-9-93	921.05, 927.12, 929.04, 945.03
45-89	7-24-89	1311.03 to 1311.05	117-93	12-13-93	1333.01 to 1333.04
46-89	6-26-89	927.05	126-93	12-13-93	549.12
50-89	8-14-89	333.03	128-93	12-13-93	Repeals 167.01
52-89	7-15-89	921.15	129-93	12-13-93	167.01
64-89	9-11-89	941.15	132-93	12-30-93	505.11
74-89	10-23-89	131.01	4-94	2-28-94	191.02
83-89	11-13-89	733.01 to 733.07, 733.99	5-94	2-28-94	549.12
85-89	11-27-89	303.10	8-94	3-14-94	941.15
49-90	6-25-90	945.04	9-94	3-14-94	941.18
65-90	7-23-90	926.01 to 926.26, 926.99	10-94	3-14-94	926.01 to 926.43, 926.99
79-90	10-22-90	927.15	11-94	3-14-94	1331.01
80-90	10-22-90	929.29	20-94	4-11-94	Repeals 927.14
81-90	10-22-90	921.09	21-94	4-11-94	927.05
92-90	10-8-90	945.03	25-94	3-28-94	957.01, 957.02
7-91	1-28-91	921.06, 921.09	29-94	5-9-94	1323.01 to 1323.10, 1323.99
14-91	1-28-91	926.01 to 926.27, 926.99	36-94	5-23-94	927.05
16-91	1-28-91	929.07	41-94	6-27-94	926.03
76-91	11-11-91	1314.01 to 1314.12, 1314.99	42-94	7-11-94	509.01 to 509.12
77-91	11-11-91	919.05	59-94	7-25-94	353.01 to 353.08, 353.99
78-91	11-11-91	941.22	68-94	10-24-94	Repeals 1309.03
			72-94	11-14-94	731.01
			80-94	12-12-94	107.01 to 107.05
			6-95	1-23-95	147.02
			9-95	1-23-95	721.07, 721.08
			12-95	2-14-95	945.07

COMPARATIVE SECTION TABLE

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<u>Ord. No</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
54-95	8-14-95	1337.01 to 1337.99	46-99	5-24-99	549.02
63-95	8-28-95	137.02	92-99	11-8-99	131.01
19-96	2-26-96	927.05	24-00	3-13-00	957.01, 957.02
20-96	4-8-96	957.01, 957.02	51-00	5-8-00	927.05
21-97	2-24-97	957.01, 957.02	64-00	6-26-00	945.20
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50-97	7-14-97	509.13 to 509.15	101-00	9-25-00	111.04
51-97	7-14-97	501.99	105-00	10-11-00	131.07
52-97	7-14-97	353.99(c), 355.99(b)	136-00	1-8-01	919.06
53-97	7-14-97	705.01, 705.04, 705.05	10-01	3-12-01	957.01, 957.02
54-97	7-14-97	921.06	18-01	5-14-01	1337.01 to 1337.03
55-97	7-14-97	921.16	19-01	4-23-01	921.061
56-97	7-14-97	927.15	27-01	6-11-01	945.20
57-97	7-14-97	929.07, 929.29	91-01	9-10-01	353.05
58-97	7-14-97	941.13	146-01	12-10-01	945.07
59-97	7-14-97	1311.04	8-02	1-28-02	921.07
60-97	7-14-97	1313.03, 1313.05	9-02	2-11-02	921.11
66-97	7-28-97	1331.01 to 1331.05, 1331.99	17-02	2-11-02	957.01, 957.02
67-97	7-28-97	921.06	23-02	3-25-02	945.071, 945.072, 945.073
68-97	7-28-97	929.07, 929.29	24-02	2-25-02	945.99
94-97	10-27-97	177.03	36-02	3-11-02	355.01
95-97	10-27-97	191.14	37-02	3-25-02	353.99
119-97	12-22-97	137.02	38-02	3-11-02	353.06
22-98	3-9-98	957.01, 957.02	54-02	6-10-02	377.01
24-98	2-23-98	193.01	60-02	4-22-02	109.01
42-98	4-27-98	353.03, 353.04, 353.07	100-02	7-22-02	929.07
44-98	4-27-98	561.01 to 561.06, 561.99	102-02	8-12-02	161.03
61-98	6-8-98	1331.06	111-02	10-28-02	109.02
96-98	10-26-98	941.23, 941.27	135-02	11-25-02	133.01
97-98	10-26-98	941.28	43-03	4-28-03	957.01, 957.02
9-99	2-22-99	706.01 to 706.99	127-03	11-10-03	1313.03, 1313.05
12-99	2-8-99	131.01	142-03	11-10-03	927.05
23-99	3-8-99	957.01, 957.02	143-03	11-10-03	921.06
28-99	4-26-99	305.08	196-03	12-29-03	129.01
41-99	5-10-99	353.01 to 353.99			

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>	<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
05-04	1-12-04	927.05			
09-04	1-26-04	Repeals 919.06			
13-04	1-26-04	129.011			
14-04	1-26-04	945.14			
32-04	4-12-04	929.07			
33-04	3-22-04	921.06			
38-04	4-26-04	921.17, 1313.03, 1313.05			
41-04	4-12-04	351.061			
44-04	4-12-04	919.02, 919.03, 919.04, 921.16			
58-04	5-10-04	921.11			
61-04	4-26-04	945.031			
64-04	4-26-04	545.24, 545.25			
69-04	5-10-04	557.01 to 557.99			
94-04	6-14-04	919.04, 921.16			
107-04	7-26-04	Repeals 147.10			
112-04	7-12-04	147.08			
116-04	7-12-04	1311.01			
162-04	11-8-04	721.04			
07-05	2-28-05	1311.01, 1311.06			
10-05	1-24-05	127.01 to 127.04			
16-05	2-22-05	137.02			
28-05	4-11-05	558.03			
92-05	8-8-05	125.05			
93-05	7-27-05	721.04			
94-05	7-27-05	505.13			
116-05	10-24-05	919.06			
99-06	5-9-06	957.01, 957.02			
118-06	5-22-06	735.01 to 735.04, 735.99			
145-06	6-12-06	137.03			
173-06	8-28-06	557.01 to 557.05, 557.99			
223-06	11-14-06	129.01			
143-07	12-10-07	107.01 to 107.06			
180-07	1-28-08	1339.01			
23-08	2-11-08	177.02			
38-08	3-25-08	355.01, 355.99			
40-08	3-10-08	919.03			
41-08	4-28-08	957.01, 957.02			
46-08	4-28-08	945.073			

TABLES OF SPECIAL ORDINANCES

EDITOR'S NOTE: The Codified Ordinances of Jackson cover all ordinances of a general and permanent nature. The provisions of such general and permanent ordinances are set forth in full in the Codified Ordinances.

References must be made frequently to many special ordinances particularly those related to property, such as dedications, vacating of property, easements, purchase, sale, etc. In the following Tables A through I, all such ordinances are listed. These tables list ordinances chronologically by subject, and include both a citation to and a brief description of each ordinance.

TABLE A - Franchises

TABLE B - Easements

TABLE C - Vacating of Streets and Alleys

TABLE D - Dedication and Plat Approval

TABLE E - Acquisition and Disposal of Real Property

TABLE F - Lease of Real Property

TABLE G - Street Grade Levels and Change of Street Name

TABLE H - Annexation and Detachment of Territory

TABLE I - Zoning Map Changes

TABLE A - FRANCHISES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
26-59 and 27-59	7-13-59	To Columbus and Southern Ohio Electric Co. for electricity for 25 yrs.
34-60	11-14-60	To Ohio Fuel Gas Co. for natural gas for 3 yrs.
11-64	5-13-64	Establishes rates for natural gas charged by Columbia Gas of Ohio, Inc. for a period of 2 yrs.
28-66	9-26-66	Establishes rates for natural gas charged by Columbia Gas of Ohio, Inc. for a period of 4 yrs.
9-68	6-10-68	To Jackson County Cable Service, Inc. for 20 yrs. for a community antenna television system.
17-69	6-4-69	To Columbus & Southern Ohio Electric Co. for electricity.
5-73	3-12-73	Fixes price that may be charged by Columbia Gas of Ohio for 2 yrs.
13-1975	7-14-75	To Columbia Gas for a period of five years.
1-77	2-14-77	Regulates Columbus and Southern Ohio Electric Co. electrical rates from 4-1-77 to 9-30-77.
43-77	12-12-77	Granting General Telephone Co. right to construct, operate and maintain a telephone system.
44-77	11-14-77	Regulates Columbus and Southern Ohio Electric Co. electrical rates from 12-1-77 to 3-1-78.
37-79	6-11-79	Columbia Gas of Ohio, Inc., fixes gas rates for 5 yrs.
47-80	7-28-80	Fixes price that may be charged by Columbia Gas of Ohio for 5 yrs.
10-84	1-9-84	Granting Cablevision of Jackson County, Inc. right to establish and maintain cable TV system.
137-85	11-25-85	Fixes price that may be charged by Columbia Gas of Ohio, Inc. for 5 yrs.
112-87	12-28-87	Regulates electric rates and charges (domestic and commercial) beginning 2-1-88.
58-90	8-13-90	To Rumpke Waste, Inc. for handling garbage and rubbish.

TABLE B - EASEMENTS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
17	6-28-1882	To Midland Telephone Co. right to erect poles.
77	2-10-1892	Western Union Telegraph Co. to place and maintain poles and lines.
148	4-24-1900	Wellston & Jackson Belt Ry. Co. right to lay tracks on certain streets.
18	4-11-05	Detroit Southern Ry. Co. to lay switch track across Athens and Mill Street.
84	10-26-11	Grant Jackson Milling Co. to construct single track railroad switch over Water St.
55	9-11-23	Detroit, Toledo and Ironton Ry. Co. and Swisher Cigar Co. right to construct railroad switch across Athens St.
314	9-26-38	Accepts easement to land in Coal Twp. known as Gopher Falls.
644	12-25-55	License to cross C & O Railroad property with electric lines at E. Broadway St. and Salt Creek.
19-57	6-8-57	Easement accepted covering Robin Hill Sewer Lift Station.
10-62	4-23-62	License contract with Baltimore & Ohio RR authorizing encroachments on right-of-way.
1-79	1-22-79	To Columbus and Southern Ohio Electric Co. to run electric lines across the "Old City Dump."
125-84	10-8-84	To Jacksonview Apartments, Ltd., for storm sewer on S.S. R. Lot 57 in Lick Twp.
24-90	3-27-90	Accepts right-of-way easement for public road of Richard and Janice S. McCarty; dedicates premises as part of a street for public use.
28-90	3-27-90	Authorizes grant of permanent right-of-way easement to Emmett and Marjorie Mitchell.
56-90	6-25-90	Authorizes easements on behalf of the City between the State (Ohio State Univ.) and the City.
97-90	11-26-90	Authorizes easement/agreement with G.T.E. North Inc.
5-00	1-10-00	Grants easement to City to place water tower on property of the Clinic (Jackson 2000 LLC) at 280 Pattonville Rd. and maintain underground water and electrical lines.
42-00	3-27-00	Grants easement to property owners of Lot 9, James R.C. Miller's Subdivision to permit structures to encroach on City r-o-w (alley).
68-02	6-10-02	Authorizes r-o-w easements with Jackson County Water Co. for City-owned real property in Hammertown Lake and Jisco Lake Regions.
120-02	10-28-02	Authorizes easement with V. Willison, trustee for roadways/utilities placement in SSR Lot 81.
37-04	3-22-04	Authorizes r-o-w easement between City and Jackson County Water Co., Inc.
24-08	2-11-08	Authorizes easement agreement between City and Interra Jackson LLC concerning proposed Walgreens Project on corner of South St. and Main St.

TABLE C - VACATING OF STREETS AND ALLEYS

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
6	12-18-1876	Parts of certain alleys in Kahn's Addition.
72	4-8-1891	Alley between lots 8 and 5 in D. Hoffman's Addition from Broad St. to South St.
21	5-11-15	Alley between lot 12 in Stephenson's Addition and lot 1 in Hollberg's Addition from Center St. to alley in rear of such lots.
1	2-11-19	Part of alley in Fallis and Rogers Subdivision.
7	6-28-21	Alley running between lots 22 and 23 in D. Hoffman's Addition.
89	5-12-25	Alley between lots 45 and 46 in D. Hoffman's Second Addition from Portsmouth St. to alley in rear of such lots.
241	4-10-33	Certain alleys in Fulton's Addition.
248	1933	Certain alleys in Trago's Addition.
262-1/2	7-22-35	Certain alleys in the Jackson Steel and Nail Mill Co.'s Additions.
299	11-22-37	Alley running north and south and parallel to and between West St. and Bridge St.
336	9-9-40	Portions of ten streets and alleys.
363	9-13-43	Part of cemetery alley.
365	11-8-43	Part of cemetery alley.
374	2-12-45	Vacate portion of Water St. and alley between lots 134 and 135.
397	1946	Entire street running northeast from E. Broadway at an angle of 45 lying between outlot 3 in north half of City and outlot 19 in north half of City to south line of SSR lot 55 in City being about 700 feet and also portion of street commencing at same point on E. Broadway and running northwest at angle of 45 between outlot 19 in north half of City and outlot 17 in north half of City to the B & O right of way being a distance of 50 feet.
401	9-9-46	Portion of Portsmouth St.
404	10-14-46	Part of West St. from Mound St. south to Earl St.
406	11-11-46	Portion of W. Main St.
416	1947	Two alleys in Hoffman's Addition and in outlot 20 in north half of town.
459	5-9-49	Alley located between lots 44 and 43 in city and in Hoffman's second Addition.
485	4-23-51	Alley abutting lots 225, 226, 274 and 275 in Nail Mill Addition.
490	7-23-51	Sycamore (or Cross) St. from David Ave. to Ohio Ave.
491	7-23-51	Alley abutting lots 3 and 4 in Burside Addition.
492	10-22-51	Alley leading from Water St. to Salt Creek and running parallel to east side of inlot 111.
504	5-12-52	Alley between lots 296 and 295 in Nail Mill Addition.
534	1-12-53	Portions of certain alleys in Fulton Addition.
545	4-13-53	Portion of alley in Jamestown Addition.
581	3-22-54	Alley between lots 207 and 208 in Nail Mill Addition.
586	5-24-54	Certain streets and alleys in Wood-Coffman Manufacturing Co.'s Addition.

TABLE C - VACATING OF STREETS AND ALLEYS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
589	6-14-54	Certain alleys in Ferree's Addition (repealed by Ord. 612).
612	1-10-55	Certain alleys in Ferree's Addition (Ord. 589 repealed).
624	2-28-55	Alley between lots 81 and 82 in Jamestown Addition.
13-57	3-25-57	Alley between lots 305 and 306 in Nail Mill Addition from Clinton St. to first alley south of and parallel to Clinton St.
47-57	11-25-57	Alley on west side of Marshall St. and running southwest between lots 23 and 26 in Ferree's Addition.
9-58	3-10-58	Part of Water St. from east line of Harding Ave. to northwest corner of lot 135 in original town of Jackson.
17-59	5-25-59	Part of Broadway St. between Water St. and alley.
12-60	5-23-60	Four inches off northeast side of E. Main St. in front of 290 Main St. and off southwest side of E. Main St. in front of 279 E. Main St.
66-65	8-23-65	Portion of West Main St.
23-77	6-27-77	Alley between Lots 119 and 98 in Wood-Coffman Addition.
28-77	7-11-77	Alley off west sides of Lots 91 and 102 extending north from Globe to Tropic Sts.
20-78	4-24-78	Alley running between Lots 58 and 59 and behind Lots 58, 59 and 60 of the Fulton Addition.
23-81	3-9-81	Entire length of alleys extending NW from Horse Creek to Freeman St. between Lots 197, 198, 199 and 200 in Nail Mill Addition.
132-82	9-27-82	Alley 16 ft. wide extending N from E. Broadway St. to 170 ft. between Lots 15 and 16 in Ellisville Addition.
58-84	6-25-84	Alley from south line of Oak St. to north line of an E-W alley in Parkview Addition, abutting lots 58-65 and Lots 66-73.
45-85	5-28-85	Alley between Lots 78 and 79 in Jackson Steel & Nail Mill Addition, extending southeasterly from Mill St.
36-88	5-9-88	Portion of an alley in B. David's Addition.
68-89	10-9-89	Portion of alley in Vaughn's Addition between Lots 148 and 149.
87-89	11-13-89	Portion of an alley in Fulton's Addition.
10-90	2-12-90	Streets and alleys in Louis Hunt Subdivision and Ferrees Addition.
72-90	8-13-90	Portion of an alley in D. Hoffman's First Addition.
104-90	12-10-90	Center St. (formerly known as Bowman St.) in Fulton's Addition.
6-93	1-25-93	Portion of alley between Lots 10 and 11, and Lots 7 and 15, Grandview Addition.
33-94	4-25-94	Portion of street in Ellisville Subdivision.
35-94	5-9-94	Portion of alley in Nail Mill Addition.
37-94	5-23-94	Alley between two land parcels owned by Jackson Pike Associates Limited Partnership, Inc. dba Holzer Clinic.
38-94	5-23-94	Street in Ellisville Subdivision.
76-94	11-28-94	Portion of alley in Nail Mill Addition.
38-95	4-10-95	Portion of Main St.
46-95	6-26-95	Portion of alley in Nail Mill Addition between Lots 293 and 294.

TABLE C - VACATING OF STREETS AND ALLEYS (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
60-95	7-10-95	Alleys in Fulton's Addition.
84-95	10-23-95	Alley and streets in Nail Mill Addition.
7-98	1-12-98	R-O-W on Watts-Blevins St., Watts St. and Brumback Ave.
87-00	8-28-00	Portion of alley in Downtown area, between Inlots 14 and 15, intersecting with Main St.
104-00	10-9-00	Alleys in Kenwood Lawn Subdivision.
24-01	4-23-01	Portion of alley adjoining Lot 28, Fulton's Addition.
155-01	12-10-01	Portion of Vaughn Street.
7-02	1-14-02	Alley abutting Lots 2 and 3 in the Dickason's Addition.
10-02	2-11-02	Alley in Outlot 1, part in unrecorded plat of Watson's Subdivision in Outlot 1, running parallel with E. Broadway St.
104-02	8-26-02	Alley abutting Lots 10 and 11, J.A. Long's Addition.
158-02	10-11-02	Alley abutting Lots 57 and 58, Kahn's Second Addition.
75-04	5-24-04	Undeveloped alley (0.132 acres) in Commons Addition.
04-07	1-10-07	Alley extending from Veterans Drive east, lying between Lots 81 and 82, Jamestown Addition.
26-08	2-11-08	Alley extending from Main St. west to Lots 1 and 5, Sternberger's Addition.

TABLE D - DEDICATION AND PLAT APPROVAL

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
47	10-31-1884	Alley off of inlot 74 (10 ft. wide and 86 ft. long.)
52	10-28-1885	Fallis' and Rodgers' Subdivision of part of lots 28 and 29 in north half of Jackson.
53	10-28-1885	Vaughn's Addition.
78	3-23-1892	Alley on part of lot 18 in south half of town of Jackson.
88	8-9-1893	Trago's Addition.
30	3-10-08	Strip 10 ft. wide off west side of lot 102 and 91 in Vaughn's Addition for use as alleys.
347	4-14-41	Purdy's Addition.
399	8-26-46	G. David's Addition.
402	9-23-46	King's Addition.
405	10-14-46	City View First Addition.
443	5-10-48	Grandview Addition.
523	11-24-52	Grandview Addition.
557	8-24-53	SSP Lot 80, Lick Twp.
564	10-26-53	Parkview Subdivision.
26-56	11-26-56	Lee Ave.
13-63	5-10-63	Dedication of sixteen ft. alley in outlot No. 42, south of and parallel to Huron St.
23-71	7-26-71	Accepts plot of Jurgensmeyer Subdivision and dedication of streets and easement shown thereon.
24-71	8-9-71	Accepts plot of Gayplace Subdivision and dedication and streets shown thereon.
Res.		
10-81	7-27-81	West Subdivision.
17-87	2-9-87	Accepts plat of Briarwood Subdivision.
24-90	3-27-90	Dedicates premises on public road of Richard and Janice S. McCarty as part of a street for public use; accepts right-of-way easement.
28-95	3-27-95	Accepts extension to Powell Dr., for public use as a street.
8-98	1-12-98	Accepts dedication of r-o-w street between S.R. 93 and Watts St.
9-98	1-12-98	Accepts dedication of r-o-w street between Watts St. and Brumback Ave.
75-01	9-10-01	Accepts dedication of John Wollam Avenue and General Paul Tibbetts Street.
59-03	7-14-03	Accepts dedication of Markham Drive.
51-07	4-23-07	Accepts real property (warranty deeds of Atomic Employees Credit Union), dedicates as public street named Atomic Avenue.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
86	6-14-1893	Purchase of realty from Star Furnace Co. and Tropic Iron Co. for cemetery purposes.
64	12-27-10	Sale of lot 58 in D. Hoffman's Addition authorized.
2	3-23-20	Sale of lot 58 in D. Hoffman's Addition authorized.
168	6-12-28	Appropriation of property for widening Bennett Ave.
232	6-9-32	Sale of realty in Jackson Steel and Nail Mill Co.'s Addition formerly used as stock pound.
250	11-13-33	Purchase of realty for addition to Fairmount Cemetery.
264	8-12-35	Appropriation of property and assets of Jackson Mutual Water Co.
278	11-9-36	Purchase of realty in Liberty Township for dumping grounds authorized.
347	4-14-41	Appropriation of property of Jackson Mutual Water Co.
384	5-2-46	Purchase realty for Electric Light and Power Building.
418	3-24-47	Sale of realty between D.T. and I. Roundhouse and Furnace Foundry.
421	4-28-47	Accept conveyance of lot 1 and part of lot 2 in Common's Addition for water tower.
422	4-28-47	Purchase of lot 49 in south half of City for swimming pool.
450	10-11-48	Accept conveyance of realty as site for waterworks facilities.
483	1-26-51	Sale of "Round House" authorized.
505	6-9-52	Sale of part of public square to Jackson County.
535	1-12-53	Purchase of realty in Wood-Coffman Mfg. Co. Addition for sewage disposal plant.
536	1-26-53	Purchase of realty for sewage disposal plant.
543	3-9-53	Appropriation of realty for sewage disposal plant.
550	4-13-53	Appropriation of realty for surface water supply.
560	10-24-53	Appropriation of realty for surface water supply.
584	5-10-54	Purchase of realty for surface water supply.
585	5-18-54	Purchase of realty for surface water supply.
595	6-16-54	Purchase of realty for surface water supply.
596	6-28-54	Purchase of realty for surface water supply.
602	8-23-54	Purchase of realty for surface water supply.
609	12-13-54	Purchase of realty for surface water supply.
642	11-28-55	Purchase by Water Commission of undivided interest of R. Spriggs in certain realty in Liberty Township.
3-56	3-12-56	Sale of realty in Liberty Township authorized.
6B-56	4-16-56	Sale of certain realty in Lick Township authorized.
25-57	6-10-57	Sale of Old Wellfield and Filtration Plant authorized.
29-60	10-10-60	Purchase of realty in Lick Township for sanitary land fill purposes.
6-62	2-26-62	Authorizes Water Service Commission to purchase land to build a water tank.
3-63	1-28-63	Purchase of land for Fairmount Cemetery from David S. Hutchinson.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
29-63	12-23-63	Sale of certain tracts of real property being a part of Scioto Salt Reserve Lot 80.
71-67	10-23-67	Purchase of real estate adjacent to sewage disposal plant on Wood Ave.
74-67	11-27-67	Purchase of Lot 117 from Otto E. Brackman.
13-71	6-28-71	Authorizes sale of 50.5 acres in Secs. 23 and 26, Lick Twp. purchased from Oscar Wheeler for sanitary landfill purposes.
20-73	5-21-73	Authorizes purchase of parcel owned by J. J. McKitterick to construct a building for the Fire Department.
2-74	1-14-74	Authorizes purchase of 93 lots from Ruth Wick for the sewage disposal plant expansion and improvement project.
8-74	5-13-74	Authorizes purchase of lots 538 and 556 in Wood-Coffman M.C.A. for the sewage plant expansion and improvement project.
29-76	9-13-76	Authorizes Mayor to negotiate with property owners for purchase to maintain and operate a sewage disposal system.
26-79	4-9-79	Authorizes conveyance of in-lot 74, known as the "old fire station" to Kenneth Vance.
12-80	3-24-80	Authorizes purchase of lot 69 except for 8 ft. strip off the east end, parallel to Pearl St.
71-80	10-27-80	Appropriation of Cambrian Hotel for urban redevelopment.
86-80	11-24-80	Authorizes purchase price of Cambrian Hotel.
90-80	12-8-80	Authorizes purchase of real property from M.W. Davis.
2-81	1-12-81	Authorizes purchase of site for Milton Day Care Center.
32-81	3-23-81	Authorizes purchase of Lots 512, 623, 626, 644, 647 and 665 in Wood-Coffman Addition for sewer plant.
39-81	4-27-81	Authorizes sale of City property.
42-81	4-27-81	Authorizes purchase of Lots 63 to 66 in Wood-Coffman Addition for urban redevelopment (large-family housing).
55-81	6-8-81	Authorizes purchase of Lots 63 to 66 in Wood-Coffman Addition for urban redevelopment (large-family housing).
57-81	6-8-81	Authorizes sale of real property to David Brown.
68-81	8-24-81	Authorizes sale of real property to D. W. Evans.
17-82	2-22-82	Authorizes conveyance of part of Outlot 49 in Hillcrest Park, to Rio Grande College for building and parking.
126-82	9-27-82	Authorizes purchase of 531 E. Broadway St. for community development.
146-82	11-8-82	Authorizes purchase of 609 Andrews St. for community development.
155-82	11-22-82	Authorizes sale of 47 Mound St. to M.J. Whaley.
20-83	2-14-83	Authorizes sale of 7.64 acres in Scioto Salt Reserve Lots 30 and 31 to Betty M. Marquis.
27-83	2-28-83	Authorizes purchase of 93 E. Broadway St. for community development.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
71-83	6-21-83	Authorizes sale of house at 531 E. Broadway St. to Wm. and Marie Lyons.
72-83	6-21-83	Authorizes purchase of property at 105 E. Broadway St. for community development.
73-83	6-21-83	Authorizes purchase of property at 335 Harding Ave. for community development.
74-83	6-21-83	Authorizes purchase of property at 265 Harding Ave. for community development.
25-84	3-12-84	Authorizes purchase of property at 609 Andrews St. for community development.
26-84	3-12-84	Authorizes purchase of property at 528 E. Broadway St. for community development.
42-84	5-14-84	Authorizes purchase of property at 609 1/2 Andrews St. for community development.
74-84	6-25-84	Authorizes purchase of property at 219 E. Broadway St. for community development.
75-84	6-25-84	Authorizes purchase of property at 353 Triumph St. for community development.
90-84	7-23-84	Authorizes transfer of 1.33 acres in S.S.R. Lot 44, Twp. 7 North, Range 19 West, to Liberty Twp. Trustees.
134-84	11-26-84	Authorizes purchase of property at 79-81 Mound St. for community development.
14-85	1-28-85	Authorizes exchange of realty in Jamestown Addition for realty in Wood-Coffman Mfg. Co.'s Addition owned by Joyce Walker, for community development.
41-85	4-8-85	Authorizes sale of Lot 17 in Jamestown Addition to Jenos, Inc.
138-85	12-9-85	Authorizes sale of west half of Inlot 9 to Jamestown Addition, to John Sinar.
11-86	3-10-86	Authorizes sale of Lots 123 and 138 in Wood-Coffman Mfg. Co.'s Addition, to George Wires and Tamara D. Leach.
14-86	3-10-86	Authorizes sale of Lot 35 in J.A. Long's Addition, to Lois Walburn.
24-86	4-28-86	Authorizes sale of Lot 382 in Wood-Coffman's Addition, to Paul Siders.
38-86	6-9-86	Authorizes sale to James and Karen Pratt of a 10-ft. strip of land in Lot 102.
60-86	8-25-86	Authorizes sale to Rodney Smith of Lot 119, Nail Mill Addition.
61-86	8-25-86	Authorizes sale to Rodney Smith of Lot 120, Nail Mill Addition.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
62-86	8-25-86	Authorizes sale to Roger Canter of Lot 316 Wood-Coffman Addition.
63-86	8-25-86	Authorizes sale to Rodney Smith of Lot 441, Wood-Coffman Addition (Mitchell St.)
64-86	8-25-86	Authorizes sale to Garry E. Montgomery of Lot 266, Wood-Coffman Addition.
81-86	9-22-86	Authorizes sale to Robert Parks of Lot 30, Jamestown Addition.
110-86	11-24-86	Authorizes sale of Lot 340, Jackson Steel and Nail Mill Addition to the Good Shepherd Wesleyan Church.
18-87	2-23-87	Authorizes sale of property known as Watson St. and Mason Ave., in Watson's Subdivision (42,400 sq. ft.)
81-87	9-14-87	Authorizes sale of property at 353 Triumph St. to Fanny M. Lawson.
90-87	9-28-87	Authorizes deed with corrected description of property conveyed to Connie and Larry Wolford.
77-88	9-12-88	Authorizing purchase of Jisco Lake.
29-89	7-10-89	Authorizing sale of Lots 454, 455 and 468 in Wood-Coffman Addition.
29-90	3-27-90	Appropriates property to construct and operate a railway and tracks to the Aluchem facility.
67-91	9-9-91	Authorizes purchase of abandoned GTW right of way for City railroad and economic development.
91-93	9-13-93	Authorizes receiving 1.04 acres to extend Powell Dr.
30-94	4-11-94	Authorizes quit claim deed to Bd. of Education for certain real estate.
39-94	6-27-94	Accepts conveyance of real property, dedicated as part of Acy Lane.
40-94	6-27-94	Accepts conveyance of real property, dedicated as part of McCarty Lane.
58-94	7-25-94	Appropriates real property for expansion of City electric generating substation facility.
26-95	4-24-95	Authorizes exchange of real property access rights for acreage.
43-95	5-8-95	Directs appropriation of interests in real property for completion of Ohio Municipal Electric Generation Agency Joint Venture 5 Project.
51-95	6-12-95	Appropriates interests in real property for completion of Ohio Municipal Electric Generation Agency Joint Venture 5 Project.
58-95	7-10-95	Directs appropriation of interests in real property for completion of Ohio Municipal Electric Generation Agency Joint Venture 5 Project.
44-96	6-12-96	Authorizes purchase of 4.080 acres, part of SSR Lots 52 and 53.
45-96	6-12-96	Authorizes purchase of several land parcels to establish offices within City.
59-96	9-24-96	Authorizes agreement to exchange of real property between the City, the State and Luigino's Inc. and Foremost Management, Inc.
115-98	12-14-98	Authorizes execution of documents to carry out City's obligations under Wellston Participation Agreement and option to purchase Development Area.

TABLE E - ACQUISITION AND DISPOSAL OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
109-99	12-13-99	Amends Ord. 59-96.
111-99	12-13-99	Authorizes purchase of real property by City from Jackson County Water Co., Inc. for \$140,000.
13-00	1-24-00	Authorizes sale of 241 Mill St., Lot 47, Nail Mill Addition (Jackson Steel and Nail Mill Co.'s Addition) and part of Lot 20 on S. Bennett Ave. of the railroad purchase.
29-01	6-11-01	Authorizes City to purchase 5 acres from Vets Development, LLC for industrial and commercial purposes.
141-01	11-26-01	Authorizes State of Ohio to purchase City-owned real property in Ross County and r-o-w easements for improvements to U.S Route 35.
5-02	1-14-02	Authorizes City to accept ODOT's offer to purchase real property for U.S. Route 35 4-lane construction project.
33-02	2-25-02	Awards contract for purchase of lift station at Jackson Run Subdivision to E.C. Babbert, Inc., 7415 Diley Rd. Canal Winchester.
46-02	3-11-02	Authorizes purchase of locomotive house for City-owned railroad line.
85-04	5-24-04	Authorizes advertising for sale of 2.75 acres in Scioto Salt Reserve Lot #56.
93-04	6-14-04	Authorizes quitclaim deed to cure title defect; requested by owner of Shake Shoppe Restaurant; deed executed to J.G. Hall or designee.
202-04	12-29-04	Accepts 4.612 acres in Scioto Salt Reserve No. 70, Lick Twp.; donated to City by W. Hill.
49-05	5-9-05	Accepts part of Inlot 52, occupied by the Gibson Hotel.
50-05	5-9-05	Authorizes purchase of real property at 14 West Main St.
104-05	8-22-05	Authorizes purchase of the Ice Plant property.
151-06	7-10-06	Authorizes acquisition of 2 acres from P. Berridge on which to construct Veteran's Drive substation.
196-06	9-11-06	Authorizes purchase of real estate at 166 Pearl St.
234-06	12-1-06	Authorizes advertisement for bids to sell various properties owned by the City.
123-07	9-10-07	Authorizes transfer of City-owned railroad property to the U.S. Government.
179-07	12-28-07	Authorizes advertisement for bids to sell 1 acre in Hammertown Lake watershed region owned by City.
25-08	2-11-08	Authorizes purchase agreement between City Bd. of Education and the City of Jackson for property involved in Walgreens Project.
47-08	5-12-08	Accepts bid/executes deed transferring City-owned real property to Liberty Township Bd. of Trustees for cemetery purposes.

TABLE F - LEASE OF REAL PROPERTY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
353	4-23-42	Top floor of Municipal building.
478	1-8-51	Real estate to Chamber of Commerce for 50 yrs.
482	2-12-51	Realty for sawmill authorized.
618	1-31-55	Parts of City Lots 69 and 70 for Municipal Parking Lot.
24-56	10-23-56	Building at 127 Water St. authorized.
5-68	5-3-68	Authorizes Division of Public Service to enter into central agreement with Chesapeake & Ohio RR for buildings, freight platform and 0.20 acres of land.
37-72	11-13-72	Authorizes lease agreement with First National Bank for use of certain property for off-street parking purposes.
15-73	4-23-73	Acceptance of and lease of real property which is the site of the project.
11-78	3-13-78	With Goodyear Rubber and Tire Co. for oil and gas lease.
64-79	8-27-79	Authorizes lease agreement with the City library board for office space.
10-80	3-10-80	Authorizes lease agreement with Milton Day Care Center on Broadway St. for establishment of a day care facility and other public uses.
38-81	4-27-81	Milton Day Care Center property for construction of day care center.
70-81	8-10-81	Property containing old Water Tower, part of urban redevelopment plan.
175-82	12-13-82	Hillcrest Park property, including Rio Grande College building to Jackson YMCA.
13-84	2-13-84	From L.H. Delay, first floor of building at South St. and Trago Ave.
113-85	9-23-85	Agreement to extend lease with Jefferson Howe Post No. 81, Inc. to May 3, 2000.
71-86	9-8-86	Authorizes Phase I lease between the Indiana and Ohio RR and the City.
33-88	6-13-88	Approves agreement between Jackson County RR Historical Society and the City to lease the Depot Building.
84-89	10-9-89	Authorizes lease of property with Oak Hill Community Medical Center for a heliport.
105-90	12-10-90	Awards lease to Ohio Precious Metals, Inc. of water tower property at Court and Church Sts.
118-93	12-13-93	Authorizes City to enter into amendment to Short Line Railroad lease.
66-94	10-24-94	Authorizes granting lease to Omega JV5 for placing diesel generators etc. on City property.
14-95	2-13-95	Authorizes lease agreement between City and Jackson County Bd. of County Commissioners.
41-98	4-27-98	Authorizes lease between City and Superior Hardwoods of Ohio, Inc. for surplus railroad property.
59-99	7-26-99	Railroad Depot at 333 E. Broadway to Jackson Co. Railroad Historical Society for railroad historical museum.

TABLE F - LEASE OF REAL PROPERTY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
59-99	7-26-99	Approves lease agreement between City and Jackson County Railroad Historical Society for Broadway Street Railroad Depot (City-owned) for use as location of railroad historical museum.
73-00	7-10-00	Authorizes lease by City to R.D. Whiteside, LLC, of premises at 66 E. Broadway (0.517 acres).
12-04	1-26-04	Authorizes lease between City and K. Haines to give him access to City-owned Fairmont Cemetery property, which his property abuts.
35-04	3-22-04	Authorizes amendment to lease between City and Ohio Municipal Electric Generating Agency Joint Venture 5 (OMEGA JV5) for siting diesel powered generators on City-owned land.
36-04	3-25-04	Authorizes amendment to lease between City and P.J. Berridge, 2583 Keystone Furnace Rd., relating to Jackson Salt Lick Creek Nature Preserve Grant Project.
82-04	5-24-04	Authorizes lease between City and C. Bierhup to give him access to City-owned RR r-o-w property, which his property abuts. (Rail bed starts at Hammertown Rd.)
86-06	4-10-06	Authorizes City to assign lease with Milton Day Care Center Corp. to Michelina's Inc. involving the Luigino's expansion.

TABLE G - STREET GRADE LEVELS AND CHANGE OF STREET NAME

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
45	7-9-1884	Establish grade of South St.
51	8-6-1885	Grading and fixing width of Huron St.
75	8-28-1891	Raise grade of Pearl St. between Broadway and Portsmouth Sts.
84	9-12-1892	Raise grade of Pearl St. between Broadway and Portsmouth Sts.
26	8-27-07	James St. narrowed.
40	10-27-08	Change grade of sidewalk on south side of Pearl St. between Portsmouth and Locust Sts.
107	8-13-12	Change grade of Bridge St.
95	11-10-25	Changes name of Railroad St. to Harding Ave.
25-81	3-9-81	Naming portion of alley between Water and Main Sts. (Post Office to Motor Vehicle License Bureau) as Evans Place.
Res. 14-84	7-23-84	Street extending west from David Ave. near intersection of Grandview Ave., named Oiler Ave.
68-91	10-14-91	Street beginning at David Ave., south of the David Ave. and S.R. 776 intersection named Ed Michael Dr.
20-92	5-11-92	Clinton St. (behind Wal-Mart) to Powell Dr.
14-99	2-8-99	New road extending from Smith Ln. on the south to Harding Ave. on the north, named Veterans Dr.

TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
2	7-23-1874	Contiguous territory 1/4 mile east, 1/4 mile west and 1/8 mile north of corporate limits.
57	12-28-1887	Parts of Lots 54 and 55, township 7, range 18, Scioto Salt Reserve land.
62	8-28-1889	Wood-Coffman Co.'s Addition.
53	2-7-10	Same as Ord. 59 passed 9-1-10.
59	9-1-10	268 acres beginning at southwest corner of Wood-Coffman Manufacturing Co.'s Addition.
590	6-14-54	Jackson Heights Subdivision.
80-67	1-22-68	Annexation of approximately 664 acres on application of Clyde Taylor et al.
35-76	10-25-76	Detachment of 133.7 acres near U.S. Route 35 and Carrick Ave.
58-86	8-11-86	Assents to detachment of land to become part of the Route 35 By-pass Project.
87-86	10-13-86	Authorizes annexation of 9.556 acres (Marion Edward Grimes and Helen G. Kruger) in Lick Twp. as General Business (B-3) Zone.
95-86	11-10-86	Authorizes annexation of Lots 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Moore's Addition to Jackson Heights, Lick Twp. as General Business (B-3) Zone.
12-87	1-26-87	Authorizes annexation of three tracts of land as Industrial Zone property.
27-88	4-11-88	Authorizes annexation of property in the Scioto Salt Reserve as Industrial Zone property.
39-88	6-13-88	Authorizes annexation of property in Scioto Salt Reserve as Residential (R-1) Zone property.
40-88	6-13-88	Authorizes annexation of property in the Scioto Salt Reserve as Low Density Single Family Residential (R-1) Zone property.
41-88	6-13-88	Authorizes annexation of property in the Scioto Salt Reserve as Industrial (I) Zone property.
76-88	9-12-88	Authorizes annexation of .120 acres owned by Marion E. Grimes and Helen G. Kruger to be zoned as Business B-3.
9-89	2-27-89	Accepts annexation petition of Sam and Gloria Jenkins and the State of Ohio.
107-89	12-27-89	Authorizes annexation of railroad right-of-way in Lick and Liberty Twps.
78-90	10-8-90	Authorizes annexation of 1.418 acres in Lick Twp. as Business (B-2) Zone property.
23-92	5-11-92	Authorizes annexation of certain territory to the City.
24-92	5-11-92	Authorizes annexation of certain territory to the City.
44-93	6-28-93	Authorizes annexation of contiguous territory as Industrial (I) Zone property.
54-94	8-8-94	Authorizes annexation of property zoned Medium Density Single-Family Residential District (R-2).
1-95	1-9-95	Authorizes annexation of property zoned General Business District (B-3).

TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
5-95	1-23-95	Corrects Ord. 1-95. Property is zoned Mobile Home Park (MHP) District.
8-95	1-23-95	Authorizes annexation of certain territory to the City.
18-95	2-27-95	Authorizes annexation of contiguous territory as Residential (R-1) zone property.
50-95	6-12-95	Authorizes annexation of contiguous territory as Industrial (I) zone property.
106-97	11-10-97	Accepts annexation of property owned by A.J. Trepanier et al. as Residential (R-1) District.
108-97	1-12-98	Accepts annexation application for petition filed 7-1-97.
40-98	4-27-98	Authorizes annexation of property as General Business (B-3) District.
107-99	12-13-99	Authorizes annexation of territory around Arby's (the Holzer plot they did not build on.)
108-99	12-13-99	Authorizes annexation of territory near Parkview, the Riegel Farm on the Stockmeister Mushroom Farm, Inc.
78-00	7-24-00	Accepts annexation of territory in Lick Twp.
103-00	10-9-00	Accepts annexation of real property in Lick Twp. to City; J. Moore, petitioner.
112-00	11-13-00	Authorizes annexation of County Farm Area - South of Town; Annexation Plat-Oct. 10, 2000.
113-00	11-13-00	Authorizes annexation of Lots 29-34 and part of Lot 35, Walnut Hills Subdivision; Annexation Plat - Oct. 10, 2000, Taco Bell.
114-00	11-13-00	Authorizes annexation of property described in Vol. 311, pg. 921. Location of Shoe Dept. Strip Mall, S of Anderson Dr., W of SR 93; Annexation Plat - Oct. 10, 2000.
115-00	11-13-00	Authorizes annexation of City-owned rail line from McCarty Lane to SR 93. Refer to Vol. maps. Within SSR's 115 and 5.
120-00	11-13-00	Authorizes detachment of 4.4260 acres in Scioto Salt Reserve Lots 110 and 441, Salt Lick Twp.
65-01	7-23-01	Authorizes annexation of property including City's railroad r-o-w in SSR Lots 95 and 115, Lick Twp. and in SSR Lots 4 and 5, Franklin Twp.
66-01	7-23-01	Authorizes annexation of property which includes but is not limited to SSR Lots 117-119.
101-01	10-15-01	Authorizes annexation of territory beginning at intersection of Jackson Short Line RR r-o-w and S.R. 93 in SSR Lot 5, Franklin Twp.
105-01	10-15-01	Authorizes annexation of territory to City, a 50-ft strip in Lick Twp.
123-01	10-22-01	Accepts annexation of territory in Lick Twp. (50-ft. land strip).
19-02	2-11-02	Authorizes annexation of territory beginning at intersection of Jackson Short Line RR r-o-w and S.R. 93 in SSR Lot 5, Franklin Twp.; zoned Industrial (I).
34-02	2-25-02	Authorizes annexation of 50.796 acres in SSR Lots 99 and 100.
35-02	3-11-02	Authorizes annexation of tract in part of SSR Lots 116 and 117, T7N, R18W, Lick Twp., formerly owned by Bd. of Education; zoned R1 property.
47-02	3-25-02	Accepts annexation application for land zoned B-3; Res. Petition 23-02.

TABLE H - ANNEXATION AND DETACHMENT OF TERRITORY (Cont.)

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
110-03	8-25-03	Authorizes and accepts annexation of 77.752 acres in Lick Twp., as General Business (B-3) property.
74-04	7-9-04	Authorizes annexation of 15.318 acres, part of S.S.R.L. 56, Lick Twp. for Luigino's Inc.
115-05	9-12-05	Assents to detachment of property; J.A. and R. Leach, applicants.
198-06	8-28-06	Assents to detachment of property from City; B.E. and G.M. Reed, applicants.
239-06	12-1-06	Authorizes and accepts property known as Zone property.

TABLE I - ZONING MAP CHANGES

<u>Ord. No.</u>	<u>Date</u>	<u>Description</u>
67-67	8-19-67	Group occupancy classification 3-F expanded to include group occupancy classification K-1.
25-85	3-25-85	Parts of Outlots 67 to 70 and all of Outlot 71 in south half of City, and Lots 1, 2, 11 to 14, 23 to 26 in Ferree's Addition, from R-2 to B-3.
28-85	2-25-85	All of Louis Hunt Addition, Lots 5 to 8 and 17 to 20 of Ferree's Addition, and S.S.R. Lot 81, from MHP to MHP/B-3.
97-85	8-12-85	West half of Out Lot 1 and 1 acre of east side of Out Lot 2 in north half of City (3.9 acres) zoned R-4.
136-85	11-25-95	Lot 86, south half of Lot 87 and part of Lot 91 (121.20 acres) in Lick Twp. zoned B-3.
69-94	10-24-94	Adopts recommendation to rezone real estate owned by Jackson City schools.
59-95	7-10-95	Real property owned by W. Rupert I from R-2 to B-3 District.
16-96	11-27-95	2 acres on Twin Oaks Dr., from I (Industrial) to B-3 District.
17-96	2-26-96	Real property on Huron St., between Bennett Ave. and Chestnut St., from R-2 to B-1 District.
58-96	9-24-96	Real property along Fairmount Dr., south of Fairmount Cemetery from A (Agriculture) to B-2 District.
20-97	2-24-97	Rezoned certain real estate within City, as requested by Jack Hughes.
107-97	11-10-97	Property at 23 W. Main St. from A-2 to B-1 District, requested by C. Montgomery.
15-99	2-8-99	Property at the SW corner of Walnut and Portsmouth Sts. from R-2 to B-2 Zone.
50-01	8-13-01	Part of SSR Lot 94 and part of SSR Lot 95 (52.270 acres) from Industrial (I) to Business 3 (B-3) Zone.
74-01	9-10-01	Part of SSR Lot 94 and SSR Lot 95 (52.270 acres) from Industrial (I) to Business 3 (B-3) Zone.
146-02	12-9-02	Property on Chillicothe St. near the intersection with Pearl (Baisden property) from R-3 to B-3 Zone.
150-06	6-12-06	Adopts recommendation of City Planning Commission to rezone certain real estate.
147-07	11-26-07	Adopts recommendation of City Planning Commission to rezone certain real estate.

CODIFIED ORDINANCES OF JACKSON

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions

- Chap. 101. Codified Ordinances.
- Chap. 103. Official Standards.
- Chap. 105. Wards and Boundaries.
- Chap. 107. Public Records.
- Chap. 109. Purchasing Procedures.

TITLE THREE - Legislative

- Chap. 111. Council.
- Chap. 113. Ordinances and Resolutions.

TITLE FIVE - Administrative

- Chap. 121. Mayor.
- Chap. 123. Director of Law.
- Chap. 125. Auditor.
- Chap. 127. Treasurer.
- Chap. 129. Departments of Public Service and Safety.
- Chap. 131. Police Department.
- Chap. 133. Fire Department.
- Chap. 135. City Hall Department.
- Chap. 137. Recreation Department.
- Chap. 139. Sewer Department.
- Chap. 141. Street Department.
- Chap. 143. Engineering Department.
- Chap. 147. Employees Generally.
- Chap. 149. Employment Contracts.

TITLE SEVEN - Boards and Commissions

- Chap. 160. Human Rights Board; Discrimination.
- Chap. 161. Board of Control.
- Chap. 163. Civil Service Commission.
- Chap. 165. Board of Health.
- Chap. 167. Investment of Public Funds.
- Chap. 171. Water Service. (Repealed)
- Chap. 173. Litter Control Board.
- Chap. 175. City Records Commission.
- Chap. 177. Visitors and Conventions Commission.
- Chap. 179. Tree Commission.

TITLE NINE - Judicial

- Chap. 181. Municipal Court.

TITLE ELEVEN - Taxation

- Chap. 191. Transient Occupancy Tax.
- Chap. 193. Motor Vehicle License Tax.

CODIFIED ORDINANCES OF JACKSON

PART ONE - ADMINISTRATIVE CODE

TITLE ONE - General Provisions
 Chap. 101. Codified Ordinances.
 Chap. 103. Official Standards.
 Chap. 107. Public Records.
 Chap. 109. Purchasing Procedures.

CHAPTER 101
 Codified Ordinances

101.01	Designation; citation; headings.	101.06	Conflicting provisions.
101.02	General definitions.	101.07	Determination of legislative intent.
101.03	Rules of construction.	101.08	Severability.
101.04	Revivor; effect of amendment or repeal.	101.99	General penalty.
101.05	Construction of section references.		

CROSS REFERENCES

See sectional histories for similar State law
 Statute of limitations on prosecutions - see Ohio R.C. 718.06; GEN. OFF. 501.06
 Codification in book form - see Ohio R.C. 731.23
 Imprisonment until fine and costs are paid - see Ohio R.C. 1905.30, 2947.14
 Citation issuance for minor misdemeanors - see Ohio R.C. 2935.26 et seq.
 Ordinances and resolutions - see ADM. Ch. 123
 Rules of construction for offenses and penalties - see GEN. OFF. 501.04

101.01 DESIGNATION; CITATION; HEADINGS.

(a) All ordinances of a permanent and general nature of the Municipality as revised, codified, rearranged, renumbered and consolidated into component codes, titles, chapters and sections shall be known and designated as the Codified Ordinances of Jackson, Ohio, 1976, for which designation "Codified Ordinances" may be substituted. Code, title, chapter and section headings do not constitute any part of the law as contained in the Codified Ordinances. (ORC 1.01)

(b) All references to codes, titles, chapters and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Traffic Code". Sections may be referred to and cited by the designation "Section" followed by the number, such as "Section 101.01".

101.02 GENERAL DEFINITIONS.

As used in the Codified Ordinances, unless another definition is provided or the context otherwise requires:

- (a) "And" may be read "or", and "or" may be read "and", if the sense requires it. (ORC 1.02(F))
- (b) "Another" when used to designate the owner of property which is the subject of an offense, includes not only natural persons but also every other owner of property. (ORC 1.02(B))
- (c) "Bond" includes an undertaking and "undertaking" includes a bond. (ORC 1.02(D), (E))
- (d) "Council" means the legislative authority of the Municipality.
- (e) "County" means Jackson County, Ohio.
- (f) "Keeper" or "proprietor" includes all persons, whether acting by themselves or as a servant, agent or employee.
- (g) "Land" or "real estate" includes rights and easements of an incorporeal nature. (ORC 701.01(F))
- (h) "Municipality" or "City" means the City of Jackson, Ohio.
- (i) "Oath" includes affirmation and "swear" includes affirm. (ORC 1.59(B))
- (j) "Owner", when applied to property, includes any part owner, joint owner or tenant in common of the whole or part of such property.
- (k) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association. (ORC 1.59(C))
- (l) "Premises", as applied to property, includes land and buildings.
- (m) "Property" means real and personal property. (ORC 1.59(E))
"Personal property" includes all property except real.
"Real property" includes lands, tenements and hereditaments.
- (n) "Public authority" includes boards of education; the Municipal, County, State or Federal government, its officers or an agency thereof; or any duly authorized public official.
- (o) "Public place" includes any street, sidewalk, park, cemetery, school yard, body of water or watercourse, public conveyance, or any other place for the sale of merchandise, public accommodation or amusement.
- (p) "Registered mail" includes certified mail and "certified mail" includes registered mail. (ORC 1.02(G))
- (q) "Rule" includes regulation. (ORC 1.59(F))
- (r) "Sidewalk" means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.
- (s) "This State" or "the State" means the State of Ohio. (ORC 1.59(G))
- (t) "Street" includes alleys, avenues, boulevards, lanes, roads, highways, viaducts and all other public thoroughfares within the Municipality.
- (u) "Tenant" or "occupant", as applied to premises, includes any person holding a written or oral lease, or who actually occupies the whole or any part of such premises, alone or with others.

- (v) "Whoever" includes all persons, natural and artificial; partners; principals, agents and employees; and all officials, public or private.
(ORC 1.02(A))
- (w) "Written" or "in writing" includes any representation of words, letters, symbols or figures. This provision does not affect any law relating to signatures.
(ORC 1.59(J))

101.03 RULES OF CONSTRUCTION.

(a) Common and Technical Usage. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.
(ORC 1.42)

(b) Singular and Plural; Gender; Tense. As used in the Codified Ordinances, unless the context otherwise requires:

- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future.
(ORC 1.43)

(c) Calendar; Computation of Time.

- (1) Definitions.
 - A. "Week" means seven consecutive days.
 - B. "Year" means twelve consecutive months.
(ORC 1.44)
- (2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.
(ORC 1.45)
- (3) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day, except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not a Sunday or a legal holiday.
When a public office, in which an act required by law is to be performed, is closed to the public for the entire day which constitutes the last day for doing such act or before its usual closing time on such day, then such act may be performed on the next succeeding day which is not a Sunday or a legal holiday. If any legal holiday falls on Sunday, the next succeeding day is a legal holiday.
(ORC 1.14)
- (4) When legislation is to take effect or become operative from and after a day named, no part of that day shall be included.
(ORC 1.15)
- (5) In all cases where the law shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall mean such time only as may be necessary for the prompt performance of such duty or compliance with such notice.

(d) Authority. When the law requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(e) Joint Authority. All words purporting to give joint authority to three or more municipal officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it shall be otherwise expressly declared in the law giving the authority or inconsistent with State statute or Charter provisions.

(f) Exceptions. The rules of construction shall not apply to any law which shall contain any express provision excluding such construction, or when the subject matter or context of such law may be repugnant thereto.

101.04 REVIVOR; EFFECT OF AMENDMENT OR REPEAL.

(a) The repeal of a repealing ordinance does not revive the ordinance originally repealed nor impair the effect of any saving clause therein.
(ORC 1.57)

(b) An ordinance which is re-enacted or amended is intended to be a continuation of the prior ordinance and not a new enactment, so far as it is the same as the prior ordinance.
(ORC 1.54)

(c) The re-enactment, amendment or repeal of an ordinance does not, except as provided in subsection (d) hereof:

- (1) Affect the prior operation of the ordinance or any prior action taken thereunder;
- (2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;
- (3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;
- (4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the ordinance had not been repealed or amended.

(d) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of an ordinance, the penalty, forfeiture, or punishment, if not already imposed, shall be imposed according to the ordinance as amended.
(ORC 1.58)

101.05 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of the Codified Ordinances applies to all re-enactments or amendments thereof.
(ORC 1.55)

(b) If a section refers to a series of numbers or letters, the first and the last numbers or letters are included.
(ORC 1.56)

(c) Wherever in a penalty section reference is made to a violation of a series of sections or of subsections of a section, such reference shall be construed to mean a violation of any section or subsection included in such reference.

References in the Codified Ordinances to action taken or authorized under designated sections of the Codified Ordinances include, in every case, action taken or authorized under the applicable legislative provision which is superseded by the Codified Ordinances.
(ORC 1.23)

101.06 CONFLICTING PROVISIONS.

(a) If there is a conflict between figures and words in expressing a number, the words govern.
(ORC 1.46)

(b) If a general provision conflicts with a special or local provision, they shall be construed, if possible, so that effect is given to both. If the conflict between the provisions is irreconcilable, the special or local provision prevails as an exception to the general provision, unless the general provision is the later adoption and the manifest intent is that the general provision prevail.
(ORC 1.51)

- (c) (1) If ordinances enacted at different meetings of Council are irreconcilable, the ordinance latest in date of enactment prevails.
- (2) If amendments to the same ordinance are enacted at different meetings of Council, one amendment without reference to another, the amendments are to be harmonized, if possible, so that effect may be given to each. If the amendments are substantively irreconcilable, the latest in date of enactment prevails. The fact that a later amendment restates language deleted by an earlier amendment, or fails to include language inserted by an earlier amendment, does not of itself make the amendments irreconcilable. Amendments are irreconcilable only when changes made by each cannot reasonably be put into simultaneous operation.
(ORC 1.52)

101.07 DETERMINATION OF LEGISLATIVE INTENT.

(a) In enacting an ordinance, it is presumed that:

- (1) Compliance with the constitutions of the State and of the United States is intended;
- (2) The entire ordinance is intended to be effective;
- (3) A just and reasonable result is intended;
- (4) A result feasible of execution is intended.

(ORC 1.47)

(b) An ordinance is presumed to be prospective in its operation unless expressly made retrospective.
(ORC 1.48)

(c) If an ordinance is ambiguous, the court, in determining the intention of Council may consider among other matters:

- (1) The object sought to be attained;
- (2) The circumstances under which the ordinance was enacted;
- (3) The legislative history;

- (4) The common law or former legislative provisions, including laws upon the same or similar subjects;
- (5) The consequences of a particular construction;
- (6) The administrative construction of the ordinance.
(ORC 1.49)

101.08 SEVERABILITY.

If any provision of a section of the Codified Ordinances or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.
(ORC 1.50)

101.99 GENERAL PENALTY.

Whenever, in the Codified Ordinances or in any ordinance of the Municipality, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided, whoever violates any such provision shall be punished by a fine not exceeding one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation continues or occurs.

CHAPTER 103
Official Standards

EDITOR'S NOTE: There are no sections in Chapter 103. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

State standard of time - see Ohio R.C. 1.04

State legal holidays - see Ohio R.C. 1.14, 5.20 et seq.

CHAPTER 105
Wards and Boundaries

105.01	Division into wards.	105.04	Third Ward.
105.02	First Ward.	105.05	Fourth Ward.
105.03	Second Ward.		

CROSS REFERENCES

Division into wards - see Ohio R.C. 731.06
Voting precincts - see Ohio R.C. 3501.18

105.01 DIVISION INTO WARDS.

The City is hereby subdivided into four wards which are equal in number to the members of Council who are herewith to be elected by wards, and the boundaries of such wards, which are determined to be as nearly equal in population as is practicable, are defined in this chapter. (Ord. 81. Passed 7-26-11.)

105.02 FIRST WARD.

The boundary of the First Ward shall begin at the southeast corner of Pearl and Portsmouth Streets; thence in a southeast course along Pearl to South Street; thence east on the last named street to Main Street; thence southeasterly along Main Street and its extension commonly called the Gallipolis Road to the corporation line; thence south to the southeast corner of the corporation; thence west along the south line of the corporation to High Street, or a line formed by the extension of such street; thence north on High Street to South Street; thence east on South Street to Portsmouth Street; and thence northeasterly to the place of beginning on Pearl Street; the First Ward shall also include the territory of Jackson Heights Subdivision which was annexed to the City under the provisions of Ordinance 590, passed June 14, 1954, being the territory included in the plat of Jackson Heights, as recorded in Volume 4, pages 144, 145 and 146 of the Plat Records of Jackson County. (Ord. 81. Passed 7-26-11; Ord. 4-62. Passed 2-12-62.)

105.03 SECOND WARD.

The boundary of the Second Ward shall begin at the northwest corner of Locust and Pearl Streets; thence northeasterly along Locust Street to and across Water Street to Salt Creek; thence northeasterly to Athens Street at the point where the Wellston and Jackson Belt Railway crosses such street; thence northeasterly along Athens Street to the corporation line; thence north along the corporation line to the northeast corner of the corporation; thence along the north line of the corporation to the northwest corner of the corporation; thence south along the west corporation line to the Detroit, Toledo and Ironton Railroad track; thence southeasterly along such railroad track to High Street; thence south

on High Street to State Street; thence east on State Street to Bridge Street; thence along Bridge Street to Pearl Street; and thence along Pearl Street to Locust Street, the place of beginning. (Ord. 81. Passed 7-26-11.)

105.04 THIRD WARD.

The boundary of the Third Ward shall begin at the northeast corner of Pearl and Locust Streets; thence northeasterly along Locust Street to and across Water Street to Salt Creek; thence northeasterly to Athens Street at the point where the Wellston and Jackson Belt Railway crosses such street; thence northeasterly along Athens Street to the corporation line; thence south along the corporation line to a point in the west line of Scioto Salt Reserve Lot 56, Lick Township, Jackson County, Ohio, approximately 637.5 feet north of the southwest corner of Scioto Salt Reserve Lot 56, such point being also the existing corner of Jackson corporation; thence east across Scioto Salt Reserve Lot 56 and Scioto Salt Reserve Lot 57, along the existing north corporation line in such Scioto Salt Reserve Lots to a point in the east line of Scioto Salt Reserve Lot 57 approximately 637.5 feet north of the southeast corner of Scioto Salt Reserve Lot 57, which point was, prior to annexation of the above tract, the northeast corner of Jackson corporation; thence north along the west line of Scioto Salt Reserve Lot 58 a distance of approximately 154.50 feet to a point in such west line, which is 792 feet north of the southwest corner of Scioto Salt Reserve Lot 58; thence direct east across Scioto Salt Reserve Lot 58 a distance of 1320 lineal feet to a point in the east line thereof; thence south along the east line of Scioto Salt Reserve Lot 58 a distance of 792 lineal feet to the southeast corner of such lot; thence east along the north lines of Scioto Salt Reserve Lots 70, 69 and 68 a distance of three-fourths mile (3,960 lineal feet) to the northeast corner of Scioto Salt Reserve Lot 68; thence south along the east lines of Scioto Salt Reserve Lots 68 and 85 a distance of one mile (5,280 lineal feet) to the southeast corner of Scioto Salt Reserve Lot 85, thence west along the south lines of Scioto Salt Reserve Lots 85, 84, 83 and 82 a distance of one mile (5,280 lineal feet) to the southwest corner of Scioto Salt Reserve Lot 82; thence south along the west line of Scioto Salt Reserve Lot 95 and the east line of the corporation of Jackson a distance of approximately 412.5 feet to a point, which point is the southeast corner of Jackson corporation; thence west across Scioto Salt Reserve Lot 96 and along the existing south corporation line of the City of Jackson to a point in the west line of Scioto Salt Reserve Lot 96; thence north along the west line of Scioto Salt Reserve Lot 96 and following the existing Jackson corporation line a distance of approximately 75 feet to a point; thence west along the existing corporation line approximately 75 feet to Main Street; thence northwesterly along Main Street to South Street; thence west on South Street to Pearl Street; thence northwest along Pearl Street to Locust Street and the place of beginning. (Ord. 19-68. Passed 10-14-68.)

105.05 FOURTH WARD.

The boundary of the Fourth Ward shall begin at the southwest corner of Pearl and Portsmouth Streets; thence northwest along Pearl to Bridge Street; thence on Bridge to State Street; thence along State to High Street; thence north along High Street to the Detroit, Toledo and Ironton Railroad track; thence northwest along such railroad track to the west corporation lines; thence along such corporation line to the southwest corner of the corporation; thence east along the south corporation line to High Street or its extension; thence north along High Street to South Street; thence east along South Street to Portsmouth Street; and thence northeast along Portsmouth Street to Pearl Street the place of beginning. (Ord. 81. Passed 7-26-11.)

CHAPTER 107
Public Records

107.01	Introduction.	107.05	E-mail.
107.02	Definitions; organization.	107.06	Failure to respond to a public records requests.
107.03	Record requests.		
107.04	Costs for public records.		

CROSS REFERENCES

Records and reports - see Ohio R.C. Ch. 149

107.01 INTRODUCTION.

It is the policy of the City that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the City to strictly adhere to the State's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.
(Ord. 143-07. Passed 12-10-07.)

107.02 DEFINITIONS; ORGANIZATION.

(a) Definitions. This office, in accordance with the Ohio Revised Code, defines records as including the following: any document - paper, electronic (including, but not limited to, e-mail), or other format - that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City are public unless they are specifically exempt from disclosure under the Ohio Revised Code.

(b) Organization.

- (1) It is the policy of the City that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 107.05 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.
- (2) All City departments are to immediately implement procedures to see that records are organized and maintained in order that records may be readily available for inspection and copying. Each department shall as quickly as possible submit to the Mayor an outline of procedures setting forth how records are being maintained within the department, and how records may be made readily available for inspection and copying.
(Ord. 143-07. Passed 12-10-07.)

107.03 RECORD REQUESTS.

Each request for public records should be evaluated for a response using the following guidelines:

- (a) Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records.
- (b) The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is the City's general policy that this information is not to be requested.
- (c) Public records are to be available for inspection during regular business hours, with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
- (d) Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records should be satisfied immediately if feasible to do so. If fewer than twenty pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows.
- (e) Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority. (Ord. 143-07. Passed 12-10-07.)

107.04 COSTS FOR PUBLIC RECORDS.

(a) Those seeking public records will be charged only the actual cost of making copies.

- (1) The charge for paper copies is five cents (5¢) per page.
- (2) The charge for downloaded computer files to a compact disc is one dollar (\$1.00) per disc.
- (3) There is no charge for documents e-mailed.

(b) Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies.
(Ord. 143-07. Passed 12-10-07.)

107.05 E-MAIL.

(a) Generally. Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. E-mail is to be treated in the same fashion as records in other formats and should follow the same retention schedules.

(b) Public E-mail Accounts.

- (1) Records in public e-mail accounts used to conduct public business are subject to disclosure, and all employees or representatives of this office are instructed to retain their e-mails that relate to public business.
- (2) The records custodian is to treat the e-mails from public accounts as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.
(Ord. 143-07. Passed 12-10-07.)

107.06 FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST.

The City recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the failure to comply with a request may result in a court ordering compliance with the law and to pay the requester attorney's fees and damages.
(Ord. 143-07. Passed 12-10-07.)

CHAPTER 109
Purchasing Procedures

- 109.01 Falsifying invoices; vendor ineligible to do business with City.
- 109.02 Policy for awarding competitively bid contracts.

CROSS REFERENCES

Power of Council - see Ohio R.C. 731.05
Board of Control approval - see Ohio R.C. 733.22 et seq.
Service department contracts - see Ohio R.C. 735.05 et seq.
Safety department contracts - see Ohio R.C. 737.02, 737.03, 737.04
Contract interest - see Ohio R.C. 735.09; GEN. OFF. 525.10

109.01 FALSIFYING INVOICES; VENDOR INELIGIBLE TO DO BUSINESS WITH CITY.

The City shall be prohibited from purchasing supplies and products from vendors, or their employees or agents, which have knowingly falsified an invoice to the City for products or supplies purchased. Any vendor, its employees or agents, which have admitted to falsifying an invoice, have been found to have falsified an invoice, or which have been convicted for falsifying an invoice, shall be barred from being a vendor to the City. The vendor shall be ineligible to be a vendor to the City for a period of 10 years from the date of the admission, finding, or conviction. (Ord. 60-02. Passed 4-22-02.)

109.02 POLICY FOR AWARDING COMPETITIVELY BID CONTRACTS.

The City, in accordance with Ohio R.C. 9.312, hereby adopts a policy that requires that each competitively bid contract the City awards shall be awarded to the lowest responsive and responsible bidder. The policy of awarding competitively bid contracts to the lowest responsive and responsible bidder is set forth in Exhibit "A", which is attached to original Ordinance 111-02 and made a part hereof. (Ord. 111-02. Passed 10-28-02.)

TITLE THREE - Legislative
 Chap. 111. Council.
 Chap. 113. Ordinances and Resolutions.

CHAPTER 111
 Council

- | | |
|------------------------|----------------------------------|
| 111.01 Members. | 111.03 President. |
| 111.02 Election; term. | 111.04 Notification of meetings. |

CROSS REFERENCES

Adoption of ordinances and resolutions - see Ohio R.C. 715.03, 731.17
 General powers - see Ohio R.C. 715.03, 731.05, 731.47
 Sewerage rate establishment - see Ohio R.C. 729.49
 Composition - see Ohio R.C. 731.06
 Qualifications - see Ohio R.C. 731.02, 731.44
 Election of officers - see Ohio R.C. 731.04
 President pro tempore - see Ohio R.C. 731.04, 733.08
 Powers as to salaries and bonds - see Ohio R.C. 731.07 et seq., 731.49 et seq.
 Vacancy - see Ohio R.C. 731.43
 Quorum - see Ohio R.C. 731.44
 Misconduct - see Ohio R.C. 733.72 et seq.
 Contract interest - see GEN. OFF. 525.10

111.01 MEMBERS.

The legislative power of the City shall be vested in, and exercised by Council, composed of not less than seven members, four of whom shall be elected by wards and three of whom shall be elected by electors of the City at large. For the first 20,000 inhabitants, in addition to the original 5,000 inhabitants, there shall be two additional members of Council, elected by wards, and for every 15,000 inhabitants thereafter there shall be one additional member similarly elected, provided that the total number of members of Council shall not exceed seventeen. (ORC 731.01)

111.02 ELECTION; TERM.

One member of Council from each ward and such number of members thereof at large as is provided by law shall be chosen in each odd numbered year. Members of Council shall serve for a term of two years commencing on January 1 next after their election, and until their successors are elected and qualified. (ORC 731.03; Ord. 4-62. Passed 2-12-62.)

111.03 PRESIDENT.

The President of Council shall be elected for a term of two years, commencing on January 1 next after his election. He shall be an elector of the City, and preside at all regular and special meetings of Council, but shall have no vote therein except in case of a tie. (ORC 733.09; Ord. 4-62. Passed 2-12-62.)

111.04 NOTIFICATION OF MEETINGS.

(a) Any interested person may submit a request to be notified of any Jackson City Council meeting at which any specific type of business may be discussed. Such request shall be in writing and shall state with specificity the type of business of which such person desires to be notified. Such request shall be filed at the Mayor's office, and shall be accompanied by:

- (1) A fee of fifteen dollars (\$15.00); and
- (2) At least ten self-addressed stamped envelopes.

(b) Regular sessions of Council may include the discussion and action on any and all business of the City. Such issues may or may not be in the agenda for such meetings, but the nature of a regular meeting shall encompass any and all City business. The Council Clerk shall send a standardized letter to any person requesting to be notified of meetings at which any specific type of business may be discussed which shall describe the possibility that any and all City business may be discussed and acted upon at any regular Council meeting.

(c) In the event a special meeting shall be called, and any such person has requested notice of such issue pursuant to this procedure, then the Council Clerk shall, in writing, notify such person of the date, time, place and topic of such meeting.

(d) In the event any committee of Council meets to discuss any issue any person has requested to be notified on under this policy, then the Council Clerk shall, in writing, notify such person of the date, time, place and topic of such committee meeting.
(Ord. 101-00. Passed 9-25-00.)

CHAPTER 113
Ordinances and Resolutions

- 113.01 Applicability of ordinances on
City property outside City limits.

CROSS REFERENCES

- Newspaper publication - see Ohio R.C. 7.12, 701.04
731.21 et seq.
Adoption and style - see Ohio R.C. 715.03, 731.17 et seq.
Subject and amendment - see Ohio R.C. 731.19
Authentication - see Ohio R.C. 731.20
Publication in book form - see Ohio R.C. 731.23
Adoption of technical codes - see Ohio R.C. 731.231
Certification as to publication - see Ohio R.C. 731.24 et seq.
Posting - see Ohio R.C. 731.25
Initiative and referendum - see Ohio R.C. 731.28 et seq.
Emergency measures - see Ohio R.C. 731.30
As evidence - see Ohio R.C. 731.42

113.01 APPLICABILITY OF ORDINANCES ON CITY PROPERTY OUTSIDE
CITY LIMITS.

The provisions of these Codified Ordinances relating to the conduct of persons or injury to property shall apply to and be in force on all municipally owned property located outside the corporate limits of the City and used for a municipal purpose.

A violation of an ordinance occurring on City property, located outside the City limits and used for a municipal purpose, may be prosecuted in the Mayor's Court.
(Ord. 629. Passed 5-23-55.)

TITLE FIVE - Administrative

- Chap. 121. Mayor.
- Chap. 123. Director of Law.
- Chap. 125. Auditor.
- Chap. 127. Treasurer.
- Chap. 129. Departments of Public Service and Safety.
- Chap. 131. Police Department.
- Chap. 133. Fire Department.
- Chap. 135. City Hall Department.
- Chap. 137. Recreation Department.
- Chap. 139. Sewer Department.
- Chap. 141. Street Department.
- Chap. 143. Engineering Department.
- Chap. 147. Employees Generally.
- Chap. 149. Employment Contracts.

CHAPTER 121
Mayor

121.01 Executive power.

121.02 Election; term.

CROSS REFERENCES

- Removal from office - see Ohio R.C. 3.07 et seq.
- Veto power - see Ohio R.C. 731.27
- General powers and duties - see Ohio R.C. 733.03, 733.30 et seq.
- Appointment of municipal officers - see Ohio R.C. 733.04
- Attendance at Council meetings, recommendations - see Ohio R.C. 733.06
- Acting Mayor - see Ohio R.C. 733.07
- Vacancy in office - see Ohio R.C. 733.08
- Power to fill vacancies - see Ohio R.C. 733.31
- Reports to Council - see Ohio R.C. 733.32, 733.41
- Protest of excessive expenditures - see Ohio R.C. 733.33
- Charges against delinquent officers - see Ohio R.C. 733.34 et seq.
- Disposition of fines and other moneys - see Ohio R.C. 733.40

121.01 EXECUTIVE POWER.

The executive power and authority of the City shall be vested in the Mayor, President of Council, Auditor, Treasurer, Director of Law, Service-Safety Director and such other officers and departments as are provided by law.

Such executive officers shall have exclusive right to appoint all officers, clerks and employees in their respective departments or offices and shall have sole power to remove or suspend any of the officers, clerks or employees, subject to the civil service laws. (ORC 733.01; Ord. 4-62. Passed 2-12-62.)

121.02 ELECTION; TERM.

The Mayor shall be elected for a term of four years, commencing on January 1 next after his election, and he shall serve until his successor is elected and qualified. He shall be an elector of the City. (ORC 733.02)

CHAPTER 123
Director of Law

EDITOR'S NOTE: The Ohio General Assembly by Amended Substitute House Bill 219 effective November 1, 1977, amended various sections of the Ohio Revised Code to change the name of the chief legal advisor of a city from "Solicitor" to "Director of Law". Any reference in the Codified Ordinances to Solicitor means the Director of Law as changed by the Ohio legislature.

123.01 Election and qualifications.

CROSS REFERENCES

Election, term and qualifications - see Ohio R.C. 733.49 et seq.
Powers and duties generally - see Ohio R.C. 733.51 et seq.
Duties as to suits - see Ohio R.C. 733.53
To give opinions - see Ohio R.C. 733.54
To pay over moneys - see Ohio R.C. 733.55
Application for injunction - see Ohio R.C. 733.56
Specific performance - see Ohio R.C. 733.57
Writ of mandamus - see Ohio R.C. 733.58
Suit by taxpayer - see Ohio R.C. 733.59
Annual report to Council - see Ohio R.C. 733.62
Preparing bonds - see Ohio R.C. 733.70

123.01 ELECTION AND QUALIFICATIONS.

(a) The Director of Law shall be elected for a term of four years, commencing on January 1, next after his election. He shall be an elector of the City.
(ORC 733.49)

(b) No person shall be eligible to the office of the Director of Law who is not an attorney at law, duly admitted to practice in this State.
(ORC 733.50)

CHAPTER 125
Auditor

125.01 Election and qualifications.	125.03 Deputy City Auditor.
125.02 Full-time position.	125.04 Library utility credit.
	125.05 Payment of debts; affidavit in lieu of receipt.

CROSS REFERENCES

Uniform Bond Law - see Ohio R.C. Ch. 133
 Uniform Depository Act - see Ohio R.C. Ch. 135
 Treasury Investment Account - see Ohio R.C. 731.56 et seq.; ADM.
 167.01
 Books and accounts - see Ohio R.C. 733.11 et seq.
 Duty as to receiving bids - see Ohio R.C. 733.18
 Deputy Auditor - see Ohio R.C. 733.19
 Seal - see Ohio R.C. 733.20
 Appropriation and expenditure - see Ohio R.C. 5705.41

125.01 ELECTION AND QUALIFICATIONS.

The Auditor shall be elected for a term of four years, commencing on January 1 next after his election, and he shall serve until his successor is elected and qualified. He shall be an elector of the City.
 (ORC 733.10; Ord. 4-62. Passed 2-12-62.)

125.02 FULL-TIME POSITION.

- (a) The City Auditor shall henceforth be a position of full-time employment.
- (b) The City Auditor shall be entitled to the same employment fringe benefits to which other full-time City officers are entitled.
 (Ord. 86-84. Passed 7-23-84.)

125.03 DEPUTY CITY AUDITOR.

The position of Deputy City Auditor is hereby created. In accordance with Ohio Revised Code 733.19, the City Auditor may appoint a Deputy who, in the absence or disability of the City Auditor, shall perform his duties. The compensation for the Deputy City Auditor shall be established by City Council.
 (Ord. 101-84. Passed 8-27-84.)

125.04 LIBRARY UTILITY CREDIT.

The City Library shall be granted a monthly credit for all water, sewer and electric charges assessed against the new City Library building not to exceed two hundred dollars (\$200.00) per month. The City shall be authorized to use that portion of the Jackson City Memorial Building formerly occupied by the library as consideration for such credit. (Ord. 12-76. Passed 3-22-76.)

125.05 PAYMENT OF DEBTS; AFFIDAVIT IN LIEU OF RECEIPT.

The Jackson City Auditor is authorized to make payments on the City's credit card statement in situations where a receipt is not available when a verified sworn affidavit is provided which details the expenditure, the date of the expenditure, and the nature of the expenditure, and the details as to why a receipt is not available. This method of verifying expenses shall only be used in special circumstances where receipts are not available, or receipts have been misplaced and duplicates cannot be obtained. (Ord. 92-05. Passed 8-8-05.)

CHAPTER 127
Treasurer

127.01 Election; qualifications.	127.03 Part-time position.
127.02 Duties.	127.04 Compensation.

CROSS REFERENCES

Loss of funds; release of liability - see Ohio R.C. 131.18 et seq.
 Uniform Depository Act - see Ohio R.C. Ch. 135
 Accounts - see Ohio R.C. 733.43, 733.45 et seq.
 Powers and duties - see Ohio R.C. 733.44
 Annual report to Council - see Ohio R.C. 733.45

127.01 ELECTION; QUALIFICATIONS.

The Treasurer shall be elected for a term of four years commencing on January 1 next after his or her election. The Treasurer shall be an elector of the City.
 (Ord. 10-05. Passed 1-24-05.)

127.02 DUTIES.

(a) The Treasurer shall keep an accurate record of:

- (1) All moneys received by the Treasurer, showing the amount thereof, the time received, from whom, and on what account received.
- (2) All disbursements made by the Treasurer, showing the amount thereof, the time made, to whom, and on what account paid.
 (O.R.C. 733.43)

(b) The Treasurer shall so arrange the Treasurer's books that the amount received and paid on account of separate funds, or specified appropriations, shall be exhibited in separate accounts. In addition to the ordinary duties of the Treasurer, the Treasurer shall have such powers and perform such duties as are required by any ordinance of the City, not inconsistent with Title VII [7] of the Ohio Revised Code, and not incompatible with the nature of the office.
 (O.R.C. 733.43)

(c) The Treasurer shall demand and receive, from the County Treasurer, taxes levied and assessments made and certified to the County Auditor by the legislative authority of the City, and placed on the tax list by such Auditor for collection, moneys, from persons authorized to collect or require to pay them, accruing to the City from any judgments, fines, penalties, forfeitures, licenses, and debts due the City. Such funds shall be disbursed by the Treasurer on the order of any person authorized by law or ordinance to issue orders therefor. (O.R.C. 733.44)

(d) The Treasurer shall also have the duties of picking up and accounting for moneys from the City Utility Office; receiving any and all moneys from the City Auditor; and making regular deposits with the City's banking institution. The Treasurer shall also be responsible for preparing all bank reconciliations. The Treasurer shall also be a member of the City Investment Board, and shall attend the meetings of the Board.
(Ord. 10-05. Passed 1-24-05.)

127.03 PART-TIME POSITION.

(a) The position of City Treasurer is found to be and is hereby established as a part-time position.

(b) The City Treasurer shall not be entitled to receive any City benefits.
(Ord. 10-05. Passed 1-24-05.)

127.04 COMPENSATION.

The Treasurer for the City shall receive an annual compensation as provided by legislation of Council. (Ord. 10-05. Passed 1-24-05.)

CHAPTER 129
Departments of Public Service and Safety

- | | | | |
|--------|---|--------|---|
| 129.01 | Service Director and Safety Director; positions combined. | 129.03 | Fire protection contracts with private parties. |
| 129.02 | Fire protection contracts with other municipalities. | | |

CROSS REFERENCES

Fire protection contracts - see Ohio R.C. 307.05, 505.44, 717.02
 Compulsory service connections - see Ohio R.C. 729.06, 743.23, 743.37
 Management and control of sewerage system - see Ohio R.C. 729.50 et seq.
 Merger of service and safety departments - see Ohio R.C. 733.03
 Contracts - see Ohio R.C. 733.22 et seq., 735.05 et seq., 737.02 et seq.
 Appointment of Director - see Ohio R.C. 735.01, 737.01
 General duties and records - see Ohio R.C. 735.02 et seq., 737.02 et seq.
 Assistants - see Ohio R.C. 735.04
 Public building supervision - see Ohio R.C. 735.10 et seq.
 Police Department - see Ohio R.C. 737.05 et seq.
 Appointment and removal of auxiliary police officers - see Ohio R.C. 737.051
 Fire Department - see Ohio R.C. 737.08 et seq.
 Classification of police and fire personnel - see Ohio R.C. 737.10, 737.13
 Management and control of water works - see Ohio R.C. 743.02 et seq.
 Management and control of cemeteries - see Ohio R.C. 759.09 et seq.
 Cemetery provisions, regulations - see S.U. & P.S. Ch. 941

129.01 SERVICE DIRECTOR AND SAFETY DIRECTOR; POSITIONS COMBINED.

The position of Service Director and the position of Safety Director are hereby combined into one full-time position to be known as the Service-Safety Director. This shall take effect and be effective as of January 1, 2008.
 (Ord. 223-06. Passed 11-14-06.)

129.02 FIRE PROTECTION CONTRACTS WITH OTHER MUNICIPALITIES.

(a) The Director of Public Service/Safety is hereby authorized to enter into contracts on behalf of the City with such other municipalities, villages or townships, which own motor-driven fire fighting equipment as he may deem proper, providing for the exchange of fire fighting equipment and firemen in the event of emergency. Such contracts shall define "emergency" to mean the simultaneous existence of a fire so large that the township, village or municipality within whose limits such fire exists is unable to handle it. Such contracts shall not require either party thereto to leave unprotected or in jeopardy its own territory, and shall provide that the party making such emergency run shall bear all expense, loss or damage incurred thereby. Such contracts shall be terminable upon thirty days written notice.

(b) In the event an emergency fire call is received from any municipality with which no such contract has been entered into, the Chief of the Fire Department may exercise his judgment and discretion as to whether such call shall be answered, and if so what equipment and firemen shall be used in answering the call.
(Ord. 10-72. Passed 4-24-72.)

129.03 FIRE PROTECTION CONTRACTS WITH PRIVATE PARTIES.

(EDITOR'S NOTE: Former Section 129.03 was repealed by Ordinance 9-86, passed March 10, 1986.)

CHAPTER 131
Police Department

131.01	Personnel.	131.06	Qualifications for examination.
131.02	Appointment of Chief.	131.07	Police Auxiliary.
131.03	General duties of Department.	131.08	Off-duty and dispatch call policy.
131.04	Appointment of temporary police.	131.09	Riding in police cars.
131.05	Age qualifications.		

CROSS REFERENCES

Distribution of obscenity statutes by Attorney General - see Ohio R.C. 109.40
 Assistance of State Criminal Bureau - see Ohio R.C. 109.51 et seq.
 Forwarding fingerprints and other data to State Criminal Bureau - see Ohio R.C. 109.58 et seq.
 Peace Officer training certificate required for permanent employment - see Ohio R.C. 109.77
 Appointments; probationary period; age - see Ohio R.C. 124.27, 124.30, 124.41
 Promotions - see Ohio R.C. 124.31, 124.44
 Police Chief suspension - see Ohio R.C. 124.34, 124.40
 Reductions, suspensions and removals - see Ohio R.C. 124.34 et seq., 737.12
 Sick leave - see Ohio R.C. 124.38
 Police protection contracts - see Ohio R.C. 505.441, 737.04
 Composition and control - see Ohio R.C. 715.05, 737.05
 Civil service application - see Ohio R.C. 737.051, 737.10
 Auxiliary police unit - see Ohio R.C. 737.051, 737.06
 Police Chief - see Ohio R.C. 737.06
 Hours and leave - see Ohio R.C. 737.07
 Appointment of emergency patrolmen - see Ohio R.C. 737.10
 Police and Firemen's Disability and Pension Fund - see Ohio R.C. Ch. 742
 Police officer may arrest on view - see Ohio R.C. 2935.03, 2935.05, 2935.07
 Impersonating a public official - see GEN. OFF. 525.03
 Failure to aid a law enforcement officer - see GEN. OFF. 525.06

131.01 PERSONNEL.

The Police Department shall be composed of the following officers and other members:

- (a) One Chief.
- (b) One Assistant Chief.
- (c) Not to exceed five Sergeants.
- (d) Not to exceed fifteen Patrolmen.
- (e) Not to exceed two Secretaries.
- (f) Not to exceed six Radiomen.
- (g) Temporary Police as required.
(Ord. 92-99. Passed 11-8-99.)

131.02 APPOINTMENT OF CHIEF.

(EDITOR'S NOTE: Former Section 131.02 has been deleted since the promotion of all police officers is now governed by Ohio R.C. 124.44 and other related sections under Ohio R.C. Chapter 124.)

131.03 GENERAL DUTIES OF DEPARTMENT.

The police force shall preserve the peace, protect persons and property and obey and enforce all ordinances of Council and all criminal laws of the State and the United States. (ORC 737.11; Ord. 4-62. Passed 2-12-62.)

131.04 APPOINTMENT OF TEMPORARY POLICE.

The Mayor may, when so requested by the Director of Public Service and Safety, employ such additional temporary policemen as may be required from time to time in cases of emergency, to handle crowds or traffic, to keep the peace or to keep the operating strength of the police force at the authorized membership in the event of sickness, injury or vacation. (Ord. 639. Passed 8-22-55.)

131.05 AGE QUALIFICATIONS.

No person is eligible to receive an original appointment to the Police Department as a policeman or policewoman, unless he has reached the age of twenty-one years of age. No person is eligible to receive an original appointment when he is thirty-five years of age or older and no person can be declared disqualified as over age prior to that time.

These provisions shall not be construed to eliminate any other requirements established by law for original appointments. (Ohio R.C. 124.41)

131.06 QUALIFICATIONS FOR EXAMINATION.

No person shall be eligible for the examination of the Civil Service Commission for an original appointment as a police officer in the Police Department unless he or she presents satisfactory evidence to the Commission that he or she:

- (a) Is of good moral character;
- (b) Possesses 20/20 vision in each eye, after correction;
- (c) Is in good physical condition and can satisfactorily pass a rigid physical examination;
- (d) Can present satisfactory evidence of his or her education qualifications equivalent to a diploma or certificate of graduation from a four-year high school;
- (e) Is not less than 5'8" in height, nor more than 6'6" in height;
- (f) Is within the standards of weight limitations for his or her height as adopted by the Ohio State Highway Patrol requirements or as such requirements may be hereinafter modified or amended. (Ord. 13-72. Passed 5-8-72.)

131.07 POLICE AUXILIARY.

(a) The Police Auxiliary is hereby authorized with a strength of fifteen members. (Ord. 105-00. Passed 10-11-00.)

(b) Pay shall be at the rate of one dollar (\$1.00) per year, payable on January 2 or the first day on the force, whichever comes later.

(c) The City shall provide false arrest insurance coverage for all auxiliary officers.

(d) Auxiliary officers shall, at all times, be subject to the applicable provisions of the Ohio Revised Code and such rules and regulations as the Safety Director and/or Chief of Police shall make regulating their conduct.
(Ord. 71-92. Passed 9-14-92.)

131.08 OFF-DUTY AND DISPATCH CALL POLICY.

(a) No police officer may wear his or her police uniform in or for any private employment during off-duty hours, except for public crowd control or traffic control at events sponsored by schools or civic groups. It is Council's intent that off-duty police officers should not wear their uniforms where their off-duty employment is not likely to require interaction with the general public.

(b) No police officer may utilize City-owned property in or for any private employment during off-duty hours, except as permitted in subsection (a) hereof.

(c) No police officer may refuse to respond to a dispatched call while on duty.
(Res. 9-80. Passed 6-23-80.)

131.09 RIDING IN POLICE CARS.

(a) It shall be the policy of the City that no unauthorized person shall ride as a passenger in a police cruiser used on police duty. The only persons authorized to ride as passengers in police cruisers are as follows:

- (1) City employees in the Police Department, including Police Chief, Captain, Sergeants, patrolmen, dispatchers and meter maid.
- (2) Elected officials of the City including Mayor, President of Council and members of Council.
- (3) Service-Safety Director and other department heads.
- (4) Law Director or City Prosecutor.
- (5) Members of the auxiliary police force.
- (6) Any other person specifically designated in writing by the Mayor.

This policy shall not restrict a police officer on duty from using a police cruiser to transport persons in custody or injured persons, or close relatives of such persons.

(b) Any police officer who permits an unauthorized person to ride as a passenger in a police cruiser used on police duty shall be subject to disciplinary action.
(Res. 10-82. Passed 11-8-82.)

CHAPTER 133
Fire Department

- | | |
|--------------------------------------|--------------------------------|
| 133.01 Personnel. | 133.04 Volunteer firefighters; |
| 133.02 General duties of Department. | training; compensation. |
| 133.03 Rules. | |

CROSS REFERENCES

Appointments; probationary period and age - see Ohio R.C. 124.27, 124.30, 124.42
 Promotions - see Ohio R.C. 124.31, 124.45 et seq.
 Reductions, suspension and removals - see Ohio R.C. 124.34 et seq., 737.12
 Fire Chief suspension - see Ohio R.C. 124.34, 124.40
 Sick leave - see Ohio R.C. 124.38
 Volunteer Firemen's Dependents Fund - see Ohio R.C. Ch. 146
 Fire protection contracts - see Ohio R.C. 9.60, 307.05, 505.44; ADM. 129.02, 129.03
 Schooling, buildings and equipment - see Ohio R.C. 715.05, 737.23 et seq.
 Composition and control - see Ohio R.C. 737.08, 737.21
 Fire Chief - see Ohio R.C. 737.09
 Appointment of emergency firemen - see Ohio R.C. 737.10
 Hours and leave - see Ohio R.C. 737.21, 4115.02
 Gas masks for firemen; requirements - see Ohio R.C. 3737.31
 Chief to issue fireworks permits - see Ohio R.C. 3743.33; GEN. OFF. 549.11

133.01 PERSONNEL.

The Fire Department shall be composed of the following officers and other members:

- (a) Fire Chief.
- (b) Assistant Fire Chief.
- (c) Not more than forty volunteer firefighters.
(Ord. 135-02. Passed 11-25-02.)

133.02 GENERAL DUTIES OF DEPARTMENT.

The Fire Department shall protect the lives and property of people in case of fire, and perform such other duties, not inconsistent herewith, as Council by ordinance prescribes. (ORC 737.11; Ord. 41-80. Passed 7-28-80.)

133.03 RULES.

The Safety Director shall establish necessary rules and regulations for the operation of the Fire Department and for the appointment of other officers from the volunteers, as provided in Ohio R.C. 737.09. The chain of command shall be set forth in the department rules and regulations. (Ord. 41-80. Passed 7-28-80.)

133.04 VOLUNTEER FIREFIGHTERS; TRAINING; COMPENSATION.

- (a) Each volunteer firefighter shall be required to complete successfully the training program required by the State Department of Education.
- (b) Each volunteer firefighter shall be compensated for attending the required training program at such rate as provided by ordinance of Council for each three hours of training completed. The firefighter must successfully complete the entire course in order to receive compensation.
- (c) Each volunteer firefighter shall receive compensation at such rate as provided by ordinance of Council for each three hour drill session he attends after the required training is completed.
- (d) Each volunteer firefighter will also be required to perform other duties which involve the maintenance and operation of the Fire Department. These duties will include truck maintenance, building maintenance, equipment maintenance and hydrant checking, as well as other duties determined by the Fire Chief. Compensation for these duties will be at such rate as provided by ordinance of Council per hour for each hour worked.
- (e) Each volunteer firefighter who responds to a fire call shall be paid at such rate as provided by ordinance of Council per call provided that the volunteer responds to the fire scene or stands by at the station until such time as all equipment has returned to the station. Each volunteer firefighter shall also be paid at such rate as provided by ordinance of Council per hour for service rendered after the first hour at such call.
(Ord. 41-80. Passed 7-28-80.)

CHAPTER 135
City Hall Department

135.01 Personnel.

135.02 City Hall maintenance employees.

135.01 PERSONNEL.

The City Hall Department shall be composed of the following personnel:

- (a) The Utilities Administrative Superintendent.
- (b) One Assistant City Clerk.
- (c) One Clerk-Secretary to the Mayor and Service-Safety Director.
- (d) One Billing Machine Operator.
- (e) One Janitor.
- (f) One Assistant Janitor.
- (g) Assistants to the Cashier as required.
(Ord. 18-81. Passed 3-9-81.)

135.02 CITY HALL MAINTENANCE EMPLOYEES.

(a) The responsibilities for maintenance employees for the City Hall Building shall be as follows:

- (1) Maintenance Custodian. The maintenance custodian shall be responsible for firing and tending the boiler and for all maintenance of whatever type and he shall assume all and any janitorial work, duties and responsibilities in the City Hall Building.
- (2) Janitor. The janitor shall be responsible for all janitorial and maintenance work in the City Hall Building.
- (3) Assistant Janitor. The assistant janitor shall work under the supervision, direction and control of the janitor.

(b) The Service-Safety Director is hereby empowered to hire either a maintenance custodian or a janitor and assistant janitor, but in no event is the Director authorized to employ a maintenance custodian, a janitor and an assistant janitor. The purpose of providing the above employment descriptions is to provide first a maintenance custodian and in the event a maintenance custodian cannot be hired, then only in that event, the Director is authorized to employ a janitor and an assistant janitor.
(Ord. 28-1964. Passed 10-12-64.)

CHAPTER 137
Recreation Department

- | | | | |
|--------|---|--------|--------------------------|
| 137.01 | Authority vested in Public Service and Safety Department. | 137.02 | Personnel. |
| | | 137.03 | Refreshment concessions. |

CROSS REFERENCES

Bonds for recreational facilities - see Ohio R.C. 133.032, 755.17
Power to construct recreation centers - see Ohio R.C. 717.01

137.01 AUTHORITY VESTED IN PUBLIC SERVICE AND SAFETY
DEPARTMENT.

All authority and duties in connection with the operation of the entire recreation program of the City are hereby transferred to and vested in the Department of Public Service and Safety. (Ord. 7-60. Passed 3-14-60.)

137.02 PERSONNEL.

(a) There is hereby created the full time position of Recreation Director, which shall be a contractual position within the City. The Mayor or his or her designee is hereby authorized to hire the Recreation Director and the Mayor or his or her designee is hereby authorized to enter into a contractual agreement with the Recreation Director, said Agreement to be consistent with the provisions set forth in this section. The Recreation Director shall perform the duties as set forth in Exhibit "A", attached to Ordinance 16-05 and made a part hereof. The position of Recreation Director shall receive annual compensation as provided by ordinance and the person serving in the position of Recreation Director shall receive health insurance in the same manner and cost as it is provided to other full time City employees. The Recreation Director shall be entitled to receive sick leave, vacation, and holidays the same as other non-uniformed full time city employees.

(b) There are hereby created two part time positions to be called Assistant Recreation Directors. The Mayor or his or her designee is hereby authorized to hire the Assistant Recreation Directors. The Assistant Recreation Directors shall perform the duties as set forth in Exhibit "A", which is attached to Ordinance 16-05 and made a part hereof. The position of Assistant Recreation Director shall receive compensation as provided by ordinance, and shall not exceed 760 hours per year. The persons serving in the positions of Assistant Recreation Director shall not be entitled to receive health insurance or any other benefits, other than set forth in the Ohio Revised Code. (Ord. 16-05. Passed 2-22-05.)

137.03 REFRESHMENT CONCESSIONS.

The Recreation Department may operate refreshment concessions for the sale of food or soft drinks at any of the City's recreation facilities.
(Ord. 145-06. Passed 6-12-06.)

CHAPTER 139
Sewer Department

139.01 Subdepartment of Sewage Disposal
Plant, Sewers, Drains and Ditches.

CROSS REFERENCES

Management and control of sewerage system - see Ohio R. C. 729.50
General provisions for employees - see ADM. Ch. 147

139.01 SUBDEPARTMENT OF SEWAGE DISPOSAL PLANT, SEWERS,
DRAINS AND DITCHES.

(a) There is established in the Department of Public Service and Safety a subdepartment of Sewage Disposal Plant, Sewers, Drains and Ditches.

(b) The position of Superintendent of such subdepartment is hereby created. The duties of the Superintendent shall be to manage, supervise, operate, maintain and improve the sewage disposal plant, sewers, drains and ditches of the City, in a good, proper and workmanlike manner, and do and perform or cause to be done and performed any and all work and duties connected with or related to, directly or indirectly, the correct and proper operation and management of the sewage disposal plant, sewers, drains and ditches.

(c) No personnel changes and no contracts pertaining in or to the subdepartment shall be made, done or entered into without approval, in writing, first having been granted by the Service-Safety Director.
(Ord. 22-72. Passed 8-14-72.)

CHAPTER 141
Street Department

141.01 Personnel.

CROSS REFERENCES
General provisions re employees - see ADM. Ch. 147

141.01 PERSONNEL.

The Street Department shall be composed of the following personnel:

- (a) One Foreman.
- (b) One Equipment Mechanic.
- (c) Two Truck Drivers.
- (d) Three Maintenance Operators.
- (e) One Garbage Truck Driver.
- (f) Skilled and Common Laborers as the Service-Safety Director deems necessary.
(Ord. 8-1964. Passed 3-9-64.)

CHAPTER 143
Engineering Department

143.01 City Engineer.

CROSS REFERENCES

Plat approval; street inspection, acceptance - see Ohio R.C.
711.08, 711.191

General duties - see Ohio R.C. 735.32

Registration as professional engineer - see Ohio R.C. Ch. 4733

Water service assistance - see ADM. 171.14

143.01 CITY ENGINEER.

The Service-Safety Director is authorized to employ a registered professional engineer to prepare surveys, plans, profiles, estimates and specifications for improvements in the City, to perform the engineering work necessary for the construction and completion of any improvements that may be undertaken under his supervision, including general supervision, inspection of estimates and assessments which may be proposed, and to be of general assistance to the Director in all affairs concerning the welfare of the City.
(Ord. 2-58. Passed 1-10-58.)

CHAPTER 147
Employees Generally

EDITOR'S NOTE: Chapter 147 has been completely revised to delete compensatory provisions which are subject to frequent change and benefits and other employment legislation which is now covered under public employment contracts with City employees.

147.01	Qualifications; oaths.	147.07	Suspension, reduction or dismissal in Police and Fire Departments.
147.02	Bonds.	147.08	Mileage allowance.
147.03	Civil service.	147.09	Sole bargaining agent.
147.04	Public employees retirement system.	147.10	Employment of relatives.
147.05	Active reserve duty; continuation of salary.	147.11	Drug-free Workplace Policy.
147.06	Physical examination for police and fire personnel.	147.12	Accrual of benefits by certain employees prohibited.

CROSS REFERENCES

Welfare - see Ohio Const., Art. II, Sec. 34
 Workmen's compensation - see Ohio Const., Art. II, Sec. 35;
 Ohio R.C. Ch. 4123
 Wages and hours on public works - see Ohio Const. Art. II, Sec. 37;
 Ohio R.C. Ch. 4115
 Deductions for dues and savings - see Ohio R.C. 9.41, 9.43
 Deductions for municipal income tax - see Ohio R.C. 9.42
 Expenses for attendance at conference or convention - see Ohio
 R.C. 733.79
 Vacation credit - see Ohio R.C. 9.44
 Civil Service Commission - see ADM. Ch. 163

147.01 QUALIFICATIONS; OATHS.

Each officer of the corporation, or of any department or board thereof, whether elected or appointed as a substitute for a regular officer, shall be an elector of the corporation. Before entering upon his official duties he shall take an oath to support the Constitution of the United States and the Constitution of Ohio, and an oath that he will faithfully, honestly and impartially discharge the duties of the office. Such provisions as to official oaths shall extend to deputies, but they need not be electors.
 (ORC 733.68)

147.02 BONDS.

(a) The City at its expense shall provide individual fidelity bonds for the following officers and no others, in the following amounts:

(1)	City Treasurer	\$125,000
(2)	City Auditor	125,000

(b) The following officers may be covered by a blanket bond purchased by the City for the amount of one hundred twenty-five thousand dollars (\$125,000) for each officer, indemnifying and holding harmless the City against loss occasioned by the failure of such officials to perform faithfully their respective duties: Mayor, Chief Clerk, Assistant Chief Clerk, Director of Law, Service-Safety Director and Water Superintendent.

(c) All officers and employees of the City, except those specified above, may be covered by a blanket bond indemnifying and holding harmless the City against loss occasioned by embezzlement or any other dishonest act, in an amount of one hundred twenty-five thousand dollars (\$125,000) for each officer or employee mentioned in this section.
(Ord. 6-95. Passed 1-23-95.)

147.03 CIVIL SERVICE.

Employees of the City shall be under the Civil Service System to the extent provided by the Ohio Revised Code.
(ORC 124.01 et seq.; ORC 737.11; Ord. 4-62. Passed 2-12-62.)

147.04 PUBLIC EMPLOYEES RETIREMENT SYSTEM.

Employees of the City shall be under the Public Employees Retirement System to the extent provided by the Ohio Revised Code.
(ORC 145.01 et seq.; Ord. 4-62. Passed 2-12-62.)

147.05 ACTIVE RESERVE DUTY; CONTINUATION OF SALARY.

All regular employees of the City who are members of the active reserve of the Army, Navy and Air Force, and who are called up for active reserve duty training, for a period not to exceed two weeks in any year, shall be entitled to a two week's leave of absence for the purpose of taking active reserve duty training, and shall be entitled to receive their regular salary as a City employee during such period of training.
(Ord. 9-57. Passed 3-11-57.)

147.06 PHYSICAL EXAMINATION FOR POLICE AND FIRE PERSONNEL.

(a) Each new member of the Police Department and each new member of the Fire Department, prior to the beginning of his or her duties or within thirty days thereafter, shall submit to a physical examination as hereinafter provided.

(b) Each member of the Police Department and each member of the Fire Department shall submit to a physical examination one time each year as hereinafter provided.

(c) The physical examination of members of the Police Department and Fire Department shall be done and performed by a physician licensed to practice medicine in the State of Ohio, who shall be selected by the Service-Safety Director to perform the examinations herein provided.

(d) The physician selected to make the physical examinations shall prepare and submit to the Director a full and complete report of his findings and his opinion, based upon reasonable medical certainty, that the officer examined is physically able or physically unable to perform in a capable manner the duties of his employment.

(e) The Director shall make all arrangements with the selected physician for the examinations and the appointments for such examinations shall be scheduled for reasonable times and at such times to cause the least possible disruption of the schedules of the Police and Fire Departments, and at least five days notice of the time and place of the examination shall be given to the member scheduled for examination.

(f) The cost of the physical examination herein ordained, including reasonable travel expenses to and from the place of examination, shall be paid by the City from the appropriate fund.

(g) Any and all reports of the examinations submitted by the examining physician to the Director shall be securely kept by him and not be open for public examination or inspection but may be used for any purpose and in any case or proceeding in which the member examined is involved or is a party or in any inquiry, case or proceeding in which the City is involved as a party or otherwise. The member examined, upon written request therefor, shall be provided with a copy of the report of his examination, without charge.

(h) The failure or refusal of any member of the Police or Fire Departments to agree to submit to physical examination shall constitute grounds for reduction in pay or position, suspension or removal.

The failure or neglect of any member of the Police or Fire Departments to appear for and submit to the examination scheduled for him or her, without just cause for such failure or neglect, shall constitute grounds for reduction in pay or position, suspension or removal. (Ord. 34-74. Passed 10-28-74.)

147.07 SUSPENSION, REDUCTION OR DISMISSAL IN POLICE AND FIRE DEPARTMENTS.

(a) The Chief of Police and the Chief of the Fire Department shall have exclusive right to suspend any of the deputies, officers or employees in their respective departments and under their management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by proper authority, or for other reasonable and just cause.

(b) If any employee is suspended, the Chief of Police or the Chief of the Fire Department, as the case may be, shall forthwith certify such fact in writing, together with the cause for such suspension to the Service-Safety Director, who within five days from the receipt thereof, shall proceed to inquire into the cause of such suspension and render judgment thereon. The judgment, if the charge is sustained, may be either suspension, reduction in rank or dismissal from the Department, and such judgment in the matter shall be final except as otherwise provided by law. The Director, in any investigation of charges against a member of the Police or Fire Department shall have the same powers to administer oaths and to secure the attendance of witnesses and the production of books and papers as are conferred upon the Mayor. (ORC 737.12; Ord. 4-62. Passed 2-12-69.)

147.08 MILEAGE ALLOWANCE.

(a) City-owned automobiles and trucks, when reasonably available, shall be used by all employees of the City while engaged in the performance of their duties. When no City owned automobiles or trucks are reasonably available, privately-owned automobiles may be used by municipal officials or employees while engaged in the business of the City, and a mileage allowance equal to the amount allowable by the Internal Revenue Service may be allowed and paid for the use of private automobiles.

(b) If a privately-owned automobile is used by a City official when a City-owned automobile or truck is reasonably available to such official or employee, no mileage allowance shall be allowed or paid.

(c) If a privately-owned automobile is used by a City official or employee and such official or employee is compensated for such use by outside sources, no mileage allowance shall be allowed or paid.

(d) The City Auditor is hereby authorized and directed to require a written statement from the following sources before payment is allowed:

- (1) From the Service Director or Safety Director, whenever any employee under his or her direction and control seeks payment as above.
- (2) From any public official, not under the direction and control of the Service Director or Safety Director, whenever such official seeks payment as above.

The statement shall contain a brief explanation of the reasons for the use of the privately-owned automobile and such other and further information as the City Auditor may require or deem necessary to properly administer the provisions of this section.
(Ord. 112-04. Passed 7-12-04.)

147.09 SOLE BARGAINING AGENT.

Council hereby recognizes the Ohio Civil Service Employees' Association as the sole and exclusive bargaining representative for all City employees who are not employed in the Police Department, except that OCSEA shall also represent the Clerk and the Meter Maid in the Police Department.
(Ord. 94-80. Passed 1-26-81.)

147.10 EMPLOYMENT OF RELATIVES.

(EDITOR'S NOTE: Former Section 147.10 was repealed by Ordinance 107-04, passed July 26, 2004.)

147.11 DRUG-FREE WORKPLACE POLICY.

The City believes that every individual is entitled to a safe workplace. It is well documented that the use or abuse of alcohol and other drugs is potentially dangerous to the user, co-workers and the public, which we are employed to serve.

Therefore, the City has declared your work site to be a Drug-Free Workplace. Please be advised that no person shall manufacture, distribute, dispense, consume or possess alcohol or a controlled substance in your workplace. A "controlled substance" means alcohol or any other drug whose general availability is restricted; any one of a number of drugs or other substances which are strictly regulated or outlawed because of the potential for abuse or addiction. Any violation of this policy may be grounds for disciplinary action in accordance with approved personnel policies. Copies of personnel policies have been distributed to, and signed for by all City employees.

While it is our sincere hope that no employee is suffering from a substance problem, we are mandated by Public Law 100-690, Title V, Subtitle D, to inform you that this policy will be enforced. We and your immediate supervisor are concerned with your health and well-being.

As an employee of the City, you are a key resource and a very important person to us. In our efforts to serve City residents, we want to be able to assist you in your personal and professional growth. That is why we are pleased to be able to offer you a new program; the City of Jackson Employee Assistance Program.

We realize that personal problems such as stress, family crises, the abuse of alcohol and other drugs and financial, legal and emotional difficulties can affect the quality of life of our employees. We recognize that they may also adversely affect your job performance. Since these personal problems can be successfully resolved, we want you to know that services are available through the City of Jackson Employees Assistance Program.

We shall stress that this program is a voluntary program. It is not intended to replace previously approved disciplinary policies. If you are in violation of any personnel policies, you are subject to disciplinary procedures, but if you voluntarily seek services related to the City of Jackson's Employee Assistance Program, you can expect to be referred to an appropriate agency or individual. All requests for information on services related to the City of Jackson's Employee Assistance Program shall be kept confidential.

You shall be invited to learn more about our Employee Assistance Program as updates are made. We would also welcome suggestions from you on how this Employee Assistance Program can best be of service.

ACKNOWLEDGMENT OF DRUG FREE WORKPLACE REQUIREMENTS.

I, _____ have been given and have read the City of Jackson's
name of employee
policy on a Drug-Free Workplace.

I have had the opportunity to ask questions relating to its content and implementation.

I, _____ agree to abide by the terms of the Drug-Free Workplace
name of employee
policy as a condition to my employment.

I, _____ agree to notify my employer of any criminal statute
name of employee
conviction for a violation occurring in the workplace no later than five days after such
conviction.

Signature of employee

Date

Signature of supervisor

Date

(Ord. 100-92. Passed 12-14-92.)

147.12 ACCRUAL OF BENEFITS BY CERTAIN EMPLOYEES
PROHIBITED.

No benefits shall be paid to, nor accrue to, any volunteer firefighter, any employees in the Recreation Department, or any seasonal employees in the City.
(Ord. 103-93. Passed 11-22-93.)

CHAPTER 149
Employment Contracts

149.01 Public employment contracts.

CROSS REFERENCES

Deductions for dues and savings - see Ohio R.C. 9.41, 9.43
Strikes by public employees - see Ohio R.C. Ch. 4117

149. 01 PUBLIC EMPLOYMENT CONTRACTS.

(a) The City may from time to time authorize written employment contracts with employees of the City. The terms and conditions of such a contract, including wage rates, may vary from the provisions of Chapters 131 and 147. To the extent that matters relating to the employment relationship of the contracting parties are expressly governed by such an employment contract, then the express terms and conditions of the contract shall control the employment relationship, notwithstanding contrary provisions in Chapter 131 or Chapter 147. Matters relating to the employment relationship of the contracting parties and not expressly governed by such a contract shall be controlled by the City's ordinances and the statutes of the State.

(b) No contract containing any term or condition which varies from the provisions of Chapters 131 or 147 shall be enforceable against the City until such contract is approved by Council by ordinance and by the Mayor.
(Ord. 56-81. Passed 6-8-81.)

(The next printed page is Page 47.)

TITLE SEVEN - Boards and Commissions

- Chap. 160. Human Rights Board; Discrimination.
- Chap. 161. Board of Control.
- Chap. 163. Civil Service Commission.
- Chap. 165. Board of Health.
- Chap. 167. Investment of Public Funds.
- Chap. 171. Water Service. (Repealed)
- Chap. 173. Litter Control Board.
- Chap. 175. City Records Commission.
- Chap. 177. Visitors and Conventions Commission.
- Chap. 179. Tree Commission.

CHAPTER 160

Human Rights Board; Discrimination

- | | | | |
|--------|--|--------|-----------------------------|
| 160.01 | Definitions. | 160.04 | Procedures and enforcement. |
| 160.02 | Unlawful discriminatory practices; exemptions. | 160.05 | Scope. |
| 160.03 | Human Rights Board; Mayor to enforce. | 160.06 | Severability. |
| | | 160.99 | Penalty. |

CROSS REFERENCES

Unlawful discriminatory practices - see Ohio R.C. 4112.02 et seq.
 Police or public official interfering with civil rights - see
 GEN. OFF. 525.13

160.01 DEFINITIONS.

As used in this chapter, certain terms shall have the following definitions:

- (a) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers or other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the State, and all political subdivisions, authorities, agencies, boards and commissions thereof.
- (b) "Employer" includes the State, or any political or civil subdivision thereof, any person employing four or more persons within the State, and any person acting in the interest of an employer, directly or indirectly.
- (c) "Employee" does not include any individual employed in the domestic service of any person.

- (d) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (e) "Employment agency" includes any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.
- (f) "Board" means the Jackson Human Rights Board.
- (g) "Discriminate" includes segregate or separate.
- (h) "Unlawful discriminatory practice" means any act prohibited by Section 160.02.
- (i) "Place of public accommodation" means any inn, restaurant, eating house, barber shop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place where the accommodation, advantages, facilities or privileges thereof are available to the public.
- (j) "Housing accommodations" includes any building or structure or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home residence or sleeping place of one or more individuals, groups of families whether or not living independently of each other; and any vacant land offered for sale or leased for commercial housing. It also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesman or agent, or by any other person pursuant to authorization of the owner, by the owner himself or by his legal representative.
- (k) "Restrictive covenant" means any specification limiting the transfer, rental, lease or other use of any housing because of race, color, religion, national origin, ancestry or handicap, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, national origin, ancestry or handicap as a condition of affiliation or approval.
- (l) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including but not limited to, cemeteries owned and operated by municipal corporations, townships or companies, or associations incorporated for cemetery purposes.
- (m) "Handicap" means a medically diagnosable, abnormal condition which is expected to continue for a considerable length of time, whether correctable or uncorrectable by good medical practice, which can reasonably be expected to limit the person's functional ability, including but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, sitting, rising, any related function, or any limitation due to weakness and significantly decreased endurance, so that he cannot perform his everyday routine living and working without significantly increased hardship and vulnerability to what are considered the everyday obstacles and hazards encountered by the nonhandicapped. (Ord. 12-78. Passed 3-13-78.)

160.02 UNLAWFUL DISCRIMINATORY PRACTICES; EXEMPTIONS.

It shall be an unlawful discriminatory practice:

- (a) Employment. For any employer, because of the race, color, religion, sex, national origin, handicap or ancestry of any person to refuse to hire or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.
- (b) Employment Agencies. For an employment agency, because of race, color, religion, sex, national origin, handicap or ancestry to:
 - (1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person; or
 - (2) Comply with a request from an employer for referral of applicants for employment if the request indicates, directly or indirectly, that the employer fails to comply with the provisions of this section.
- (c) Labor Organizations. For any labor organization to:
 - (1) Limit or classify its membership on the basis of race, color, religion, sex, national origin, handicap or ancestry; or
 - (2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours or employment condition of any person as an employee because of race, color, religion, sex, national origin, handicap or ancestry.
- (d) Apprenticeship Training Program. For any employer, labor organization or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, national origin, handicap or ancestry in admission to, or employment in, any program established to provide apprentice training.
- (e) Recruitment or Membership Programs. Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency or labor organization, prior to employment or admission to membership, to:
 - (1) Inquiries. Elicit or attempt to elicit any information concerning the race, color, religion, sex, national origin, handicap or ancestry of an applicant for employment or membership;
 - (2) Records. Make or keep a record of the race, color, religion, sex, national origin, handicap or ancestry of any applicant for employment or membership;
 - (3) Application and membership blanks. Use any form of application for employment, or personnel or membership blank seeking to elicit information regarding race, color, religion, sex, national origin, handicap or ancestry; but an employer holding a contract containing a nondiscrimination clause with the government of the United States, or any department or agency thereof, may require an employee or applicant for employment to furnish documentary proof of United States citizenship and may retain such proof in the employer's personnel records and may use photographic or fingerprint identification for security purposes;

- (4) Notices and advertisements. Print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination, based upon race, color, religion, sex, national origin, handicap or ancestry;
- (5) Discriminatory policies. Announce or follow a policy of denying, or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, sex, national origin, handicap or ancestry of such group; or
- (6) Discriminatory sources. Utilize in the recruitment or hiring of persons any employment agency, placement service, training school or center, labor organization or any other employee-referring source known to discriminate against persons because of their race, color, religion, sex, national origin, handicap or ancestry.
- (f) Advertising by Job Seekers. For any person seeking employment to publish or cause to be published any advertisement which specifies or in any manner indicates that person's race, color, religion, sex, national origin, handicap or ancestry, or expresses a limitation or preference as to the race, color, religion, sex, national origin, handicap or ancestry of any prospective employer.
- (g) Public Accommodations. For any proprietor or any employee, keeper or manager of a place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, sex, national origin, handicap or ancestry, the full enjoyment of the accommodations, advantages, facilities or privileges thereof.
- (h) Refusing and Withholding of Housing Accommodation. For any person to:
 - (1) Refuse to sell or lease. Refuse to sell, transfer, assign, rent, lease, sublease, finance or otherwise deny or withhold housing accommodations from any person because of the race, color, religion, sex, ancestry, handicap or national origin of any prospective owner, occupant or user of such housing;
 - (2) Misrepresentation of availability. Represent to any person that housing is not available for inspection when in fact it is so available.
 - (3) Refusal to finance. Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing or otherwise withhold financing of housing from any person because of the race, color, religion, sex, ancestry, handicap or national origin of any present or prospective owner, occupant or user of such housing, provided such person, whether an individual, corporation or association of any type, lends money as one of the principal aspects or incident to his principal business and not only as a part of the purchase price of an owner-occupied residence he is selling nor merely casually or occasionally to a relative or friend.
 - (4) Discrimination in supplying housing accommodations. Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing because of the race, color, religion, sex, ancestry, handicap or national origin of any present or prospective owner, occupant or user of such housing;

- (5) Discrimination in financing. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of race, color, religion, sex, ancestry, handicap or national origin of any present or prospective owner, occupant or user of such housing;
- (6) Combined income. Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member thereof;
- (7) Statements and advertisements. Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any housing or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing which indicates any preference, limitation, specification or discrimination based upon race, color, religion, sex, ancestry, handicap or national origin;
- (8) Inquiries, applications and records. Make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, sex, ancestry, handicap or national origin in connection with the sale or lease of any housing or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing;
- (9) Restrictive covenants. Include in any transfer, rental or lease of housing any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision;
- (10) Inducing or soliciting. Induce or solicit or attempt to induce or solicit a housing listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual or ethnic composition of the block, neighborhood or area in which the property is located, or induce or solicit or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, ancestry, handicap or national origin, in the area will or may have results such as the following:
 - A. The lowering of property values;
 - B. A change in the racial, religious, sexual or ethnic composition of the block, neighborhood or area in which the property is located;
 - C. An increase in criminal or antisocial behavior in the area; or
 - D. A decline in the quality of the schools serving the area;
- (11) Denial of services or membership. Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, handicap or ancestry;

- (12) Coercing, intimidating, threatening or interfering. Coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by subsection (h) hereof.
- (13) Willful injury, intimidation and interference. Whether or not acting under color of law, by force or threat of force willfully injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with:
- A. Any person because of race, color, religion, sex, national origin, handicap or ancestry and because that person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization or facility relating to the business of selling or renting housing accommodations;
 - B. Any person because that person is or has been, or in order to intimidate that person or any other person or any class of persons from:
 - 1. Participating, without discrimination on account of race, color, religion, sex, national origin, handicap or ancestry, in any of the activities, services, organizations or facilities described in subsection (h)(13)A. hereof;
 - 2. Affording another person or class of persons opportunity or protection so to participate.
 - C. Any person because that person is or has been, or in order to discourage that person or any other person from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, handicap or ancestry, in any of the activities, services, organizations or facilities described in subsection (h)(13)A. hereof, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.
- (14) Discouraging prospective purchasers. Discourage or attempt to discourage the purchase by a prospective purchaser of a housing unit, by representing that any block, neighborhood or area has undergone or might undergo a change with respect to the religious, racial, sexual or ethnic composition of the block, neighborhood or area.
- (15) Deny or withhold burial lot. Refuse to sell, transfer, assign, rent, lease, sublease, finance, or otherwise deny or withhold a burial lot from any person because of the race, color, sex, ancestry, handicap or national origin of any prospective owner or user of such lot.
- (i) Retaliation. For any person to discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this section, or because that person has made a charge, testified, assisted or participated in any manner in any investigation, proceeding, or hearing.
 - (j) Aiding, Abetting or Coercing. For any person to aid, abet, incite, compel or coerce the doing of any act declared by this subsection to be an unlawful discriminatory practice or to obstruct or prevent any person from complying with this section or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this subsection to be an unlawful discriminatory practice.

- (k) Exemptions.
- (1) Allowable preferences. Nothing in subsection (h) hereof shall bar any religious or denominational institution or organization, or any charitable or educational organization that is operated, supervised or controlled by or in connection with a religious organization, or any bona fide private or fraternal organization from giving preference to persons of the same religion or denomination, or to members of such private or fraternal organization, or from making such selection as is calculated by such organization to promote the religious principles or the aims, purposes or fraternal principles for which it is established or maintained.
 - (2) Employing the handicapped. Nothing in subsections (a) to (e) hereof shall be construed to require a handicapped person to be employed or trained under circumstances that would significantly increase the occupational hazards affecting either the handicapped person, other employees, the general public, or the facilities in which the work is to be performed, or to employ or train a handicapped person in a job that requires him routinely to undertake any task, the performance of which is substantially and inherently impaired by his handicap.
 - (3) Selling or renting to the handicapped. Nothing in subsection (h) hereof shall be construed to require any person selling or renting property to modify such property in any way or to exercise a higher degree of care for a person having a handicap, nor shall it be construed to relieve any handicapped person of any obligation generally imposed on all persons regardless of handicap in a written lease, rental agreement or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions including financial obligations, of the lease, agreement or contract.
(Ord. 12-78. Passed 3-13-78.)

160.03 HUMAN RIGHTS BOARD; MAYOR TO ENFORCE.

(a) There is hereby created the Human Rights Board to consist of three members who shall be qualified electors of the City and shall not hold any elected public office at the Municipal, County, State or Federal level at any time while a member of the Board and shall not be employed by the City, but may be employed by the County, State or Federal government. Any duly appointed Board member who is a candidate for any public office shall be automatically disqualified from further membership on the Board. The day the Board member files petitions with Jackson County Board of Elections shall be the date of the disqualification. Nothing shall prohibit the Board from consulting and meeting with real estate agents or representatives of lending institutions in matters regarding educational or other programs to further the purpose of this chapter.

(b) The Board members shall be appointed by the Mayor and approved by Council. Of the members first appointed one shall hold office for a term of one year; one for a term of two years; and the other for a term of three years; and their successors may be appointed for terms of three years. The Mayor shall fill all vacancies by appointment for the remainder of the unexpired term. The Mayor shall be an ex-officio member of the

Board. After being duly constituted, a chairman and vice-chairman shall be chosen by majority vote of the Board.

(c) The Secretary of the Board shall be appointed by the Mayor and may be an employee of the City.

(d) The Mayor may recommend the removal of any member of the Board for neglect of duty or malfeasance in office to Council. Council may remove a member of the Board from office by an affirmative vote of at least three quarters of Council only after having first given to such member a written copy of the charges against him and an opportunity to be publicly heard in person or by counsel in his own defense; and any such removal shall be final.

(e) Two members of the Board shall constitute a quorum for the purpose of conducting the business thereof. A vacancy on the Board shall not impair the right of the other members to exercise all the power of the Board.

(f) Each member of the Board shall serve without salary, but shall be paid necessary and actual expenses expended in performing the business of the Board.

(g) The Board is charged with the following duties to implement the stated policy of this chapter:

- (1) To investigate all complaints of unlawful housing or employment practices which are filed with it;
- (2) To initiate complaints of unlawful housing or employment practices on the basis of studies carried out by its staff or volunteers authorized by the Board;
- (3) To endeavor by conciliation to resolve such complaints;
- (4) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production or examination of any books or papers relating to any matter under investigation or in question before the Board;
- (5) To recommend to the Mayor, when it deems necessary, educational and other programs designed to promote the purpose stated in this chapter; and
- (6) To do such other acts that are necessary and proper in order to perform those duties with which it is charged under the terms of this chapter.

(h) The Mayor shall be responsible for the administration of this chapter.
(Ord. 12-78. Passed 3-13-78.)

160.04 PROCEDURES AND ENFORCEMENT.

(a) Any person subjected to an unlawful housing practice may file within 360 days of the alleged violation with the Human Rights Board a complaint in writing, sworn to or affirmed, which shall state: the name and address of the person aggrieved; the name and address of the person against whom the complaint is filed; a description and the address of the dwelling, which involves the alleged discriminatory housing practice or

employment practice; a concise statement of the facts, including pertinent dates, constituting the alleged discriminatory housing or employment practice, and such other information as may be required by the Board. The complaint may be reasonably and fairly amended. The Board may also corroborate or initiate complaints on the basis of studies carried out by its staff or volunteers authorized by the Board.

(b) Upon the filing of the complaint, the Secretary of the Board shall make such investigations as he deems appropriate to ascertain facts and issues. Such investigation shall be conducted within fourteen business days after the filing of the complaint. The investigation may be extended when deemed necessary by the Chairman of the Board. If the Secretary shall determine that there are reasonable grounds to believe a violation has occurred, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such initial conferences shall be made public by any member of the Board or its staff unless the parties agree thereto in writing.

(c) The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, which agreement is for conciliation purposes and does not constitute an admission by any parties that the law has been violated. Consent agreement shall be signed on behalf of the Board by its Chairman.

(d) The Board is authorized to seek the cooperation and aid of the Ohio Real Estate Commission, Ohio Civil Rights Commission, or the U. S. Department of Housing and Urban Development and any other person or group regarding any matters before the Board.

(e) If the Secretary determines that the complaint lacks reasonable grounds upon which to base a violation of this chapter, he shall so inform the Board and the Board may in its discretion dismiss such complaint or order such further investigation as may be necessary; provided, that the Board shall not dismiss such complaint without first affording either party an opportunity to appear before the Board.

(f) If the Secretary, with respect to a matter which involves a violation of this chapter, fails to conciliate a complaint after the parties have in good faith attempted such conciliation, fails to effect an informal conciliation agreement or an informal consent agreement or determines that a complaint is not susceptible of conciliation, he shall so notify the Board and the Board shall thereafter schedule a public hearing to determine whether a violation of this chapter has been committed. The Board shall serve upon the respondent a written statement of charges and a summons and shall serve upon all interested parties a notice of the time and place of the hearing. The respondent or his authorized counsel may file and amend such statements with the Board prior to the hearing date as it deems necessary in support of its position. The hearing shall be open to the public. The hearing shall be held not less than fifteen calendar days nor more than thirty calendar days after service of the statement of charges and summons. The summons so issued must be signed by two members of the Board and the issuance of such

summons shall require the attendance of named persons and the production of relevant documents and records. The failure to comply with a summons shall constitute a violation of this chapter. The interested parties may, at their option, appear before the Board in person or by a duly authorized representative and may have the assistance of an attorney. The parties may present testimony in evidence and the right to cross-examine witnesses shall be preserved. All testimony in evidence shall be given under oath or by affirmation. The Secretary shall keep a full record of the hearing, which records shall be public and open to inspection by any person, and upon request by any principal party to the proceeding, the Board shall furnish such party a copy of the hearing record, at such cost as the Board deems appropriate.

(g) If, at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence that the person complained against has violated this chapter, the Board shall, after consultation with the Law Director, in executive session, state its findings to and call the Law Director to prepare and issue an order under Board directive requiring the person complained against to cease and desist from such unlawful conduct and to take such affirmative action as will effectuate the purpose of this chapter, with notice that if the Board upon investigation by the Secretary determines that the person complained against has not after fifteen calendar days following service of the Board's order complied with the order, the Board will recertify the matter to the Law Director for enforcement. The Law Director shall seek compliance by appropriate civil action brought in the name of the Human Rights Board of the City of Jackson before a court of competent jurisdiction.

(h) If at the conclusion of the hearing the Board shall determine upon the preponderance of the evidence of the record that the person complained against has not violated this chapter, the Board shall so state and publish its findings and issue its order dismissing the complaint. (Ord. 12-78. Passed 3-13-78.)

160.05 SCOPE.

The provisions of this chapter shall apply to all employment, public accommodations and housing located within the territorial limits of the City. (Ord. 12-78. Passed 3-13-78.)

160.06 SEVERABILITY.

The sections and subsections of this chapter and the several parts and provisions hereof are hereby declared to be independent sections, subsections, parts and provisions and the holding of any such section, subsection, parts or provisions thereof to be unconstitutional, void or ineffective for any cause, shall not effect nor render invalid any other section, subsection, part or provision thereof. (Ord. 12-78. Passed 3-13-78.)

160.99 PENALTY.

In any proceeding, where the court determines that there has been a violation of this chapter, the court shall award compensatory damages, and, where appropriate, punitive damages of not more than one thousand dollars (\$1,000) along with attorney fees and court costs. (Ord. 12-78. Passed 3-13-78.)

CHAPTER 161
Board of Control

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| 161.01 Establishment. | 161.03 City expenditures requiring approval of Board of Control. |
| 161.02 Approval of contracts. | |

CROSS REFERENCES

Contract interest - see Ohio R.C. 735.09; GEN.OFF. 525.10
 Safety Department contracts - see Ohio R.C. 737.02, 737.03, 737.04
 Service Department contracts - see Ohio R.C. 737.05 et seq.

161.01 ESTABLISHMENT.

The Mayor, the Director of Public Service and the Director of Public Safety shall constitute the Board of Control, which is hereby established. The Mayor shall be ex-officio president. The Board shall keep a record of its proceedings. All votes shall be by yeas and nays and entered on the record, and the vote of a majority of all the members of the Board shall be necessary to adopt any question, motion or order.
 (ORC 733.21; Ord. 4-62. Passed 2-12-62.)

161.02 APPROVAL OF CONTRACTS.

No contract in the Departments of Public Service and Safety in excess of the amount provided in Ohio R.C. 733.22 shall be awarded except on the approval of the Board of Control, which shall direct the Service or Safety Director to enter into the contract. The members of the Board shall prepared estimates of the revenue and expenditures of their respective departments to be submitted to Council by the Mayor, as provided by law.
 (ORC 733.22).

161.03 CITY EXPENDITURES REQUIRING APPROVAL OF BOARD OF CONTROL.

(a) No contracts or expenditures requiring approval of the Board of Control of the City under Ohio R.C. 733.22 shall be made unless approved by such Board of Control in written minutes of a meeting of such Board of Control held in compliance with Ohio R.C. 733.21 and 121.22.

(b) No expenditure requiring approval of the Board of Control of the City under Ohio R.C. 733.22 shall be made unless the written minutes of the meeting of the Board of Control identify the method by which such meeting complied with the notice requirements of Ohio R.C. 121.22 by stating whether it was a regularly scheduled or special meeting.

(c) The Board of Control shall immediately upon the issuance of a notice of a change in the date, time or frequency of regularly scheduled meetings cause a copy of such notice to be delivered to the Clerk of the City Council.

(d) The Board of Control shall immediately upon the issuance of a notice of a special meeting cause a copy of such notice to be delivered to the Clerk of the City Council.

(e) The Board of Control shall with twenty-four hours of the preparation of minutes of a Board of Control meeting cause a copy of such minutes to be delivered to the Clerk of the City Council. (Ord. 102-02. Passed 8-12-02.)

CHAPTER 163
Civil Service Commission

163.01 Establishment.

163.02 Powers and duties.

CROSS REFERENCES

Civil Service - see Ohio Const., Art. XV, Sec. 10

Civil Service Law - see Ohio R.C. Ch. 124

Application to police and fire personnel - see Ohio R.C. 737.051,
737.10, 737.11; ADM. 131.06

163.01 ESTABLISHMENT.

There shall be a Civil Service Commission of three members appointed by the Mayor for terms of six years each. At the time of appointment, not more than two commissioners shall be adherents of the same political party. The expense and salaries of the Civil Service Commission shall be determined by Council.

(ORC 124.40; Ord. 4-62. Passed 2-12-62.)

163.02 POWERS AND DUTIES.

The Civil Service Commission shall prescribe, amend and enforce rules not inconsistent with Ohio R.C. Ch. 124 for the classification of positions in the civil service of the City and City School District, and all the positions in the City Health District.

(ORC 124.40; Ord. 4-62. Passed 2-12-62.)

CHAPTER 165
Board of Health

EDITOR'S NOTE: By Ordinance 77-85, passed June 24, 1985, Council authorized the Mayor to enter into a contract for union of the Jackson and Wellston City Health Districts with the Jackson County General Health District, with administration of such combined General Health District to be provided by a combined Board of Health. There are presently no sections in Chapter 165. This chapter has been established to provide a place for cross references and any future legislation.

CROSS REFERENCES

Health Districts - see Ohio R.C. 3709.01 et seq.
Boards of Health - see Ohio R.C. 3707.01 et seq.

CHAPTER 167
Investment of Public Funds

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| <p>167.01 Investment in lieu of deposit.</p> <p>167.02 Price of investments determined by current market value.</p> | <p>167.03 Administration of investments.</p> |
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CROSS REFERENCES

Investment of municipal funds - see Ohio R.C. 731.56 et seq.

167.01 INVESTMENT IN LIEU OF DEPOSIT.

In lieu of deposit in a bank, funds which will not be required for use by the City for a period of six months or more, may be invested in obligations of such municipal corporation, obligations made eligible for the deposit or investment of interim moneys of subdivisions of the State under Ohio R.C. 135.14, bonds of this State, and bonds of any municipal corporation, county, township or other political subdivision of this State, as to which there is not default of principal, interest or coupons.
(Ord. 129-93. Passed 12-13-93.)

167.02 PRICE OF INVESTMENTS DETERMINED BY CURRENT MARKET VALUE.

Such investments shall not be made at a price in excess of the current market value of such bonds or other interest-bearing obligations. Such bonds or other interest-bearing obligations may be liquidated or sold for cash and for a sum not less than their current market price, as prescribed in Ohio R.C. 731.57 to 731.59.
(Ord. 129-93. Passed 12-13-93.)

167.03 ADMINISTRATION OF INVESTMENTS.

In all respects such investments shall be made and administered in accordance with Ohio R.C. 731.56 to 731.59, inclusive.
(Ord. 129-93. Passed 12-13-93.)

CHAPTER 171
Water Service

EDITOR'S NOTE: Former Chapter 171 was repealed by Ordinances 27-79, passed June 25, 1979 and 49-80, passed August 25, 1980.

CHAPTER 173
Litter Control Board

173.01 Authority; members.

CROSS REFERENCES

Removal of litter - see Ohio R.C. 731.51 et seq.
Litter control - see Ohio R.C. Ch. 1502
Littering prohibited - see GEN. OFF. 521.08

173.01 AUTHORITY; MEMBERS.

- (a) There is hereby created a Litter Control Board for the City.
- (b) This Litter Control Board shall advise the City Administration concerning the development and administration of the City's litter control program.
- (c) This Litter Control Board shall consist of five members who shall have the qualifications set forth in the regulations of the Ohio Department of Natural Resources. The Mayor shall appoint these members.
(Ord. 106-82. Passed 8-23-82.)

CHAPTER 175
City Records Commission

175.01 Established.
175.02 Duties.

175.03 Disposal of records.

CROSS REFERENCES

Photostat or microfilm recording - see Ohio R.C. 9.01
Establishment - see Ohio R.C. 149.39

175.01 ESTABLISHED.

There is hereby created a Records Commission composed of the Mayor, as chairman, the City Auditor, the Law Director and a resident appointed by the Mayor. The Commission shall appoint a secretary, who may or may not be a member of the Commission and who shall serve at the pleasure of the Commission. The Commission may employ an archivist to serve under its direction. The Commission shall meet at least once every six months, and upon call of the chairman.
(Ord. 144-85. Passed 12-23-85.)

175.02 DUTIES.

The functions of the Records Commission shall be to provide rules for retention and disposal of records of the City and to review records disposal lists submitted by City. The disposal lists shall contain those records which have been microfilmed or no longer have administrative, legal or fiscal value to the City or to the residents. Such records may be disposed of by the Commission in the manner provided by law.
(Ord. 144-85. Passed 12-23-85.)

175.03 DISPOSAL OF RECORDS.

When City records have been approved for disposal, a list of such records shall be sent to the Bureau of Inspection and Supervision of Public Offices of the Auditor of State. If the Bureau disapproves of the action by the Records Commission, in whole or in part, it shall so inform the Commission within a period of sixty days and the records specified for saving shall not be destroyed. Before public records are otherwise disposed of, the Ohio Historical Society shall be informed and given the opportunity for a period of sixty days to select for its custody or disposal such public records as it considers to be of continuing historical value.
(Ord. 144-85. Passed 12-23-85.)

CHAPTER 177
Visitors and Conventions Commission

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|--------|----------------|--------|-----------|
| 177.01 | Establishment. | 177.04 | Meetings. |
| 177.02 | Membership. | 177.05 | Funding. |
| 177.03 | Duties. | | |

CROSS REFERENCES

To receive transient occupancy tax - see Ohio R.C. 5738.024(B)

177.01 ESTABLISHMENT.

There is hereby created a Visitors and Conventions Commission. The purpose of the Commission shall be to attract tourists and visitors to the City and the surrounding area. (Ord. 30-88. Passed 4-11-88.)

177.02 MEMBERSHIP.

The Commission shall be composed of the President of Council, as chairman, the City Auditor, and a person to be appointed by Council. (Ord. 23-08. Passed 2-11-08.)

177.03 DUTIES.

The Commission shall initiate, promote and support events that will develop cultural interests and tourist attractions in the City and surrounding areas. The Commission may, in carrying out these duties, enter into joint ventures and/or partnerships with private tourist promoting organizations. (Ord. 94-97. Passed 10-27-97.)

177.04 MEETINGS.

The Commission shall meet as necessary, but at least once every three months, and upon call of the chairman. (Ord. 30-88. Passed 4-11-88.)

177.05 FUNDING.

The Commission shall be funded by the proceeds of revenue collected pursuant to Chapter 191, Transient Occupancy Tax, which revenue shall be expended in compliance with statute. (Ord. 30-88. Passed 4-11-88.)

CHAPTER 179
Tree Commission

179.01	Established; membership.	179.03	Tree planting permit required.
179.02	Powers and duties.	179.99	Penalty.

CROSS REFERENCES

Power to regulate shade trees and shrubbery - see Ohio R.C. 715.20
Assessment for tree planting or maintenance - see Ohio R.C. 727.011
Destruction of trees - see GEN. OFF. 541.06

179.01 ESTABLISHED; MEMBERSHIP.

(a) There is hereby established a Tree Commission for the City, which shall consist of the following five members: the Director of Public Service and Safety, a member of Council to be selected by Council, and three persons citizens and residents of this City, at least one of whom shall be of the opposite political party of the Mayor, who shall be appointed by the Mayor with the approval of Council.

(b) The term of the three persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first commission shall be only one and two years respectively. In the event that a vacancy occurs during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(c) Members of the Commission shall serve without compensation.
(Ord. 10-88. Passed 2-22-88.)

179.02 POWERS AND DUTIES.

The Commission shall have power to study, investigate, plan, advise, report and recommend to Council, the Director of Public Service and Safety or the Mayor any action, program, plan or legislation which the Commission finds or determines to be necessary or advisable for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys.

The Commission shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. All plans, findings, advices, reports and recommendations made by the Commission shall be in writing and designate by name those members of the Commission approving or concurring therein, and members who do not so approve or concur therein shall have the right, as part of such report, to state their reasons for refusing to approve or concur.

The Commission, when requested by Council, the Mayor, or Director of Public Service and Safety, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work.

(Ord. 10-88. Passed 2-22-88.)

179.03 TREE PLANTING PERMIT REQUIRED.

(a) No person shall hereafter plant any tree or shrub upon any public way, street or alley unless he has first obtained a permit in writing from the Director of Public Service and Safety specifying the size, type, species and location on the public way, street or alley, of the tree or shrub to be planted.

(b) The Director has the authority to deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley of any size, type or species found to be undesirable by the Commission or found to be undesirable for the location proposed; or he may deny a permit to any person who proposes to plant any tree or shrub upon a public way, street or alley if at a location found by the Commission to be of a size or type unsuitable for planting trees or shrubs.

(Ord. 10-88. Passed 2-22-88.)

179.99 PENALTY.

Whoever violates Section 179.03 shall be fined not more than fifteen dollars (\$15.00).

(Ord. 10-88. Passed 2-22-88.)

TITLE SEVEN- Judicial
Chap. 181. Municipal Court.

CHAPTER 181
Municipal Court

EDITOR'S NOTE: The provisions of Ohio R.C. 1901.01, established a Municipal Court for the City of Jackson, which Court, pursuant to Ohio R.C. 1901.02, has territorial jurisdiction within Jackson County. The powers, duties and proceedings of the Court are as established in Ohio R.C. Chapter 1901. Ohio R.C. 1901.25 provides that the Municipal Court may provide by rule for how jurors shall be chosen. Jurors' fees in any criminal case involving the violation of a City ordinance shall be paid out of the City Treasury. The Municipal Court, pursuant to Ohio R.C. 1901.26(A), may establish a schedule of fees and costs to be taxed in any action or proceeding, whether civil or criminal.

CROSS REFERENCES

State law provisions - see Ohio R.C. Ch. 1901
Power to set fees and costs - see Ohio R.C. 1901.26
Bond for Court Clerk - see Ohio R.C. 1901.31(D)
Notification to Director of liquor law convictions - see
Ohio R.C. 4301.991
Record of traffic violations - see Ohio R.C. 4513.37

TITLE ELEVEN - Taxation
 Chap. 191. Transient Occupancy Tax.
 Chap. 193. Motor Vehicle License Tax.

CHAPTER 191
 Transient Occupancy Tax

191.01	Definitions.	191.09	Appeal.
191.02	Rate of tax.	191.10	Board of Review.
191.03	Exemptions.	191.11	Records.
191.04	Tax to be separately stated and charged.	191.12	Refunds.
191.05	Registration.	191.13	Actions to collect.
191.06	Reporting and remitting.	191.14	Moneys received; where credited.
191.07	Penalties and interest.	191.99	Penalty.
191.08	Failure to collect and report tax; determination of tax by City Treasurer.		

CROSS REFERENCES
 Authority to levy - see Ohio R.C. 5739.024

191.01 DEFINITIONS.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (a) "Hotel" means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which five or more rooms are used for the accommodation of guests, whether the rooms are in one or several structures.
- (b) "Occupancy" means the use or possession, or the right to the use or possession of any room or rooms, or space or portion thereof, in any hotel for dwelling, lodging or sleeping purposes. The use or possession or right to use or possess any room or any suite of connecting rooms as office space, banquet or private dining rooms, or exhibit, sample or display space shall not be considered occupancy within the meaning of this definition, unless the person exercising occupancy uses or possesses, or has the right to use or possess, all or any portion of the room or suite of rooms for dwelling, lodging or sleeping purposes.

- (c) "Operator" means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, mortgagee in possession, licensee or any other capacity. Where the operator performs his functions through a managing agent of any type or character, other than an employee, the managing agent shall also be deemed an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.
- (d) "Person" means any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- (e) "Rent" means the consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature, and also any amount for which the occupant is liable for the occupancy without any deduction therefrom whatsoever.
- (f) "Transient guest" means persons occupying a room or rooms for sleeping accommodations for less than thirty consecutive days.
- (g) "Treasurer" means the City Treasurer of the City of Jackson.
(Ord. 23-88. Passed 3-14-88.)

191.02 RATE OF TAX.

(a) For the purpose of providing revenue with which to meet the needs of the City for general operating expenses, there is levied a tax of six percent (6%) on all rents received by a hotel for lodging furnished to transient guests.

(b) This tax constitutes a debt owed by the transient guest to the City, which is extinguished only by payment to the operator as trustee for the City, or to the City. The transient guest shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient guest ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Treasurer may require that the tax be paid directly to the Treasurer.
(Ord. 4-94. Passed 3-1-94.)

191.03 EXEMPTIONS.

(a) No tax shall be imposed under this chapter:

- (1) Upon rents not within the taxing power of the City under the Constitution or laws of Ohio or the United States;
- (2) Upon rents paid by the State, or any of its political subdivisions;
- (3) Upon rents of five dollars (\$5.00) a day or less.

(b) No exemption claimed under subsections (a)(1) or (2) hereof shall be granted except upon a claim therefor made at the time rent is collected, and, under penalty of perjury, upon a form prescribed by the Treasurer. All claims of exemption under subsection (a)(3) hereof shall be made in the manner prescribed by the Treasurer.
(Ord. 23-88. Passed 3-14-88.)

191.04 TAX TO BE SEPARATELY STATED AND CHARGED.

(a) The tax to be collected shall be stated and charged separately from the rent, and shown separately on any record thereof, at the time when the occupancy is arranged or contracted and charged for, and upon every evidence of occupancy, or any bill or statement or charge made for an occupancy issued or delivered by the operator, and the tax shall be paid by the occupant to the operator as trustee for and on account of the City, and the operator shall be liable for the collection thereof and for the tax.

(b) No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part, thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

(Ord. 23-88. Passed 3-14-88.)

191.05 REGISTRATION.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting lodging to transient guests shall register the hotel with the Treasurer, and obtain from him a "transient occupancy registration certificate", to be at all times posted in a conspicuous place on the premises. The certificate shall, among other things, state the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the certificate was issued;
- (d) "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Transient Occupancy Tax Ordinance by registering with the Treasurer for the purpose of collecting from transient guests the Transient Occupancy Tax and remitting the tax to the Treasurer. This certificate does not constitute a permit."

(Ord. 23-88. Passed 3-14-88.)

191.06 REPORTING AND REMITTING.

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the Treasurer, make a return to the Treasurer, on forms provided by him, of the total rents charged and received, and the amount of tax collected for transient occupancies. All claims for exemption from the tax filed by occupants with the operator during the reporting period shall be filed with the report. At the time the return is filed, the full amount of the tax collected shall be remitted to the Treasurer. The Treasurer may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax, and he may require further information in the return if the information is pertinent to the collection of the tax. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the City until payment thereof is made to the Treasurer. All returns and payments submitted by each operator shall be treated as confidential by the Treasurer, and shall not be released by him except upon order of a court of competent jurisdiction, or to an officer or agent of the United States, the State, the County, or the City, for official use only.

(Ord. 23-88. Passed 3-14-88.)

191.07 PENALTIES AND INTEREST.

(a) Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty equal to ten percent (10%) of the amount of the tax, in addition to the tax.

(b) Fraud. If the Treasurer determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty equal to twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsection (a) hereof.

(c) Interest. In addition to the previous penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent (1%) per month, or fraction thereof, on the amount of the tax exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(d) Penalties During Pendency of Hearing or Appeal. No penalty provided under the terms of this chapter shall be imposed during the pendency of any hearing provided for in Section 191.08, nor during the pendency of any appeal to the Board of Review provided for in Section 191.09.

(e) Abatement of Interest and Penalty. In cases where a return has been filed in good faith, and an assessment has been paid within the time prescribed by the Treasurer, the Treasurer may abate any charge of penalty or interest, or both.
(Ord. 23-88. Passed 3-14-88.)

191.08 FAILURE TO COLLECT AND REPORT TAX; DETERMINATION OF TAX BY CITY TREASURER.

If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax, or any portion thereof required by this chapter, the Treasurer shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the Treasurer shall procure such facts and information upon which to base the assessment of any tax imposed by this chapter, and payable by any operator who has failed or refused to collect the same and to make a report and remittance he shall proceed to determine and assess against the operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the Treasurer shall give notice of the amount so assessed by serving it personally, or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. The operator may within ten days after the serving or mailing of the notice make application in writing to the Treasurer for a hearing on the amount assessed. If an application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Treasurer, shall become final and conclusive, and immediately due and payable. If an application is made, the Treasurer shall give not less than five days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the amount specified therein should not be fixed for the tax, interest and penalties.

At the hearing the operator may appear and offer evidence why the specified tax, interest and penalties should not be so fixed. After the hearing, the Treasurer shall determine the proper tax to be remitted, and shall give written notice to the person in the manner prescribed herein of the determination and the amount of the tax, interest and penalties. The amount determined to be due shall be payable after fifteen days, unless an appeal is taken as provided in Section 191.09. (Ord. 23-88. Passed 3-14-88.)

191.09 APPEAL.

Any operator aggrieved by any decision of the Treasurer with respect to the amount of the tax, interest and penalties, if any, may appeal to the Board of Review by filing a notice of appeal with the Treasurer within fifteen days of the serving or mailing of the determination of the tax due. The Board of Review shall fix a time and place for hearing the appeal, and shall give notice in writing to the operator at his last known place of address. The findings of the Board of Review shall be served upon the appellant in the manner prescribed above for service of a notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 23-88. Passed 3-14-88.)

191.10 BOARD OF REVIEW.

(a) A Board of Review, consisting of a chairman and two other individuals each to be appointed by the Mayor of the City and approved by Council, is hereby created. The Board shall adopt its own procedural rules and shall keep a record of its transactions. Any hearings by the Board may be conducted privately and the provisions of Section 191.06 hereof with reference to the confidential character of information required to be disclosed by this chapter shall apply to such matters as may be heard before the Board on appeal.

(b) The Board shall hear and pass on appeals from any ruling or decision of the Treasurer, and at the request of the operator, person or Treasurer, is empowered to substitute alternate methods of allocation. The Board shall, in hearing, have jurisdiction to affirm, reverse or modify any such ruling or decision, or any part thereof.

(Ord. 23-88. Passed 3-14-88.)

191.11 RECORDS.

Every operator liable for the collection and payment to the City of any tax imposed by this chapter shall keep and preserve, for a period of three years, all records as may be necessary to determine the amount of tax as he may have been liable for the collection of and payment to the City, which records the Treasurer shall have the right to inspect at all reasonable times.

(Ord. 23-88. Passed 3-14-88.)

191.12 REFUNDS.

(a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the City under this chapter, it may be refunded as provided in subsections (b) and (c) hereof, provided a claim in writing therefor, stating, under penalty of perjury, the specific grounds upon which the claim is founded, is filed with the Treasurer within three years of the date of payment. The claim shall be on forms furnished by the Treasurer.

(b) An operator may claim a refund or take as a credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established in a manner prescribed by the Treasurer that the person from whom the tax has been collected was not a transient guest; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient guest or credited to rent subsequently payable by the transient to the operator.

(c) A transient guest may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the City, by filing a claim in the manner provided in subsection (a) hereof, but only when the tax was paid by the transient guest directly to the Treasurer, or when the transient guest, having paid the tax to the operator, establishes to the satisfaction of the Treasurer that the transient guest has been unable to obtain a refund from the operator who collected the tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.
(Ord. 23-88. Passed 3-14-88.)

191.13 ACTIONS TO COLLECT.

Any tax required to be paid by a transient guest under the provisions of this chapter shall be deemed a debt owed by the transient guest to the City. Any tax collected by an operator which has not been paid to the City shall be deemed a debt owed by the operator to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City for the recovery of the amount.
(Ord. 23-88. Passed 3-14-88.)

191.14 MONEYS RECEIVED; WHERE CREDITED.

The moneys received under the provisions of this chapter shall be credited, in amounts determined by the City, to either the General Fund of the City or to a Special Revenue Fund created for such moneys. (Ord. 95-97. Passed 10-27-97.)

191.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six months or both.

(b) No operator or other person shall fail or refuse to register as required herein, or furnish any return required to be made, or fail or refuse to furnish a supplemental return or other data required by the Treasurer, or render a false or fraudulent return or claim. No person required to make, render, sign or verify any report or claim, shall make a false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this chapter to be made.
(Ord. 23-88. Passed 3-14-88.)

CHAPTER 193
Motor Vehicle License Tax

193.01 Levy.

CROSS REFERENCES
Authority to levy - see Ohio R.C. 4504.17

193.01 LEVY.

Pursuant to Ohio R.C. 4504.17, an annual additional municipal motor vehicle license tax upon the operation of motor vehicles on the public roads or highways in an amount of five dollars (\$5.00) per motor vehicle is imposed on all motor vehicles which are registered in the district of registration of which, as defined in Ohio R.C. 4503.10, is in the municipal corporation. This tax shall be in addition to the rates specified in Ohio R.C. 4503.04 and 4503.16. (Ord. 24-98. Passed 2-23-98.)

CODIFIED ORDINANCES OF JACKSON

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

- Chap. 301. Definitions.
- Chap. 303. Enforcement, Impounding and Penalty.
- Chap. 305. Traffic Control.

TITLE THREE - Streets and Traffic Control Devices

- Chap. 311. Street Obstructions and Special Uses.
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TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
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- Chap. 339. Commercial and Heavy Vehicles.
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- Chap. 343. Transportation of Radioactive Materials and Hazardous Substances.

TITLE SEVEN - Parking

- Chap. 351. Parking Generally.
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- Chap. 355. Off-Street Parking.

TITLE NINE - Pedestrians, Bicycles and Motorcycles

- Chap. 371. Pedestrians.
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CODIFIED ORDINANCES OF JACKSON

PART THREE - TRAFFIC CODE

TITLE ONE - Administration

Chap. 301. Definitions.

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CHAPTER 301 Definitions

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301.24	Pole trailer.	301.51	Vehicle.
301.25	Police officer.	301.52	Wheelchair, motorized.
301.251	Predicate motor vehicle or traffic offense.	301.53	Congested district.
301.26	Private road or driveway.	301.54	Private carriers.

CROSS REFERENCES

See sectional histories for similar State law
Funeral procession defined - see TRAF. 331.24
Street racing defined - see TRAF. 333.07
Studded tire defined - see TRAF. 339.11
Blind person defined - see TRAF. 371.02
Snowmobile, off-highway motorcycle and all purpose vehicle
defined - see TRAF. 375.01
School zones defined - see TRAF. 333.03(b)

301.01 MEANING OF WORDS AND PHRASES.

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

301.02 AGRICULTURAL TRACTOR.

"Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. (ORC 4511.01(J))

301.03 ALLEY.

"Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic, and includes any street or highway that has been declared an "alley" by Council. (ORC 4511.01(XX))

301.04 BICYCLE; MOTORIZED BICYCLE.

(a) "Bicycle" means every device, other than a tricycle designed solely for use as a play vehicle by a child, propelled solely by human power, upon which any person may ride having either two tandem wheels or one wheel in the front and two wheels in the rear, any of which is more than fourteen inches in diameter.
(ORC 4511.01(G))

(b) "Motorized bicycle" means any vehicle having either two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled and is equipped with a helper motor of not more than fifty cubic centimeters piston displacement which produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface. (ORC 4511.01(H))

301.05 BUS.

"Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement as defined in Ohio R.C. 4511.01, and every motor vehicle, automobile for hire or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation.
(ORC 4511.01(L))

301.06 BUSINESS DISTRICT.

"Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections where fifty percent or more of the frontage between such successive intersections is occupied by buildings in use for business, or where fifty percent or more of the frontage for a distance of 300 feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(NN))

301.07 COMMERCIAL TRACTOR.

"Commercial tractor" means every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles, or the load thereon, or both. (ORC 4511.01(I))

301.08 CONTROLLED-ACCESS HIGHWAY.

"Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right or access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway. (ORC 4511.01(CC))

301.09 CROSSWALK.

"Crosswalk" means:

- (a) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;
 - (b) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;
 - (c) Notwithstanding subsections (a) and (b) hereof, there shall not be a crosswalk where authorized signs have been placed indicating no crossing.
- (ORC 4511.01(LL))

301.10 DRIVER OR OPERATOR.

"Driver" or "operator" means every person who drives or is in actual physical control of a vehicle. (ORC 4511.01(Y))

301.11 EMERGENCY VEHICLE.

"Emergency vehicle" means emergency vehicles of municipal, township or county departments or public utility corporations when identified as such as required by law, the Ohio Director of Public Safety or local authorities, and motor vehicles when commandeered by a police officer. (ORC 4511.01(D))

301.12 EXPLOSIVES.

"Explosives" means any chemical compound or mechanical mixture that is intended for the purpose of producing an explosion that contains any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by a detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, or of destroying life or limb.

Manufactured articles shall not be held to be explosives when the individual units contain explosives in such limited quantities, of such nature or in such packing, that it is impossible to procure a simultaneous or a destructive explosion of such units, to the injury of life, limb or property by fire, by friction, by concussion, by percussion or by a detonator, such as fixed ammunition for small arms, firecrackers or safety fuse matches. (ORC 4511.01(T))

301.13 EXPRESSWAY.

"Expressway" means a divided arterial highway for through traffic with full or partial control of access with an excess of fifty percent of all crossroads separated in grade. (ORC 4511.01(ZZ))

301.14 FLAMMABLE LIQUID.

"Flammable liquid" means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed cup test device. (ORC 4511.01(U))

301.15 FREEWAY.

"Freeway" means a divided multi-lane highway for through traffic with all crossroads separated in grade and with full control of access. (ORC 4511.01(YY))

301.16 GROSS WEIGHT.

"Gross weight" means the weight of a vehicle plus the weight of any load thereon. (ORC 4511.01(V))

301.17 INTERSECTION.

"Intersection" means:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. If an intersecting highway also includes two roadways thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.
- (c) The junction of an alley with a street or highway, or with another alley, shall not constitute an intersection.

(ORC 4511.01(KK))

301.18 LANED STREET OR HIGHWAY.

"Laned street or highway" means a street or highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.
(ORC 4511.01(GG))

301.19 MOTORCYCLE.

"Motorcycle" means every motor vehicle, other than a tractor, having a saddle for the use of the operator and designed to travel on not more than three wheels in contact with the ground, including but not limited to, motor vehicles known as "motor-driven cycle," "motor scooter" or "motorcycle" without regard to weight or brake horsepower.
(ORC 4511.01(C))

301.20 MOTOR VEHICLE.

"Motor vehicle" means every vehicle propelled or drawn by power other than muscular power, except motorized bicycles, road rollers, traction engines, power shovels, power cranes and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.
(ORC 4511.01(B))

301.201 OPERATE.

"Operate" means to cause or have caused movement of a vehicle.
(ORC 4511.01(HHH))

301.21 PARK OR PARKING.

"Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

301.22 PEDESTRIAN.

"Pedestrian" means any natural person afoot. (ORC 4511.01(X))

301.23 PERSON.

"Person" means every natural person, firm, copartnership, association or corporation.
(ORC 4511.01(W))

301.24 POLE TRAILER.

"Pole trailer" means every trailer or semitrailer attached to the towing vehicle by means of a reach, pole or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connection.
(ORC 4511.01(O))

301.25 POLICE OFFICER.

"Police officer" means every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.
(ORC 4511.01(Z))

301.251 PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE.

"Predicate motor vehicle or traffic offense" means any of the following:

- (a) A violation of Ohio R.C. 4511.03, 4511.051, 4511.12, 4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78 or 4511.84;
- (b) A violation of division (A)(2) of Ohio R.C. 4511.17, divisions (A) to (D) of Ohio R.C. 4511.51, or division (A) of Ohio R.C. 4511.74;
- (c) A violation of any provision of Ohio R.C. 4511.01 to 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;
- (d) A violation of a municipal ordinance that is substantially similar to any section or provision set forth or described in subsection (a) to (c) of this section.
(ORC 4511.01(III))

301.26 PRIVATE ROAD OR DRIVEWAY.

"Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (ORC 4511.01(DD))

301.27 PUBLIC SAFETY VEHICLE.

"Public safety vehicle" means any of the following:

- (a) Ambulances, including private ambulance companies under contract to a municipal corporation, township or county and private ambulances and transport vehicles bearing license plates issued under Ohio R.C. 4503.49;
- (b) Motor vehicles used by public law enforcement officers or other persons sworn to enforce the criminal and traffic laws of the State or the Municipality;
- (c) Any motor vehicle when properly identified as required by the Ohio Director of Public Safety, when used in response to fire emergency calls or to provide emergency medical service to ill or injured persons, and when operated by a duly qualified person who is a member of a volunteer rescue service or a volunteer fire department, and who is on duty pursuant to the rules or directives of that service. The Ohio Fire Marshal shall be designated by the Ohio Director of Public Safety as the certifying agency for all public safety vehicles described in this subsection (c);
- (d) Vehicles used by fire departments, including motor vehicles when used by volunteer fire fighters responding to emergency calls in the fire department service when identified as required by the Ohio Director of Public Safety.

Any vehicle used to transport or provide emergency medical service to an ill or injured person, when certified as a public safety vehicle, shall be considered a public safety vehicle when transporting an ill or injured person to a hospital regardless of whether such vehicle has already passed a hospital.
(ORC 4511.01(E))

- (e) Vehicles used by the Commercial Motor Vehicle Safety Enforcement Unit for the enforcement of orders and rules of the Public Utilities Commission as specified in Ohio R.C. 5503.34.

301.28 RAILROAD.

"Railroad" means a carrier of persons or property operating upon rails placed principally on a private right of way. (ORC 4511.01(P))

301.29 RAILROAD SIGN OR SIGNAL.

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
(ORC 4511.01(SS))

301.30 RAILROAD TRAIN.

"Railroad train" means a steam engine, or an electric or other motor, with or without cars coupled thereto, operated by a railroad. (ORC 4511.01(Q))

301.31 RESIDENCE DISTRICT.

"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 300 feet or more, the frontage is improved with residences or residences and buildings in use for business.
(ORC 4511.01(OO))

301.32 RIGHT OF WAY.

"Right of way" means either of the following, as the context requires:

- (a) The right of a vehicle or pedestrian to proceed uninterruptedly in a lawful manner in the direction in which it or the individual is moving in preference to another vehicle or pedestrian approaching from a different direction into its or the individual's path;
- (b) A general term denoting land, property or the interest therein, usually in the configuration of a strip, acquired for or devoted to transportation purposes. When used in this context, right of way includes the roadway, shoulders or berm, ditch, and slopes extending to the right-of-way limits under the control of the State or local authority.
(ORC 4511.01(UU))

301.33 ROADWAY.

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, except the berm or shoulder. If a street or highway includes two or more separate roadways, the term "roadway" means any such roadway separately but not all such roadways collectively.
(ORC 4511.01(EE))

301.34 SAFETY ZONE.

"Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.
(ORC 4511.01(MM))

301.35 SCHOOL BUS.

"School bus" means every bus designed for carrying more than nine passengers that is owned by a public, private or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function; provided "school bus" does not include a bus operated by a municipally owned transportation system, a mass transit company operating exclusively within the territorial limits of the Municipality, or within such limits and the territorial limits of municipal corporations immediately contiguous to the Municipality, nor a common passenger carrier certified by the Public Utilities Commission unless such bus is devoted exclusively to the transportation of children to and from a school session or a school function, and "school bus" does not include a van or bus used by a licensed child day-care center or type A family day-care home to transport children from the child day-care center or type A family day-care home to a school if the van or bus does not have more than fifteen children in the van or bus at any time. "Child day-care center" and "type A family day-care home" have the same meanings as in Ohio R.C. 5104.01.

(ORC 4511.01(F), (FFF))

301.36 SEMITRAILER.

"Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. (ORC 4511.01(N))

301.37 SIDEWALK.

"Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (ORC 4511.01(FF))

301.38 STATE ROUTE.

"State route" means every highway that is designated with an official State route number and so marked. (ORC 4511.01(JJ))

301.39 STOP (WHEN REQUIRED).

"Stop" when required means a complete cessation of movement.

301.40 STOPPING OR STANDING.

(a) "Stop or stopping" when prohibited means any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device.

(b) "Stand or standing" means the halting of a vehicle, whether occupied or not, otherwise then temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

301.41 STOP INTERSECTION.

"Stop intersection" means any intersection at one or more entrances of which stop signs are erected. (ORC 4511.01(BBB))

301.42 STREET OR HIGHWAY; ARTERIAL STREET.

(a) "Street" or "highway" are synonymous and mean the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel. (ORC 4511.01(BB))

(b) "Arterial street" means any United States or State numbered route, controlled access highway or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highways. (ORC 4511.01(CCC))

301.43 THROUGH STREET OR HIGHWAY.

"Through street or highway" means every street or highway as provided in Section 313.02. (ORC 4511.01(HH))

301.44 THRUWAY.

"Thruway" means a through street or highway whose entire roadway is reserved for through traffic and on which roadway parking is prohibited. (ORC 4511.01(AAA))

301.45 TRAFFIC.

"Traffic" means pedestrians, ridden or herded animals, vehicles and other devices, either singly or together, while using any street or highway for purposes of travel. (ORC 4511.01(TT))

301.46 TRAFFIC CONTROL DEVICES.

"Traffic control devices" means all flaggers, signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting names of streets and highways. (ORC 4511.01(QQ))

301.47 TRAFFIC CONTROL SIGNAL.

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop, to proceed, to change direction or not to change direction. (ORC 4511.01(RR))

301.48 TRAILER.

"Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. (ORC 4511.01(M))

301.49 TRUCK.

"Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. (ORC 4511.01(K))

301.50 URBAN DISTRICT.

"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 100 feet for distance of a quarter of a mile or more, and the character of such territory is indicated by official traffic control devices. (ORC 4511.01(PP))

301.51 VEHICLE.

"Vehicle" means every device, including a motorized bicycle, in, upon or by which any person or property may be transported or drawn upon a street or highway, except that "vehicle" does not include any motorized wheelchair, electric personal assistive mobility device, or any device, other than a bicycle, that is moved by human power. (ORC 4511.01(A))

301.52 WHEELCHAIR, MOTORIZED.

"Motorized wheelchair" means any self-propelled vehicle designed for, and used by, a handicapped person and that is incapable of a speed in excess of eight miles per hour. (ORC 4511.01(EEE))

301.53 CONGESTED DISTRICT.

"Congested District" means that portion of the City described as follows:
Pearl Street from the old City Building to Portsmouth Street; Main Street from Church Street to Portsmouth Street; Broadway Street from Main Street to Walnut Street.
(Ord. 309. Passed 4-11-38.)

301.54 PRIVATE CARRIERS.

"Private carriers" and "motor transportation companies" mean and include all motor propelled vehicles of any kind, including trailers, operated over and upon any public highway within the City. (Ord. 50-57. Passed 11-25-57.)

CHAPTER 303
Enforcement, Impounding and Penalty

<p>303.01 Compliance with lawful order of police officer; fleeing.</p> <p>303.02 Traffic direction in emergencies; obedience to school guard.</p> <p>303.03 Officer may remove ignition key.</p> <p>303.04 Road workers, motor vehicles and equipment excepted.</p> <p>303.041 Emergency, public safety and coroner's vehicles exempt.</p> <p>303.05 Application to persons riding, driving animals upon roadway.</p> <p>303.06 Freeway use prohibited by pedestrians, bicycles and animals.</p> <p>303.07 Application to drivers of government vehicles.</p>	<p>303.08 Impounding of vehicles; redemption.</p> <p>303.081 Impounding vehicles on private residential or agricultural property.</p> <p>303.082 Private tow-away zones.</p> <p>303.083 Release of vehicle; records; charges.</p> <p>303.09 Leaving junk and other vehicles on private or public property without permission or notification.</p> <p>303.10 Storage of junk motor vehicles.</p> <p>303.11 Towing policy.</p> <p>303.12 Providing false information to police officer.</p> <p>303.99 General Traffic Code penalties.</p>
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CROSS REFERENCES

See sectional histories for similar State law

Disposition of unclaimed vehicles - see Ohio R.C. 737.32, 4513.62 et seq.

Citations for minor misdemeanors - see Ohio R.C. 2935.26 et seq.

Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. 4507.16, 4507.34

State point system suspension - see Ohio R.C. 4507.40

Uniform application of Ohio Traffic Law - see Ohio R.C. 4511.06

Marking motor vehicles used by traffic officers - see Ohio R.C. 4549.13

Distinctive uniform required for traffic officers - see Ohio R.C. 4549.15

Exceptions for emergency or public safety vehicles - see TRAF. 331.20, 333.06

303.01 COMPLIANCE WITH LAWFUL ORDER OF POLICE OFFICER; FLEEING.

(a) No person shall fail to comply with any lawful order or direction of any police officer invested with authority to direct, control or regulate traffic.

(b) No person shall operate a motor vehicle so as willfully to elude or flee a police officer after receiving a visible or audible signal from a police officer to bring the person's motor vehicle to a stop.

(EDITOR'S NOTE: Refer to Ohio R.C. 2921.331 for filing charges under subsection (b) hereof since the jury or judge as trier of fact may determine the violation to be a felony.)

(c) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer. A violation of subsection (a) is a misdemeanor of the first degree. Except as hereinafter provided, a violation of subsection (b) is a misdemeanor of the first degree. A violation of subsection (b) is a felony if the jury or judge as trier of fact finds any one of the following by proof beyond a reasonable doubt:

- (1) In committing the offense, the offender was fleeing immediately after the commission of a felony;
- (2) The operation of the motor vehicle by the offender was a proximate cause of serious physical harm to persons or property;
- (3) The operation of the motor vehicle by the offender caused a substantial risk of serious physical harm to persons or property.

(d) In addition to any other sanction imposed for a violation of this section, the court shall impose a class two suspension from the range specified in division (A)(2) of Ohio R.C. 4510.02. If the offender previously has been found guilty of an offense under this section, the court shall impose a class one suspension as described in division (A)(1) of that section. The court shall not grant limited driving privileges to the offender. No judge shall suspend the first three years of suspension under a class two suspension of an offender's license, permit, or privilege required by this subsection on any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this subsection. (ORC 2921.331)

303.02 TRAFFIC DIRECTION IN EMERGENCIES; OBEDIENCE TO SCHOOL GUARD.

(a) Police officers shall direct or regulate traffic in accordance with the provisions of this Traffic Code, provided that, in the event of fire or other emergency or to expedite traffic or safeguard pedestrians, they are authorized to direct traffic as conditions may require notwithstanding the provisions of this Traffic Code. Firemen, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity. The direction of traffic may be by word or audible signal, by gesture or visible signal or by any combination thereof. No person shall fail to comply with any lawful order or direction of any police officer or fireman issued pursuant to this section.

(b) No person shall fail to comply with any lawful order or direction of any school crossing guard invested with authority to direct, control or regulate traffic in the vicinity of the school to which such guard may be assigned.

(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.

303.03 OFFICER MAY REMOVE IGNITION KEY.

A law enforcement officer may remove the ignition key left in the ignition switch of an unlocked and unattended motor vehicle parked on a street or highway, or any public or private property used by the public for purposes of vehicular travel or parking. The officer removing such key shall place notification upon the vehicle detailing his name and badge number, the place where such key may be reclaimed and the procedure for reclaiming such key. The key shall be returned to the owner of the motor vehicle upon presentation of proof of ownership. (ORC 4549.05)

303.04 ROAD WORKERS, MOTOR VEHICLES AND EQUIPMENT EXCEPTED.

(a) The provisions of this Traffic Code do not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway within an area designated by traffic control devices, but apply to such persons and vehicles when traveling to or from such work.

(b) The driver of a highway maintenance vehicle owned by this state or any political subdivision of this state, while the driver is engaged in the performance of official duties upon a street or highway, provided the highway maintenance vehicle is equipped with flashing lights and such other markings as are required by law, and such lights are in operation when the driver and vehicle are so engaged, shall be exempt from criminal prosecution for violations of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 and Ohio R.C. 4511.66 and 5577.01 to 5577.09.

- (c) (1) This section does not exempt a driver of a highway maintenance vehicle from civil liability arising from a violation of Sections 331.01 to 331.04, 331.06 to 331.08, 331.31, 333.04, 337.01 or Ohio R.C. 4511.66 or 5577.01 to 5577.09.
- (2) This section does not exempt the driver of a vehicle that is engaged in the transport of highway maintenance equipment from criminal liability for a violation of Ohio R.C. 5577.01 to 5577.09.

(d) As used in this section, "highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in specific highway maintenance activities. (ORC 4511.04)

303.041 EMERGENCY, PUBLIC SAFETY AND CORONER'S VEHICLES EXEMPT.

(a) Ohio R.C. 4511.12, 4511.13, 4511.131, 4511.132, 4511.14, 4511.15, 4511.202, 4511.21, 4511.211, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.62, 4511.66, 4511.68, 4511.681 and 4511.69 and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to the driver of an emergency vehicle or public safety vehicle if the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and if the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.041)

(b) Ohio R.C. 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.35, 4511.36, 4511.37, 4511.38 and 4511.66, and all sections of this Traffic Code or other municipal ordinances that are substantially equivalent to the sections listed above, do not apply to a coroner, deputy coroner, or coroner's investigator operating a motor vehicle in accordance with Ohio R.C. 4513.171. This section does not relieve a coroner, deputy coroner, or coroner's investigator operating a motor vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway. (ORC 4511.042)

303.05 APPLICATION TO PERSONS RIDING, DRIVING ANIMALS UPON ROADWAY.

Every person riding, driving or leading an animal upon a roadway shall be subject to the provisions of this Traffic Code applicable to the driver of a vehicle, except those provisions of such sections which by their nature are inapplicable. (ORC 4511.05)

303.06 FREEWAY USE PROHIBITED BY PEDESTRIANS, BICYCLES AND ANIMALS.

(a) No person, unless otherwise directed by a police officer, shall:

- (1) As a pedestrian, occupy any space within the limits of the right-of-way of a freeway, except: in a rest area; on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for pedestrian use; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle; or to obtain assistance;
- (2) Occupy any space within the limits of the right of way of a freeway, with: an animal-drawn vehicle; a ridden or led animal; herded animals; a pushcart; a bicycle, except on a facility that is separated from the roadway and shoulders of the freeway and is designed and appropriately marked for bicycle use; a bicycle with motor attached; a motor driven cycle with a motor which produces not to exceed five brake horsepower; an agricultural tractor; farm machinery; except in the performance of public works or official duties.

(b) 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. (ORC 4511.051)

303.07 APPLICATION TO DRIVERS OF GOVERNMENT VEHICLES.

The provisions of this Traffic Code applicable to the drivers of vehicles shall apply to the drivers of all vehicles owned or operated by the United States, any state or any political subdivision thereof, including this Municipality, except as may be otherwise provided by law and subject to such specific exceptions as are set forth with reference to authorized emergency and public safety vehicles.

303.08 IMPOUNDING OF VEHICLES; REDEMPTION.

(a) Police officers are authorized to provide for the removal of a vehicle under the following circumstances:

- (1) When any vehicle is left unattended upon any street, bridge or causeway and is so illegally parked so as to constitute a hazard or obstruction to the normal movement of traffic, or so as to unreasonably interfere with street cleaning or snow removal operations.

- (2) A. When any vehicle or “abandoned junk motor vehicle” as defined in Ohio R.C. 4513.63 is left on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reason for leaving such vehicle in such place.
- B. When an “abandoned junk motor vehicle” is left on private property for more than forty-eight consecutive hours without the permission of the person having the right to the possession of the property.
- C. Prior to disposal of an “abandoned junk motor vehicle”, it shall be photographed by a law enforcement officer.
(Ord. 2-85. Passed 1-14-85.)
- (3) When any vehicle has been stolen or operated without the consent of the owner and is located upon either public or private property.
- (4) When any vehicle displays illegal license plates or fails to display the current lawfully required plates and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (5) When any vehicle has been used in or connected with the commission of a felony and is located upon either public or private property.
- (6) When any vehicle has been damaged or wrecked so as to be inoperable or violates equipment provisions of this Traffic Code whereby its continued operation would constitute a condition hazardous to life, limb or property, and is located upon any public street or other property open to the public for purposes of vehicular travel or parking.
- (7) When any vehicle is left unattended either on public or private property due to the removal of an ill, injured or arrested operator, or due to the abandonment thereof by the operator during or immediately after pursuit by a law enforcement officer.
- (8) When any vehicle has been operated by any person who has failed to stop in case of an accident or collision and is located either on public or private property.
- (9) When any vehicle has been operated by any person who is driving without a lawful license or while his license has been suspended or revoked and is located upon a public street or other property open to the public for purposes of vehicular travel or parking.
- (10) When any vehicle is found for which two or more citation tags for violations of this Traffic Code have been issued and the owner or operator thereof has failed to respond to such citation tags as lawfully required or as provided in Section 353.99.

(b) Any vehicle removed under authority of subsection (a)(2) hereof shall be ordered into storage and/or disposed of as provided under Ohio R.C. 4513.60 et seq. Any other vehicle removed under authority of this section shall be ordered into storage and the Municipal police shall forthwith notify the registered vehicle owner of the fact of such removal and impounding, reasons therefor and the place of storage. Any person desiring to redeem an impounded vehicle shall appear at the police offices to furnish satisfactory evidence of identity and ownership or right to possession. Prior to issuance of a release form, the claimant, owner or operator shall either pay the amount due for any fines for violations on account of which such vehicle was impounded or, as the court may require, post a bond in an amount set by the court, to appear to answer to such violations. The pound operator shall release such vehicle upon the receipt of the release form and payment of all towage and storage charges.

(c) No owner or operator shall remove an impounded vehicle from the place of storage without complying with the above procedure. Possession of a vehicle which has been impounded and unlawfully taken from the place of storage, by the owner or operator, shall constitute prima-facie evidence that it was so removed by the owner or operator.

(d) 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.

303.081 IMPOUNDING VEHICLES ON PRIVATE RESIDENTIAL OR AGRICULTURAL PROPERTY.

(a) The Chief of Police upon complaint of any person adversely affected may order into storage any motor vehicle, other than an abandoned junk motor vehicle as defined in Ohio R.C. 4513.63, that has been left on private residential or private agricultural property for at least four hours without the permission of the person having the right to the possession of the property. The Chief of Police, upon complaint of the owner of a repair garage or place of storage, may order into storage any motor vehicle, other than an abandoned junk motor vehicle, that has been left at the garage or place of storage for a longer period than that agreed upon. The place of storage shall be designated by the Chief of Police. When ordering a motor vehicle into storage pursuant to subsection (a) hereof, the Chief of Police, whenever possible, shall arrange for the removal of the motor vehicle by a private tow truck operator or towing company. Subject to Section 303.083(a), the owner of a motor vehicle that has been removed pursuant to subsection (a) hereof may recover the vehicle only in accordance with Section 303.083(c).

(b) This section does not apply to any private residential or private agricultural property that is established as a private tow-away zone in accordance with Section 303.082.

(c) As used in this section "private residential property" means private property on which is located one or more structures that are used as a home, residence or sleeping place by one or more persons, if no more than three separate households are maintained in the structure or structures. "Private residential property" does not include any private property on which is located one or more structures that are used as a home, residence or sleeping place by two or more persons, if more than three separate households are maintained in the structure or structures.

(d) Any person who registers a complaint that is the basis of a Police Chief's order for the removal and storage of a motor vehicle under this section shall provide the identity of the law enforcement agency with which the complaint was registered to any person who identifies himself as the owner or operator of the motor vehicle and requests information pertaining to its location. (ORC 4513.60)

303.082 PRIVATE TOW-AWAY ZONES.

(a) The owner of private property may establish a private tow-away zone only if all of the following conditions are satisfied:

- (1) The owner posts on the owner's property a sign, that is at least eighteen inches by twenty-four inches in size, that is visible from all entrances to the property and that contains at least all of the following information:
 - A. A notice that the property is a private tow-away zone and that vehicles not authorized to park on the property will be towed away;

- B. The telephone number of the person from whom a towed-away vehicle can be recovered, and the address of the place to which the vehicle will be taken and the place from which it may be recovered;
 - C. A statement that the vehicle may be recovered at any time during the day or night upon the submission of proof of ownership and the payment of a towing charge, in an amount not to exceed ninety dollars (\$90.00) and a storage charge, in an amount not to exceed twelve dollars (\$12.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer.
- (2) The place to which the towed vehicle is taken and from which it may be recovered is conveniently located, is well lighted and is on or within a reasonable distance of a regularly scheduled route of one or more modes of public transportation, if any public transportation is available in the Municipality.

(b) If a vehicle is parked on private property that is established as a private tow-away zone in accordance with subsection (a) hereof without the consent of the owner of the property or in violation of any posted parking condition or regulation, the owner or the owner's agent may remove, or cause the removal of the vehicle. The owner and the operator of the vehicle shall be deemed to have consented to the removal and storage of the vehicle and to the payment of the towing and storage charges specified in subsection (a) hereof, and the owner may recover a vehicle that has been so removed only in accordance with Section 303.083.

(c) If an owner of private property that is established as a private tow-away zone in accordance with subsection (a) hereof or the authorized agent of such an owner removes or causes the removal of a vehicle from that property under authority of subsection (b) hereof, the owner or agent promptly shall notify the police offices of the removal, the vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered.

(d) No owner of private property shall remove, or shall cause the removal and storage of, any vehicle pursuant to this section by a tow truck or tow truck operator in violation of any other municipal ordinance regulating such truck or operator.

(e) This section does not affect or limit the operation of Section 303.081 or Ohio R.C. 4513.61 to 4513.65 as they relate to property other than private property that is established as a private tow-away zone under this section.

(f) No person shall remove or cause the removal of any vehicle from private property that is established as a private tow-away zone under this section other than in accordance with subsection (b) hereof.

- (g) (1) Whoever violates subsection (d) of this section is guilty of a minor misdemeanor.
- (2) Except as otherwise provided in this subsection, whoever violates subsection (f) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (f) of this section, whoever violates subsection (f) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.60)

303.083 RELEASE OF VEHICLE; RECORDS; CHARGES.

(a) Release Prior to Removal. If the owner or operator of a motor vehicle that has been ordered into storage pursuant to Section 303.081 or of a vehicle that is being removed under authority of Section 303.082 arrives after the motor vehicle or vehicle has been prepared for removal but prior to its actual removal from the property, the owner or operator shall be given the opportunity to pay a fee of not more than one-half of the charge for the removal of motor vehicles under Section 303.081 or of vehicles under Section 303.082 whichever is applicable, that normally is assessed by the person who has prepared the motor vehicle or vehicle for removal, in order to obtain release of the motor vehicle or vehicle. Upon payment of that fee, the motor vehicle or vehicle shall be released to the owner or operator, and upon its release, the owner or operator immediately shall move it so that:

- (1) If the motor vehicle was ordered into storage pursuant to Section 303.081, it is not on the private residential or private agricultural property without the permission of the person having the right to possession of the property, or is not at the garage or place of storage without the permission of the owner, whichever is applicable;
- (2) If the vehicle was being removed under authority of Section 303.082, it is not parked on the private property established as a private tow-away zone without the consent of the owner or in violation of any posted parking condition or regulation.

(b) Records. The Chief of Police shall maintain a record of motor vehicles that the Chief orders into storage pursuant to Section 303.081 and of vehicles removed from private property in the Chief's jurisdiction that is established as a private tow-away zone of which the Chief has received notice under Section 303.082. The record shall include an entry for each such motor vehicle or vehicle that identifies the motor vehicle's or vehicle's license number, make, model and color, the location from which it was removed, the date and time of its removal, the telephone number of the person from whom it may be recovered, and the address of the place to which it has been taken and from which it may be recovered. Any information in the record that pertains to a particular motor vehicle or vehicle shall be provided to any person who, either in person or pursuant to a telephone call, identifies self as the owner or operator of the motor vehicle or vehicle and requests information pertaining to its location.

(c) **Removal and Storage Charges.** The owner of a motor vehicle that is ordered into storage pursuant to Section 303.081 or of a vehicle that is removed under authority of Section 303.082 may reclaim it upon payment of any expenses or charges incurred in its removal, in an amount not to exceed ninety dollars (\$90.00), and storage, in an amount not to exceed twelve dollars (\$12.00) per twenty-four hour period; except that the charge for towing shall not exceed one hundred fifty dollars (\$150.00), and the storage charge shall not exceed twenty dollars (\$20.00) per twenty-four-hour period, if the vehicle has a manufacturer's gross vehicle weight rating in excess of 10,000 pounds and is a truck, bus or a combination of a commercial tractor and trailer or semitrailer. Presentation of proof of ownership, which may be evidenced by a certificate of title to the motor vehicle or vehicle also shall be required for reclamation of the vehicle. If a motor vehicle that is ordered into storage pursuant to Section 303.081 remains unclaimed by the owner for thirty days, the procedures established by Ohio R.C. 4513.61 and 4513.62 shall apply. (ORC 4513.60)

303.09 LEAVING JUNK AND OTHER VEHICLES ON PRIVATE OR PUBLIC PROPERTY WITHOUT PERMISSION OR NOTIFICATION.

(a) No person shall willfully leave any vehicle or an "abandoned junk motor vehicle" as defined in Ohio R.C. 4513.63 on private property for more than seventy-two consecutive hours without the permission of the person having the right to the possession of the property or on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight consecutive hours or longer, without notification to the Police Chief of the reasons for leaving the vehicle in such place.

For purposes of this section, the fact that a vehicle has been so left without permission or notification is prima-facie evidence of abandonment. Nothing contained in this section shall invalidate the provisions of other ordinances regulating or prohibiting the abandonment of motor vehicles on streets, highways, public property or private property within the Municipality.

(b) Whoever violates this section is guilty of a minor misdemeanor and shall also be assessed any costs incurred by the Municipality in disposing of an abandoned junk motor vehicle that is the basis of the violation, less any money accruing to the Municipality from this disposal of the vehicle. (ORC 4513.64)

303.10 STORAGE OF JUNK MOTOR VEHICLES.

(a) **Definition.**

- (1) "Junk motor vehicle" means any motor vehicle which meets any three of the following requirements:
 - A. Is three years old or older;
 - B. Is extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor or transmission;
 - C. Does not comply with all safety laws and equipment provisions for motor vehicles as found in Chapter 337.
 - D. Has a fair market value of eight hundred dollars (\$800.00) or less.
 - E. Is not running and not operable ("operable" meaning able to be started and driven under its own power).
- (2) A junk motor vehicle left in the open is declared a nuisance and shall be abated in accordance with the provision of this section.
- (3) "Motor vehicle" shall be defined as in Section 301.20.

- (b) Location or Presence Deemed Public Nuisance; Exceptions.
- (1) The location or presence of any junk motor vehicle as defined herein, on any lot, tract, parcel of land or portion thereof within the City shall be deemed a public nuisance, and no person or persons shall cause or maintain such public nuisance by abandoning or discarding his or their junk motor vehicle or vehicles on the property of another or suffering, permitting or allowing the same to be placed, located or maintained or to exist upon his or their own real property.
 - (2) This section shall not apply to vehicles stored inside a garage, in a licensed towing service facility, in a licensed motor vehicle salvage facility, in a licensed scrap processing yard, in a licensed auto repair garage yard, in a licensed paint spray shop yard, in a licensed gasoline station yard or in a licensed vehicle dealership yard, or any other lawful storage area not within the public view.
- (c) Removal of Vehicles; Service.
- (1) Whenever such a public nuisance exists, the Director of Public Safety, who shall administer this section, shall give notice to the owner of the real property whereon such public nuisance exists to abate or remove same. Such notice and order shall state:
 - A. The nature of the public nuisance;
 - B. A description of and location of the motor vehicle;
 - C. A statement that the motor vehicle must be removed from the premises within fourteen days after service of such notice and order, or same will be removed by the Director of Public Safety.
 - D. A statement that removal of the vehicle must be to a location permitted by subsection (b)(2) hereof;
 - E. A statement of the penalties provided for noncompliance;
 - F. A statement that the property owner will be assessed the cost incurred by the City in removing and storing the vehicle; and
 - G. A statement that any request for a hearing must be made to the Director of Public Safety, within fourteen days after service of such notice and order.
 - (2) Such notice and order shall be served upon the record owner of the property in question either personally or by leaving a copy at the usual place of residence or business of such owner, or address of such owner shown in the office of the County Treasurer, or by copy mailed to such owner at such place or address by U.S. certified mail, return receipt. If service of such written notice and order is unable to be perfected by any of the hereinbefore methods, then the Director of Public Safety shall cause such notice and order to be published in a newspaper of general circulation once each week for two consecutive weeks and shall further cause a copy of the aforesaid notice and order to be left with the person, if any, in possession of such premises, or, if there is no person in possession thereof, he shall cause a copy of the notice and order to be posted on such premises.
 - (3) Should the record owner of property, within fourteen days after receipt of the Director's notice and order, notify the Director of Public Safety that the inoperable vehicle is either an abandoned vehicle or an abandoned junk motor vehicle which has been left on his property without permission of the person having the right to possession of the property and requests removal thereof, the Director of Public Safety shall cause the removal of such vehicle pursuant to Ohio R.C. 4513.60 or 4513.63 respectively.

- (4) In the absence of a request for a hearing or compliance with the notice and order, the Director of Public Safety shall at the expiration of the fourteen-day period provided in the notice and order served upon the record owner of the property, remove such vehicle for the preservation of the life, health, comfort and safety of the public. If a hearing is requested by the property owner prior to the removal of the vehicle as a public nuisance, it is to be held before the Director of Law or his designee within five days of the property owner's request.
(Ord. 85-89. Passed 11-27-89.)

(d) Penalty. Whoever violates this section is guilty of a misdemeanor of the third degree.

303.11 TOWING.

(a) Towing of vehicles shall be awarded to persons doing towing service in the City. Each towing service shall be given equal calls for service and a list of calls shall be recorded at the Police Department.

(b) Persons involved in accidents may at their own request have the towing service of their choice tow their vehicle to the place of their choice.
(Ord. 3-80. Passed over veto 3-24-80.)

303.12 PROVIDING FALSE INFORMATION TO POLICE OFFICER.

(a) No person shall knowingly present, display or orally communicate a false name, social security number or date of birth to a law enforcement officer who is in the process of issuing to the person a traffic ticket or complaint.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4513.361)

303.99 GENERAL TRAFFIC CODE PENALTIES.

(a) General Misdemeanor Classifications. Whoever violates any provision of this Traffic Code for which violation no penalty is otherwise provided, 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.
(ORC 4513.99)

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

<u>Classification of Misdemeanor</u>	<u>Maximum Term of Imprisonment</u>	<u>Maximum Fine</u>
First degree	180 days	\$1,000.00
Second degree	90 days	750.00
Third degree	60 days	500.00
Fourth degree	30 days	250.00
Minor	No imprisonment	150.00

(ORC 2929.24; 2929.28)

CHAPTER 305
Traffic Control

305.01	Authority of Service-Safety Director.	305.06	Through highways and stop intersections.
305.02	Hazardous zones.	305.07	Operation of through trucks.
305.03	Traffic lights at certain intersections.	305.08	Snow emergency routes.
305.04	One-way streets and alleys.	305.99	Penalty.
305.05	Prohibited turns at certain intersections.		

CROSS REFERENCES

Power to designate highway as included in a freeway, expressway or thruway - see Ohio R.C. 4511.011
 Power to enact local traffic regulations - see Ohio R.C. 4511.07, 4511.61
 Local traffic control devices - see Ohio R.C. 4511.11
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(A), 4511.23
 Designation of through streets and erection of stop or yield signs - see Ohio R.C. 4511.65; TRAF. 313.02
 Hazardous or no passing zones - see TRAF. 331.07

305.01 AUTHORITY OF SERVICE-SAFETY DIRECTOR.

The Service-Safety Director is hereby empowered to place and maintain traffic control signals and devices, painted or otherwise marked safety zones, traffic, parking and no parking lanes, curbs or areas, crosswalks for pedestrians, "No Parking," "No U Turn," "No Left Turn," "One Way" or "Stop" signs or signals or such other traffic signs, signals or standards consistent with the provisions of this Traffic Code as he may deem necessary for the proper control of traffic or the parking of vehicles. (Ord. 4-62. Passed 2-12-62.)

305.02 HAZARDOUS ZONES.

The Service-Safety Director may determine those portions of any street or highway within the City where the overtaking and passing of other traffic or driving to the left of the center or centerline of the roadway would be especially hazardous, and may, by appropriate signs and markings on the highway or street, indicate the beginning and end of such zones. (Ord. 36-58. Passed 10-13-58.)

305.03 TRAFFIC LIGHTS AT CERTAIN INTERSECTIONS.

The Service-Safety Director is hereby authorized and directed to erect and maintain traffic lights at the following places:

- (a) Intersection of Broad Street and Broadway Street;
- (b) Intersection of State Street, Bridge Street and Walnut Street. Traffic may be allowed to turn right on red from Bridge Street to State Street only;
- (c) Intersection of Broad Street and Portsmouth Street;
- (d) Intersection of Broadway Street and Water Street;
- (e) Intersection of Carroll Avenue with State Street, to be in operation during school days.

(Ord. 607. Passed 10-25-54; Ord. 16-56. Passed 8-29-56.)

305.04 ONE-WAY STREETS AND ALLEYS.

(a) The following streets and alleys are hereby designated and established as one-way streets, and no person shall drive a vehicle in other than the direction indicated below:

<u>Street or Alley</u>	<u>From</u>	<u>To</u>	<u>Direction of Traffic</u>
Walnut Street	Bridge Street	Portsmouth Street	Southeasterly
Alley on south side of Kinnison School	Portsmouth Street	Broadway Street	Westerly
Alley on north side of Kinnison School	Portsmouth Street	Broadway Street	Easterly
Trago Avenue	Tropic Street	South Street	Northerly
Alley in Hoffman's Second Addition running in a general northerly-southerly direction	Alley on southside of Kinnison School	South Street	Southerly
West Street	South	Oak Street	Northerly

(b) The Service-Safety Director is hereby authorized to erect and maintain the necessary traffic signs to implement the provisions of this section.
(Ord. 78-67. Passed 12-14-67.)

305.05 PROHIBITED TURNS AT CERTAIN INTERSECTIONS.

(a) No person shall make a left turn at the following intersections while signs prohibiting such turns are displayed:

Intersection of Broadway Street and Main Street.

Intersection of Broadway Street and Pearl Street.

The Service-Safety Director is hereby authorized to install, display and maintain signs prohibiting left turns at those intersections of such size and so placed at those intersections as to be plainly visible from all approaches.

(Ord. 80. Passed 7-22-24.)

(b) A right turn by any vehicle against a steady red signal is prohibited at the following intersections:

Chillicothe Street and Morton Street.

The Service-Safety Director shall cause to be posted a sign or signs at that intersection, giving notice that a right turn against a steady red signal is prohibited at that intersection.

(Ord. 21-75. Passed 8-11-75.)

305.06 THROUGH HIGHWAYS AND STOP INTERSECTIONS.

(a) In addition to those streets and highways designated as through highways under the provisions of Ohio R.C. 4511.65, the following streets are hereby designated as through highways, and the operator of any vehicle approaching any of these highways from an intersecting street, alley or driveway, shall, before entering the same, bring the vehicle to a full stop and yield the right of way to all vehicles on such street as provided in Section 331.16:

Main Street between Bridge Street and the west corporation line;
Pearl Street between Bridge Street and South Street;
South Street between Main Street and the west corporation line;
Chillicothe Street between Bridge Street and the north corporation line;
Bridge Street between State Street and Salt Creek;
High Street between South Street and State Street;
Broadway Street between Pearl Street and South Street;
Portsmouth Street between Pearl Street and South Street;
Broadway Street between Main Street and the east corporation line;
Church Street between Pearl Street and South Street;
Water Street between Broadway Street and Bridge Street;
State Street between Bridge Street and the corporation line;
Vaughn Street between South Street and Huron Street;
Athens Street between Chillicothe Street and the corporation line;
Tropic Street between Vaughn Street and David Avenue.
(Ord. 25-70. Passed 8-24-70.)

(b) The following intersections are hereby designated as stop intersections:

High Street at its intersection with South Street;
Oak Street at its intersection with High Street;
Main Street at its intersection with High Street;
High Street at its intersection with Coffman Street;
Dickason Street at its intersection with Huron Street;
Burlington Street at its intersection with Huron Street;
Gay Street at its intersection with Huron Street.
(Ord. 2-71 Passed 1-25-71.)

(c) The following intersections are hereby designated as four-way stop intersections:

Anderson Avenue and Florence Avenue;
David Avenue and Oak Street;
Huron Street and Vaughn Street;
Huron Street and Bennett Avenue;
Oak Street and West Street.
Tropic Street and Chestnut Street;
Tropic Street and Bennett Avenue.
(Ord. 21-74. Passed 7-22-74.)

- (d) The following intersection is hereby designated as a three-way stop intersection:
West Street at Sycamore Street, and traffic on Sycamore Street approaching West Street from either the east or west and traffic on West Street approaching Sycamore Street from the south.

(e) The Service-Safety Director is hereby authorized and directed to install and maintain legible and appropriate stop signs as provided by law at the intersections where stopping is required by this section. (Ord. 25-70. Passed 8-24-70.)

305.07 OPERATION OF THROUGH TRUCKS.

No truck, trailer or semi-trailer passing through the City enroute to a destination not within the City, shall travel on any street in the City that is not a part of the State highway system.

Water Street between the intersections of Broadway and Bridge Street is hereby established as a truck route for through traffic following Ohio State Route Number 35, and is hereby designated as Truck Route Number 35. The Service-Safety Director is authorized and directed to provide suitable markings at the approaches to and along the right of way of Truck Route Number 35.

(Ord. 502. Passed 4-28-52; Ord. 15-59. Passed 5-11-59.)

305.08 SNOW EMERGENCY ROUTES.

(a) The City may declare a snow emergency in the City. In the event a snow emergency is declared, the following streets within the City are designated as snow emergency routes:

- (1) All of State Route 139 in the City limits.
- (2) All of State Route 776 in the City limits.
- (3) All of State Route 788 in the City limits.
- (4) All of State Route 93 in the City limits.
- (5) East Broadway Street from Main Street to the intersection of Longworth Street.
- (6) All of Huron Street.
- (7) All of Portsmouth Street.
- (8) All of High Street.
- (9) All of South Street.
- (10) All of State Street.

(b) In the event of a snow emergency no vehicle shall be parked on any snow emergency route as set forth above. Any vehicle parked upon a snow emergency route during a snow emergency will be towed at the expense of the owner of the vehicle.

(c) Whoever violates this section shall be punished by a fine of one hundred dollars (\$100.00). (Ord. 28-99. Passed 4-26-99.)

305.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

TITLE THREE - Streets and Traffic Control Devices

Chap. 311. Street Obstructions and Special Uses.

Chap. 313. Traffic Control Devices.

CHAPTER 311

Street Obstructions and Special Uses

**311.01 Placing injurious material
or obstruction in street.**

311.02 Parades and assemblages.

311.03 Toy vehicles on streets.

311.04 Throwing at vehicle.

CROSS REFERENCES

See sectional history for similar State law

Power to regulate processions or assemblages - see Ohio R.C.
4511.07(C)

Dropping, sifting and leaking loads - see TRAF. 339.08

**311.01 PLACING INJURIOUS MATERIAL OR OBSTRUCTION IN
STREET.**

(a) No person shall place or knowingly drop upon any part of a street, highway or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such street, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

(b) Any person who drops or permits to be dropped or thrown upon any street any noxious, destructive or injurious material shall immediately remove the same.

(c) Any person authorized to remove a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

(d) No person shall place any obstruction in or upon a street without proper authority.

(e) No person, with intent to cause physical harm to a person or vehicle, shall place or knowingly drop upon any part of a highway, lane, road, street or alley any tacks, bottles, wire, glass, nails or other articles which may damage or injure any person, vehicle or animal traveling along or upon such highway, except such substances that may be placed upon the roadway by proper authority for the repair or construction thereof.

- (f) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (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 subsections (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 subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates subsection (e) of this section is guilty of a misdemeanor of the first degree. (ORC 4511.74)

311.02 PARADES AND ASSEMBLAGES.

(a) No person, group of persons or organization shall conduct or participate in any parade, assemblage or procession other than a funeral procession upon any street or highway, or block off any street or highway area, without first obtaining a permit from the Police Chief.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if:

- (1) The time, place, size or conduct of the parade including the assembly areas and route of march would unreasonably interfere with the public convenience and safe use of the streets and highways.
- (2) The parade would require the diversion of so great a number of police officers to properly police the line of movement, assembly area and areas contiguous thereto so as to deny normal police protection to the Municipality.
- (3) The parade route of march or assembly areas would unreasonably interfere with the movement of police vehicles, fire-fighting equipment or ambulance service to other areas of the Municipality.
- (4) The parade would unreasonably interfere with another parade for which a permit has been issued.
- (5) The information contained in the application is found to be false, misleading or incomplete in any material detail.
- (6) An emergency such as a fire or storm would prevent the proper conduct of the parade.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the place of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

(b) 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.

311.03 TOY VEHICLES ON STREETS.

(a) No person on roller skates or riding in or by means of any sled, toy vehicle, skateboard or similar device shall go upon any roadway except while crossing a street on a crosswalk and except on streets set aside as play streets.

(b) 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.

311.04 THROWING AT VEHICLE.

(a) No person shall throw, or threaten to throw, any article into or against any vehicle, passenger or driver thereof. (Ord. 80. Passed 7-22-24.)

(b) 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.

CHAPTER 313
Traffic Control Devices

<p>313.01 Obedience to traffic control devices.</p> <p>313.02 Through streets; stop and yield right-of-way signs.</p> <p>313.03 Traffic control signal terms and lights.</p> <p>313.04 Lane-use control signals over individual lanes.</p> <p>313.05 Pedestrian control signals.</p> <p>313.06 Flashing traffic signals.</p>	<p>313.07 Unauthorized signs and signals, hiding from view, advertising.</p> <p>313.08 Alteration, injury, removal of traffic control devices.</p> <p>313.09 Driver's duties upon approaching ambiguous or non-working traffic signal.</p> <p>313.10 Unlawful purchase, possession or sale.</p> <p>313.11 Right turns on red prohibited.</p> <p>313.12 Portable signal preemption devices prohibited.</p>
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CROSS REFERENCES

See sectional histories for similar State law

Designation of through streets or stop intersections - see

Ohio R.C. 4511.07(F), 4511.65

Uniform system of traffic control devices - see Ohio R.C. 4511.09, 4511.11(D)

Placing and maintaining local traffic control devices - see Ohio R.C. 4511.10, 4511.11

Traffic control devices defined - TRAF. 301.46

313.01 OBEDIENCE TO TRAFFIC CONTROL DEVICES.

(a) No pedestrian or driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this Traffic Code, unless at the time otherwise directed by a police officer.

No provisions of this Traffic Code 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 Traffic Code does not state that signs are required, that section shall be effective even though no signs are erected or in place.

(b) 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. (ORC 4511.12)

313.02 THROUGH STREETS; STOP AND YIELD RIGHT-OF-WAY SIGNS.

(a) All State routes are hereby designated as through streets or highways, provided that stop signs, yield signs or traffic control signals shall be erected at all intersections with such through streets or highways, except as otherwise provided in this section. Where two or more State routes that are through streets or highways intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation, except as otherwise provided in this section.

Whenever the Ohio Director of Transportation determines on the basis of an engineering and traffic investigation that stop signs are necessary to stop traffic on a through highway for safe and efficient operation, nothing in this section shall be construed to prevent such installations. When circumstances warrant, the Director also may omit stop signs on roadways intersecting through highways under his jurisdiction. Before the Director either installs or removes a stop sign under this paragraph, he shall give notice, in writing, of that proposed action to the Municipality at least thirty days before installing or removing the stop sign.

(b) Other streets or highways or portions thereof, are hereby designated through streets or highways, if they are within the Municipality, if they have a continuous length of more than one mile between the limits of such street or highway or portion thereof, and if they have "stop" or "yield" signs or traffic control signals at the entrances of the majority of intersecting streets or highways. For purposes of this section, the limits of such street or highway or portion thereof, shall be a municipal corporation line, the physical terminus of the street or highway or any point on such street or highway at which vehicular traffic thereon is required by regulatory signs to stop or yield to traffic on the intersecting street, provided that in residence districts the Municipality may by ordinance designate such street or highway, or portion thereof, not to be a through highway and thereafter the affected residence district shall be indicated by official traffic control devices. Where two or more streets or highways designated under this subsection (b) intersect and no traffic control signal is in operation, stop signs or yield signs shall be erected at one or more entrances thereto by the Ohio Department of Transportation or by Council or the authorized local authority, except as otherwise provided in this section.

(c) Stop signs need not be erected at intersections so constructed as to permit traffic to safely enter a through street or highway without coming to a stop. Signs shall be erected at such intersections indicating that the operator of a vehicle shall yield the right of way to or merge with all traffic proceeding on the through street or highway.

(d) Council or the authorized local authority may designate additional through streets or highways and shall erect stop signs, yield signs or traffic control signals at all streets and highways intersecting such through streets or highways, or may designate any intersection as a stop or yield intersection and shall erect like signs at one or more entrances to such intersection. (ORC 4511.65)

313.03 TRAFFIC CONTROL SIGNAL TERMS AND LIGHTS.

Whenever traffic is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used except for special pedestrian signals carrying words or symbols. The lights shall indicate and apply to drivers of vehicles and to pedestrians as follows:

(a) Green Indication:

- (1) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

- (2) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (b) Steady Yellow Indication:
- (1) Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
 - (2) Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (c) Steady Red Indication:
- (1) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in subsections (c)(2) and (3) hereof.
 - (2) Unless a sign is in place prohibiting a right turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn after stopping as required by subsection (c)(1) hereof. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
 - (3) Unless a sign is in place prohibiting a left turn as provided in subsection (c)(5) hereof, vehicular traffic facing a steady red signal on a one-way street that intersects another one-way street on which traffic moves to the left may cautiously enter the intersection to make a left turn into the one-way street after stopping as required by subsection (c)(1) hereof, and yielding the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

- (4) Unless otherwise directed by a pedestrian-control signal as provided in Section 313.05, pedestrians facing a steady red signal alone shall not enter the roadway.
 - (5) Council may by ordinance, or the authorized local authority may by rule, prohibit a right or a left turn against a steady red signal at any intersection, which shall be effective when signs giving notice thereof are posted at the intersection.
- (d) Signals; Locations Other Than Intersections: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. (ORC 4511.13)

313.04 LANE-USE CONTROL SIGNALS OVER INDIVIDUAL LANES.

- (a) When lane-use control signals are placed over individual lanes of a street or highway, such signals shall indicate and apply to drivers of vehicles as follows:
- (1) A Steady Downward Green Arrow: Vehicular traffic may travel in any lane over which a green arrow signal is shown.
 - (2) A Steady Yellow "X": Vehicular traffic is warned to vacate in a safe manner any lane over which such signal is shown to avoid occupying that lane when a steady red "X" signal is shown.
 - (3) A Flashing Yellow "X": Vehicular traffic may use with proper caution any lane over which such signal is shown for only the purpose of making a left turn.
 - (4) A Steady Red "X": Vehicular traffic shall not enter or travel in any lane over which such signal is shown. (ORC 4511.131)
- (b) 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. (ORC 4511.99)

313.05 PEDESTRIAN CONTROL SIGNALS.

(a) Whenever special pedestrian signals exhibiting the words "walk" or "don't walk," or the symbol of a walking person or an upraised palm are in place, such signals shall indicate the following instructions:

- (1) "Walk" or the symbol of a walking person: Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the operators of all vehicles.
- (2) "Don't walk" or the symbol of an upraised palm: No pedestrian shall start to cross the roadway in the direction of the signal.
- (3) Nothing in this section shall be construed to invalidate the continued use of pedestrian control signals utilizing the word "wait" if those signals were installed prior to March 28, 1985.
(ORC 4511.14)

(b) 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.
(ORC 4511.99)

313.06 FLASHING TRAFFIC SIGNALS.

(a) Whenever an illuminated flashing red or yellow traffic signal is used in a traffic signal or with a traffic sign it shall require obedience as follows:

- (1) Flashing Red Stop Signal: Operators of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) Flashing Yellow Caution Signal: Operators of vehicles may proceed through the intersection or past such signal only with caution.

This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by Ohio R.C. 4511.61 and 4511.62.
(ORC 4511.15)

(b) 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.
(ORC 4511.99)

313.07 UNAUTHORIZED SIGNS AND SIGNALS, HIDING FROM VIEW, ADVERTISING.

(a) No person shall place, maintain or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be, is an imitation of or resembles a traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any street any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit either the erection upon private property adjacent to streets of signs giving useful directional information and of a type that cannot be mistaken for traffic control devices, or the erection upon private property of traffic control devices by the owner of real property in accordance with Ohio R.C. 4511.211 and 4511.432.

Every such prohibited sign, signal, marking or device is a public nuisance, and the Police Chief is authorized to remove it or cause it to be removed.

(b) 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. (ORC 4511.16)

313.08 ALTERATION, INJURY, REMOVAL OF TRAFFIC CONTROL DEVICES.

(a) No person without lawful authority, shall do any of the following:

- (1) Knowingly move, deface, damage, destroy or otherwise improperly tamper with any traffic control device, any railroad sign or signal, or any inscription, shield or insignia on the device, sign or signal, or any part of the device, sign or signal;
- (2) Knowingly drive upon or over any freshly applied pavement marking material on the surface of a roadway while the marking material is in an undried condition and is marked by flags, markers, signs or other devices intended to protect it;
- (3) Knowingly move, damage, destroy or otherwise improperly tamper with a manhole cover.

(b) (1) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (3) of this section is guilty of a misdemeanor of the third degree. If a violation of subsection (a)(1) or (3) of this section creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. If a violation of subsection (a)(1) or (3) of this section causes serious physical harm to property that is owned, leased, or controlled by a state or local authority, the offender is guilty of a felony and shall be prosecuted under appropriate state law.

- (2) Except as otherwise provided in this subsection, whoever violates subsection (a)(2) 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 subsection (a)(2) 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 subsection (a)(2) of this section is guilty of a misdemeanor of the third degree.
(ORC 4511.17)

313.09 DRIVER'S DUTIES UPON APPROACHING AMBIGUOUS OR NON-WORKING TRAFFIC SIGNAL.

(a) The driver of a vehicle who approaches an intersection where traffic is controlled by traffic control signals shall do all of the following, if the signal facing the driver either exhibits no colored lights or colored lighted arrows or exhibits a combination of such lights or arrows that fails to clearly indicate the assignment of right of way:

- (1) Stop at a clearly marked stop line, but if none, stop before entering the crosswalk on the near side of the intersection, or, if none, stop before entering the intersection;
- (2) Yield the right of way to all vehicles in the intersection or approaching on an intersecting road, if the vehicles will constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.
- (3) Exercise ordinary care while proceeding through the intersection.

(b) 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.
(ORC 4511.132)

313.10 UNLAWFUL PURCHASE, POSSESSION OR SALE.

(a) As used in this section, "traffic control device" means any sign, traffic control signal or other device conforming to and placed or erected in accordance with the manual adopted under Ohio R.C. 4511.09 by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic, including signs denoting the names of streets and highways, but does not mean any pavement marking.

(b) No individual shall buy or otherwise possess or sell, a traffic control device, except when one of the following applies:

- (1) In the course of the individual's employment by the State or a local authority for the express or implied purpose of manufacturing, providing, erecting, moving or removing such a traffic control device;
- (2) In the course of the individual's employment by any manufacturer of traffic control devices other than a State or local authority;

- (3) For the purpose of demonstrating the design and function of a traffic control device to State or local officials;
- (4) When the traffic control device has been purchased from the State or a local authority at a sale of property that is no longer needed or is unfit for use;
- (5) The traffic control device has been properly purchased from a manufacturer for use on private property and the person possessing the device has a sales receipt for the device or other acknowledgment of sale issued by the manufacturer.

(c) This section does not preclude, and shall not be construed as precluding, prosecution for theft in violation of Ohio R.C. 2913.02 or a municipal ordinance relating to theft, or for receiving stolen property in violation of Ohio R.C. 2913.51 or a municipal ordinance relating to receiving stolen property.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4511.18)

313.11 RIGHT TURNS ON RED PROHIBITED.

(a) Council prohibits the making of right turns on red, as provided for and in accordance with Section 313.03(c)(5), at the following locations:

- (1) From Broadway, headed northeast, onto Main Street heading southeast.
- (2) From Broadway onto South Street.
- (3) From Portsmouth onto South Street.
(Ord. 77-79. Passed 9-24-79.)

(b) The Service-Safety Director is hereby directed to place signs prohibiting such turns at the above named locations. (Ord. 55-78. Passed 9-25-78.)

313.12 PORTABLE SIGNAL PREEMPTION DEVICES PROHIBITED.

- (a)
- (1) No person shall possess a portable signal preemption device.
 - (2) No person shall use a portable signal preemption device to affect the operation of a traffic control signal.

(b) Subsection (a)(1) of this section does not apply to any of the following persons and subsection (a)(2) of this section does not apply to any of the following persons when responding to an emergency call:

- (1) A peace officer, as defined in Ohio R.C. 109.71(A)(11), (12), (14) or (19);
- (2) A State highway patrol trooper;
- (3) A person while occupying a public safety vehicle as defined in Ohio R.C. 4511.01(E)(1), (3) or (4).

(c) Whoever violates subsection (a)(1) of this section is guilty of a misdemeanor of the fourth degree. Whoever violates subsection (a)(2) of this section is guilty of a misdemeanor of the first degree.

(d) As used in this section, "portable signal preemption device" means a device that, if activated by a person, is capable of changing a traffic control signal to green out of sequence.
(ORC 4513.031)

TITLE FIVE - Vehicles

- Chap. 331. Operation Generally.
- Chap. 333. OVI; Willful Misconduct; Speed.
- Chap. 335. Licensing; Accidents.
- Chap. 337. Safety and Equipment.
- Chap. 339. Commercial and Heavy Vehicles.
- Chap. 341. Commercial Drivers.
- Chap. 343. Transportation of Radioactive Materials and Hazardous Substances.

CHAPTER 331 Operation Generally

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|--------|---|--------|---|
| 331.01 | Driving upon right side of roadway; exceptions. | 331.22 | Driving onto roadway from place other than roadway: duty to yield. |
| 331.02 | Passing to right when proceeding in opposite directions. | 331.23 | Driving onto roadway from place other than roadway: stopping at sidewalk. |
| 331.03 | Overtaking, passing to left; driver's duties. | 331.24 | Right of way of funeral procession. |
| 331.04 | Overtaking and passing upon right. | 331.25 | Driver's view and control to be unobstructed by load or persons. |
| 331.05 | Overtaking, passing to left of center. | 331.26 | Driving upon street posted as closed for repair. |
| 331.06 | Additional restrictions on driving upon left side of roadway. | 331.27 | Following and parking near emergency or safety vehicles. |
| 331.07 | Hazardous or no passing zones. | 331.28 | Driving over fire hose. |
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| 331.09 | Following too closely. | 331.30 | One-way streets and rotary traffic islands. |
| 331.10 | Turning at intersections. | 331.31 | Driving upon divided roadways. |
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| 331.16 | Right of way at intersections. | 331.37 | Driving upon sidewalks, street lawns or curbs. |
| 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. | | |

<p>331.38 Stopping for school bus; discharging children.</p> <p>331.39 Driving across grade crossing.</p> <p>331.40 Stopping at grade crossing.</p>	<p>331.41 Operation of off-road vehicles on City land prohibited.</p> <p>331.42 Littering from motor vehicle.</p> <p>331.43 Wearing earplugs or earphones prohibited.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Obedience to traffic control devices - see TRAF. 313.01
 Operation of bicycles and motorcycles - see TRAF. 373.01
 et seq.
 School bus operation - see OAC Ch. 4501-3

331.01 DRIVING UPON RIGHT SIDE OF ROADWAY; EXCEPTIONS.

- (a) Upon all roadways of sufficient width, a vehicle shall be driven upon the right half of the roadway, except as follows:
- (1) When overtaking and passing another vehicle proceeding in the same direction, or when making a left turn under the rules governing such movements;
 - (2) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;
 - (3) When driving upon a roadway divided into three or more marked lanes for traffic under the rules applicable thereon;
 - (4) When driving upon a roadway designated and posted with signs for one-way traffic;
 - (5) When otherwise directed by a police officer or traffic control device.
- (b) (1) Upon all roadways any vehicle proceeding at less than the prevailing and lawful speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, and far enough to the right to allow passing by faster vehicles if such passing is safe and reasonable, except under any of the following circumstances:
- A. When overtaking and passing another vehicle proceeding in the same direction;
 - B. When preparing for a left turn;
 - C. When the driver must necessarily drive in a lane other than the right-hand lane to continue on the driver's intended route.
- (2) Nothing in subsection (b)(1) of this section requires a driver of a slower vehicle to compromise the driver's safety to allow overtaking by a faster vehicle.

(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left of the center of the roadway for use by traffic not otherwise permitted to use the lanes, or except as permitted under subsection (a) (2) hereof.

This subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway.

(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. (ORC 4511.25)

331.02 PASSING TO RIGHT WHEN PROCEEDING IN OPPOSITE DIRECTIONS.

(a) Operators of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each operator shall give to the other one-half of the main traveled portion of the roadway or as nearly one-half as is reasonably possible.

(b) 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. (ORC 4511.26)

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

(a) The following rules govern the overtaking and passing of vehicles proceeding in the same direction:

- (1) The operator of a vehicle overtaking another vehicle proceeding in the same direction shall, except as provided in subsection (a)(3) hereof, signal to the vehicle to be overtaken, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
- (2) Except when overtaking and passing on the right is permitted, the operator of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle at the latter's audible signal, and the operator shall not increase the speed of the operator's vehicle until completely passed by the overtaking vehicle.
- (3) The operator of a vehicle overtaking and passing another vehicle proceeding in the same direction on a divided street or highway as defined in Section 331.31, a limited access highway as defined in Ohio R.C. 5511.02 or a highway with four or more traffic lanes, is not required to signal audibly to the vehicle being overtaken and passed.

(b) 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. (ORC 4511.27)

331.04 OVERTAKING AND PASSING UPON RIGHT.

(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

- (1) When the vehicle overtaken is making or about to make a left turn;
- (2) Upon a roadway with unobstructed pavement of sufficient width for two or more lines of vehicles moving lawfully in the direction being traveled by the overtaking vehicle.

(b) The driver of a vehicle may overtake and pass another vehicle only under conditions permitting such movement in safety. The movement shall not be made by driving off the roadway.

(c) 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. (ORC 4511.28)

331.05 OVERTAKING, PASSING TO LEFT OF CENTER.

(a) No vehicle shall be driven to the left of the center of the roadway in overtaking and passing traffic proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made, without interfering with the safe operation of any traffic approaching from the opposite direction or any traffic overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for traffic approaching from the opposite direction before coming within 200 feet of any approaching vehicle.

(b) 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. (ORC 4511.29)

331.06 ADDITIONAL RESTRICTIONS ON DRIVING UPON LEFT SIDE OF ROADWAY.

(a) No vehicle shall be driven upon the left side of the roadway under the following conditions:

- (1) When approaching the crest of a grade or upon a curve in the highway, where the operator's view is obstructed within such a distance as to create a hazard in the event traffic might approach from the opposite direction;
- (2) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel;
- (3) When approaching within 100 feet of or traversing any intersection or railroad grade crossing.

(b) This section does not apply to vehicles upon a one-way roadway, upon a roadway where traffic is lawfully directed to be driven to the left side or under the conditions described in Section 331.01(a)(2).

(c) 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. (ORC 4511.30)

331.07 HAZARDOUS OR NO PASSING ZONES.

(a) Hazardous zones, commonly called "no passing zones," shall consist of an auxiliary yellow line marked on the roadway pavement and placed parallel to the normal center line or marked lane line. When the auxiliary yellow line appears on the left side in the driver's lane of travel and to the right of the normal center line or marked lane line, no driver shall drive across the auxiliary yellow line to overtake and pass another vehicle proceeding in the same direction. When auxiliary yellow lines appear on both sides of the normal center line or marked lane line, drivers proceeding in either direction shall not drive across such auxiliary yellow lines to overtake and pass another vehicle proceeding in the same direction. No driver shall, at any other time, drive across the yellow auxiliary line when it appears in the driver's lane of travel, except to make a lawfully permitted left-hand turn under the rules governing such movement. No passing signs may also be erected facing traffic to indicate the beginning and end of each no passing zone.

When appropriate signs or markings indicating hazardous or no passing zones are in place and clearly visible, every operator of a vehicle shall obey the directions of the signs or markings, notwithstanding the distance set out in Section 331.06.

(b) Subsection (a) of this section does not apply when all of the following apply:

- (1) The slower vehicle is proceeding at less than half the speed of the speed limit applicable to that location.
- (2) The faster vehicle is capable of overtaking and passing the slower vehicle without exceeding the speed limit.
- (3) There is sufficient clear sight distance to the left of the center or center line of the roadway to meet the overtaking and passing provisions of Section 331.05, considering the speed of the slower vehicle.

(c) 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. (ORC 4511.31)

331.08 DRIVING IN MARKED LANES OR CONTINUOUS LINES OF TRAFFIC.

(a) Whenever any roadway has been divided into two or more clearly marked lanes for traffic or wherever traffic is lawfully moving in two or more substantially continuous lines in the same direction, the following rules apply:

- (1) A vehicle shall be driven, as nearly as is practicable, entirely within a single lane or line of traffic and shall not be moved from such lane or line until the driver has first ascertained that such movement can be made with safety.
- (2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or when preparing for a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is posted with signs to give notice of such allocation.
- (3) Official signs may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, or restricting the use of a particular lane to only buses during certain hours or during all hours, and drivers of vehicles shall obey the directions of such signs.
- (4) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.

(b) 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. (ORC 4511.33)

331.09 FOLLOWING TOO CLOSELY.

(a) The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the highway.

The driver of any truck, or motor vehicle drawing another vehicle, when traveling upon a roadway outside a business or residence district shall maintain a sufficient space, whenever conditions permit, between such vehicle and another vehicle ahead so an overtaking motor vehicle may enter and occupy such space without danger. This paragraph does not prevent overtaking and passing nor does it apply to any lane specially designated for use by trucks.

Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, shall maintain a sufficient space between such vehicles so an overtaking vehicle may enter and occupy such space without danger. This paragraph shall not apply to funeral processions.

(b) 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. (ORC 4511.34)

331.10 TURNING AT INTERSECTIONS.

(a) The driver of a vehicle intending to turn at an intersection shall be governed by the following rules:

- (1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane of the roadway being entered lawfully available to the traffic moving in that lane.
- (4) Markers, buttons or signs may be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such markers, buttons or signs are so placed, no operator of a vehicle shall turn such vehicle at an intersection other than as directed and required by such markers, buttons or signs.

(b) 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. (ORC 4511.36)

331.11 TURNING INTO PRIVATE DRIVEWAY, ALLEY OR BUILDING.

(a) The driver of a vehicle intending to turn into a private road or driveway, alley or building from a public street or highway shall be governed by the following rules:

- (1) Approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) Upon a roadway where traffic is proceeding in opposite directions, approach for a left turn and a left turn shall be made from that portion of the right half of the roadway nearest the center line thereof.
- (3) Upon a roadway where traffic is restricted to one direction, approach for a left turn and a left turn shall be made as close as practicable to the left-hand curb or edge of the roadway.

It shall be the duty of the driver of any vehicle entering a private road or driveway, alley or building to yield the right of way to pedestrians lawfully using the sidewalk or sidewalk area extending across any alleyway, private road, driveway or building.

(b) 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.

331.12 "U" TURNS PROHIBITED.

(a) No driver of any vehicle shall turn the vehicle so as to proceed in the opposite direction upon any street within the Municipality.

(b) The driver of an emergency vehicle or public safety vehicle, when responding to an emergency call, may turn the vehicle so as to proceed in the opposite direction. This subsection applies only when the emergency vehicle or public safety vehicle is responding to an emergency call, is equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and when the driver of the vehicle is giving an audible signal by siren, exhaust whistle or bell. This subsection does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) 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.

331.13 STARTING AND BACKING VEHICLES.

(a) No person shall start a vehicle which is stopped, standing or parked until such movement can be made with reasonable safety.

Before backing, operators of vehicles shall give ample warning, and while backing they shall exercise vigilance not to injure person or property on the street or highway.

No person shall back a motor vehicle on a freeway, except: in a rest area; in the performance of public works or official duties; as a result of an emergency caused by an accident or breakdown of a motor vehicle.

(b) 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. (ORC 4511.38)

331.14 SIGNALS BEFORE CHANGING COURSE, TURNING OR STOPPING.

(a) No person shall turn a vehicle or move right or left upon a highway unless and until such person has exercised due care to ascertain that the movement can be made with reasonable safety nor without giving an appropriate signal in the manner hereinafter provided.

When required, a signal of intention to turn or move right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that in the case of a person operating a bicycle, the signal shall be made not less than one time but is not required to be continuous. A bicycle operator is not required to make a signal if the bicycle is in a designated turn lane, and a signal shall not be given when the operator's hands are needed for the safe operation of the bicycle.

No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give a signal.

Any stop or turn signal required by this section shall be given either by means of the hand and arm, or by signal lights that clearly indicate to both approaching and following traffic intention to turn or move right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet, whether a single vehicle or a combination of vehicles.

The signal lights required by this section shall not be flashed on one side only on a disabled vehicle, flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear, nor be flashed on one side only of a parked vehicle except as may be necessary for compliance with this section.

(b) 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. (ORC 4511.39)

331.15 HAND AND ARM SIGNALS.

(a) Except as provided in subsection (b) hereof, all signals required by this Traffic Code, when given by hand and arm shall be given from the left side of the vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn: Hand and arm extended horizontally;
- (2) Right turn: Hand and arm extended upward;
- (3) Stop or decrease speed: Hand and arm extended downward.

(b) As an alternative to subsection (a)(2) hereof, a person operating a bicycle may give a right turn signal by extending the right hand and arm horizontally and to the right side of the bicycle.

(c) 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. (ORC 4511.40)

331.16 RIGHT OF WAY AT INTERSECTIONS.

(a) When two vehicles approach or enter an intersection from different streets or highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(b) The right of way rule declared in subsection (a) hereof, is modified at through highways and otherwise as stated in this Traffic Code and Ohio R.C. Chapter 4511. (ORC 4511.41)

(c) Subject to compliance with any traffic control device, when two vehicles approach or enter a junction of two or more alleys from different directions at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

(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. (ORC 4511.41)

331.17 RIGHT OF WAY WHEN TURNING LEFT.

(a) The operator of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction, whenever the approaching vehicle is within the intersection or so close to the intersection, alley, private road or driveway as to constitute an immediate hazard.

(b) 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. (ORC 4511.42)

331.18 OPERATION OF VEHICLE AT YIELD SIGNS.

(a) The driver of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways. Whenever a driver is involved in a collision with a vehicle in the intersection or junction of roadways, after driving past a yield sign without stopping, the collision shall be prima-facie evidence of the driver's failure to yield the right of way.

(b) 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. (ORC 4511.43(B))

331.19 OPERATION OF VEHICLE AT STOP SIGNS.

(a) Except when directed to proceed by a law enforcement officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, but if none before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection or junction of roadways.

(b) 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. (ORC 4511.43(A))

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

(a) The driver of any emergency vehicle or public safety vehicle, when responding to an emergency call, upon approaching a red or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed cautiously past such red or stop sign or signal with due regard for the safety of all persons using the street or highway.

(b) 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. (ORC 4511.03)

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

(a) Upon the approach of a public safety vehicle or coroner's vehicle, equipped with at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and the driver is giving an audible signal by siren, exhaust whistle or bell, no driver of any other vehicle shall fail to yield the right-of-way, immediately drive if practical to a position parallel to and as close as possible to, the right edge or curb of the street clear of any intersection, and stop and remain in that position until the public safety vehicle or coroner's vehicle has passed, except when otherwise directed by a police officer.

(b) This section does not relieve the driver of a public safety vehicle or coroner's vehicle from the duty to drive with due regard for the safety of all persons and property upon the street.

(c) This section applies to a coroner's vehicle only when the vehicle is operated in accordance with Ohio R.C. 4513.171. As used in this section, "coroner's vehicle" means a vehicle used by a coroner, deputy coroner or coroner's investigator that is equipped with a flashing, oscillating or rotating red or blue light and a siren, exhaust whistle, or bell capable of giving an audible signal.

(d) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section is guilty of a misdemeanor of the fourth degree on a first offense. On a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree, and, on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree. (ORC 4511.45)

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

(a) Subject to compliance with any traffic control device, the operator of a vehicle about to enter or cross a highway from an alley or from any place other than another roadway shall yield the right of way to all traffic approaching on the roadway to be entered or crossed.

(b) 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. (ORC 4511.44)

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

(a) Subject to compliance with any traffic control device, the driver of a vehicle emerging from an alley, building, private road or driveway within a business or residence district shall stop the vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across the alley, building entrance, road or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon.

(b) 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. (ORC 4511.431)

331.24 RIGHT OF WAY OF FUNERAL PROCESSION.

(a) As used in this section "funeral procession" means two or more vehicles accompanying the cremated remains or the body of a deceased person in the daytime when each of the vehicles has its headlights lighted and is displaying a purple and white or an orange and white pennant attached to each vehicle in such a manner as to be clearly visible to traffic approaching from any direction.

(b) Excepting public safety vehicles proceeding in accordance with Section 331.21 or when directed otherwise by a police officer, pedestrians and the operators of all vehicles shall yield the right of way to each vehicle that is a part of a funeral procession. Whenever the lead vehicle in a funeral procession lawfully enters an intersection, the remainder of the vehicles in the procession may continue to follow the lead vehicle through the intersection notwithstanding any traffic control devices or right-of-way provisions of this Traffic Code, provided that the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian.

(c) No person shall operate any vehicle as a part of a funeral procession without having the headlights of the vehicle lighted and without displaying a purple and white or an orange and white pennant in such a manner as to be clearly visible to traffic approaching from any direction.

(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. (ORC 4511.451)

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

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(c) 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. (ORC 4511.70(A),(B),(D))

331.26 DRIVING UPON STREET POSTED AS CLOSED FOR REPAIR.

(a) No person shall drive upon, along or across a street or highway, or any part of a street or highway that has been closed in the process of its construction, reconstruction or repair, and posted with appropriate signs by the authority having jurisdiction to close such street or highway.

(b) 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. (ORC 4511.71)

331.27 FOLLOWING AND PARKING NEAR EMERGENCY OR SAFETY VEHICLES.

(a) The driver of any vehicle, other than an emergency vehicle or public safety vehicle on official business, shall not follow any emergency vehicle or public safety vehicle traveling in response to an alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm, unless directed to do so by a police officer or a firefighter.

(b) 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. (ORC 4511.72)

331.28 DRIVING OVER FIRE HOSE.

(a) No vehicle shall, without the consent of the Fire Chief or fire official in command, be driven over any unprotected fire hose that is laid down on any street or private driveway to be used at any fire or alarm of fire.

(b) 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. (ORC 4511.73)

331.29 DRIVING THROUGH SAFETY ZONE.

(a) No vehicle shall at any time be driven through or within a safety zone.

(b) 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. (ORC 4511.60)

331.30 ONE-WAY STREETS AND ROTARY TRAFFIC ISLANDS.

(a) Upon a roadway designated and posted with signs for one-way traffic a vehicle shall be driven only in the direction designated. A vehicle passing around a rotary traffic island shall be driven only to the right of the rotary traffic island.

(b) 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. (ORC 4511.32)

331.31 DRIVING UPON DIVIDED ROADWAYS.

(a) Whenever any street has been divided into two roadways by an intervening space, or by a physical barrier, or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway, and no vehicle shall be driven over, across or within any such dividing space, barrier or median section, except through an opening, crossover or intersection established by public authority. This section does not prohibit the occupancy of such dividing space, barrier or median section for the purpose of an emergency stop or in compliance with an order of a police officer.

(b) 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. (ORC 4511.35)

331.32 ENTERING AND EXITING CONTROLLED-ACCESS HIGHWAY.

(a) No person shall drive a vehicle onto or from any controlled-access highway except at such entrances and exits as are established by public authority.

(b) 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.

331.33 OBSTRUCTING INTERSECTION, CROSSWALK OR GRADE CROSSING.

(a) No driver shall enter an intersection or marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk or grade crossing to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles, pedestrians or railroad trains, notwithstanding any traffic control signal indication to proceed.

(b) 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. (ORC 4511.712)

331.34 FAILURE TO CONTROL; WEAVING; FULL TIME AND ATTENTION.

(a) No person shall operate a vehicle without exercising reasonable and ordinary control over such vehicle.

(b) No person shall operate a vehicle in a weaving or zigzag course unless such irregular course is necessary for safe operation or in compliance with law.

(c) No person shall operate a vehicle without giving his full time and attention to the operation of such vehicle.

(d) 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.

331.35 OCCUPYING A MOVING TRAILER OR MANUFACTURED OR MOBILE HOME.

(a) No person shall occupy any travel trailer or manufactured or mobile home while it is being used as a conveyance upon a street or highway.

(b) 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. (ORC 4511.701)

331.36 SQUEALING TIRES, "PEELING," CRACKING EXHAUST NOISES.

(a) No person shall unnecessarily race the motor of any vehicle and no person shall operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the roadway, commonly called "peeling".

(b) 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.

331.37 DRIVING UPON SIDEWALKS, STREET LAWNS OR CURBS.

(a) No person shall drive any vehicle, other than a bicycle, upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway. (ORC 4511.711)

(b) No person shall drive a vehicle on a street lawn area or the curb of a street, except upon a permanent or duly authorized temporary driveway or when otherwise lawfully authorized.

(c) 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. (ORC 4511.711)

331.38 STOPPING FOR SCHOOL BUS; DISCHARGING CHILDREN.

(a) The driver of a vehicle upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency, shall stop at least ten feet from the front or rear of the school bus and shall not proceed until such school bus resumes motion, or until signaled by the school bus driver to proceed.

It is no defense to a charge under this subsection (a) hereof that the school bus involved failed to display or be equipped with an automatically extended stop warning sign as required by subsection (b) hereof.

(b) Every school bus shall be equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, and an automatically extended stop warning sign of a type approved by the State Board of Education, which shall be actuated by the driver of the bus whenever but only whenever the bus is stopped or stopping on the roadway for the purpose of receiving or discharging school children, persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. A school bus driver shall not actuate the visual signals or the stop warning sign in designated school bus loading areas where the bus is entirely off the roadway or at school buildings when children or persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities are loading or unloading at curbside or at buildings when children attending programs offered by head start agencies are boarding or unloading at curbside. The visual signals and stop warning sign shall be synchronized or otherwise operated as required by rule of the Board.

(c) Where a highway has been divided into four or more traffic lanes, a driver of a vehicle need not stop for a school bus approaching from the opposite direction which has stopped for the purpose of receiving or discharging any school child, persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities, or children attending programs offered by head start agencies. The driver of any vehicle overtaking the school bus shall comply with subsection (a) hereof.

(d) School buses operating on divided highways or on highways with four or more traffic lanes shall receive and discharge all school children, persons attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities, and children attending programs offered by head start agencies on their residence side of the highway.

(e) No school bus driver shall start the driver's bus until after any child, person attending programs offered by community boards of mental health and County boards of mental retardation and developmental disabilities, or child attending a program offered by a head start agency who may have alighted therefrom has reached a place of safety on the child or person's residence side of the road.

- (f) As used in this section:
- (1) “Head start agency” has the same meaning as in Ohio R.C. 3301.32.
 - (2) “School bus”, as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the State Board of Education, is painted the color and displays the markings described in Ohio R.C. 4511.77, and is equipped with amber and red visual signals meeting the requirements of Ohio R.C. 4511.771, irrespective of whether or not the bus has fifteen or more children aboard at any time. “School bus” does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.
- (g) (1) Whoever violates subsection (a) of this section may be fined an amount not to exceed five hundred dollars (\$500.00). A person who is issued a citation for a violation of subsection (a) of this section is not permitted to enter a written plea of guilty and waive the person’s right to contest the citation in a trial but instead must appear in person in the proper court to answer the charge.
- (2) In addition to and independent of any other penalty provided by law, the court or mayor may impose upon an offender who violates this section a class seven suspension of the offender’s driver’s license, commercial driver’s license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (a)(7) of Ohio R.C. 4510.02. When a license is suspended under this section, the court or mayor shall cause the offender to deliver the license to the court, and the court or clerk of the court immediately shall forward the license to the Registrar of Motor Vehicles, together with notice of the court’s action. (ORC 4511.75)

331.39 DRIVING ACROSS GRADE CROSSING.

- (a) (1) Whenever any person driving a vehicle approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad, if any of the following circumstances exist at the crossing:
- A. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train.
 - B. A crossing gate is lowered.
 - C. A flagperson gives or continues to give a signal of the approach or passage of a train.
 - D. There is insufficient space on the other side of the railroad grade crossing to accommodate the vehicle the person is operating without obstructing the passage of other vehicles, pedestrians, or railroad trains, notwithstanding any traffic control signal indication to proceed.
 - E. An approaching train is emitting an audible signal or is plainly visible and is in hazardous proximity to the crossing.
 - F. There is insufficient undercarriage clearance to safely negotiate the crossing.
- (2) A person who is driving a vehicle and who approaches a railroad grade crossing shall not proceed as long as any of the circumstances described in divisions (a)(1)A. to F. of this section exist at the crossing.

(b) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed unless the person is signaled by a law enforcement officer or flagperson that it is permissible to do so.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.
(ORC 4511.62)

331.40 STOPPING AT GRADE CROSSING.

- (a) (1) Except as provided in subsection (a)(2) hereof, the operator of any bus, any school vehicle, or any vehicle transporting material required to be placarded under 49 CFR Parts 100-185, before crossing at grade any track of a railroad, shall stop the vehicle, and, while so stopped, shall listen through an open door or open window and look in both directions along the track for any approaching train, and for signals indicating the approach of a train, and shall proceed only upon exercising due care after stopping, looking and listening as required by this section. Upon proceeding, the operator of such a vehicle shall cross only in a gear that will ensure there will be no necessity for changing gears while traversing the crossing and shall not shift gears while crossing the tracks.
- (2) This section does not apply at grade crossings when the Ohio Public Utilities Commission has authorized and approved an exempt crossing as provided in this subsection.
- A. Any local authority may file an application with the Commission requesting the approval of an exempt crossing. Upon receipt of such a request, the Commission shall authorize a limited period for the filing of comments by any party regarding the application and then shall conduct a public hearing in the community seeking the exempt crossing designation. The Commission shall provide appropriate prior public notice of the comment period and the public hearing. By registered mail, the Commission shall notify each railroad operating over the crossing of the comment period.
- B. After considering any comments or other information received, the Commission may approve or reject the application. By order, the Commission may establish conditions for the exempt crossing designation, including compliance with division (b) of 49 C.F.R. Part 392.10, when applicable. An exempt crossing designation becomes effective only when appropriate signs giving notice of the exempt designation are erected at the crossing as ordered by the Commission and any other conditions ordered by the Commission are satisfied.
- C. By order, the Commission may rescind any exempt crossing designation made under this section if the Commission finds that a condition at the exempt crossing has changed to such an extent that the continuation of the exempt crossing designation compromises public safety. The Commission may conduct a public hearing to investigate and determine whether to rescind the exempt crossing designation. If the Commission rescinds the designation, it shall order the removal of any exempt crossing signs and may make any other necessary order.

- (3) As used in this section:
- A. "School vehicle" means any vehicle used for the transportation of pupils to and from a school or school-related function if the vehicle is owned or operated by, or operated under contract with, a public or nonpublic school.
 - B. "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.
 - C. "Exempt crossing" means a highway rail grade crossing authorized and approved by the Public Utilities Commission under subsection (a)(2) hereof at which vehicles may cross without making the stop otherwise required by this section.
- (4) Except as otherwise provided in this subsection (a)(4), whoever violates subsection (a) hereof is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) hereof or Ohio R.C. 4511.76, 4511.761, 4511.762, 4511.764, 4511.77 or 4511.79, or a municipal ordinance that is substantially similar to any of those sections, whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree. (ORC 4511.63)
- (b) (1) When authorized stop signs are erected at railroad grade crossings, the operator of any vehicle shall stop within fifty but not less than fifteen feet from the nearest rail of the railroad tracks and shall exercise due care before proceeding across such grade crossing.
- (2) Except as otherwise provided in this subsection, whoever violates this subsection (b)(1) hereof 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 4511.61)

331.41 OPERATION OF OFF-ROAD VEHICLES ON CITY LAND PROHIBITED.

(a) No person shall operate, in any City park or upon any other City-owned land, any motor vehicle suitable for off-road travel, including any four-wheel drive automobile or truck or any motorcycle, "three-wheeler", "four-wheeler", or "dirt bike". (Ord. 96-86. Passed 11-10-86.)

(b) 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 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)

331.43 WEARING EARPLUGS OR EARPHONES PROHIBITED.

(a) No person shall operate a motor vehicle while wearing earphones over, or earplugs in, both ears. As used in this section, "earphones" means any headset, radio, tape player or other similar device that provides the listener with radio programs, music or other recorded information through a device attached to the head and that covers all or a portion of both ears. "Earphones" does not include speakers or other listening devices that are built into protective headgear.

(b) This section does not apply to:

- (1) Any person wearing a hearing aid;
- (2) Law enforcement personnel while on duty;
- (3) Fire 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 street or highway; or
- (5) Any person engaged in the operation of refuse collection equipment.

(c) 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.
(ORC 4511.84)

CHAPTER 333
OVI; Willful Misconduct; Speed

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| <p>333.01 Driving or physical control while under the influence.</p> <p>333.02 Operation in willful or wanton disregard of safety.</p> <p>333.03 Maximum speed limits; assured clear distance ahead.</p> <p>333.031 Approaching a stationary public safety vehicle.</p> <p>333.04 Stopping vehicle; slow speed; posted minimum speeds.</p> | <p>333.05 Speed limitations over bridges.</p> <p>333.06 Speed exceptions for emergency or safety vehicles.</p> <p>333.07 Street racing prohibited.</p> <p>333.08 Operation without reasonable control.</p> <p>333.09 Reckless operation on streets, public or private property.</p> <p>333.10 Operation in violation of immobilization order.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Drug of abuse defined - see Ohio R.C. 3719.011(A)
 Alcohol defined - see Ohio R.C. 4301.01(B)(1)
 Alteration of prima-facie speed limits - see Ohio R.C. 4511.21, 4511.22(B), 4511.23
 Failure to control vehicle - see TRAF. 331.34
 Walking on highway while under the influence - see TRAF. 371.09

333.01 DRIVING OR PHYSICAL CONTROL WHILE UNDER THE INFLUENCE.

- (a) (1) Operation Generally. No person shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:
- A. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - B. The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
 - C. The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
 - D. The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
 - E. The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

- F. The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.
- G. The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.
- H. The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.
- I. The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.
- J. Except as provided in subsection (m) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:
 - 1. The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.
 - 2. The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine per milliliter of the person's whole blood or blood serum or plasma.
 - 3. The person has a concentration of cocaine metabolite in the person's urine of at least one hundred fifty nanograms of cocaine metabolite per milliliter of the person's urine or has a concentration of cocaine metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of cocaine metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - 4. The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma.
 - 5. The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma.

6. The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.
 7. The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.
 8. Either of the following applies:
 - a. The person is under the influence of alcohol, a drug of abuse or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 - b. As measured by gas chromatography mass spectrometry, the person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.
 9. The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.
 10. The person has a concentration of phencyclidine in the person's urine of at least twenty-five nanograms of phencyclidine per milliliter of the person's urine or has a concentration of phencyclidine in the person's whole blood or blood serum or plasma of at least ten nanograms of phencyclidine per milliliter of the person's whole blood or blood serum or plasma.
- (2) No person who, within twenty years of the conduct described in subsection (a)(2)A. of this section, previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) or (B), or a municipal OVI offense shall do both of the following:

- A. Operate any vehicle within this Municipality while under the influence of alcohol, a drug of abuse or a combination of them;
- B. Subsequent to being arrested for operating the vehicle as described in subsection (a)(2)A. of this section, being asked by a law enforcement officer to submit to a chemical test or tests under Ohio R.C. 4511.191, and being advised by the officer in accordance with Ohio R.C. 4511.192 of the consequences of the person's refusal or submission to the test or tests, refuse to submit to the test or tests.

(b) Operation After Under-Age Consumption. No person under twenty-one years of age shall operate any vehicle within this Municipality, if, at the time of the operation, any of the following apply:

- (1) The person has a concentration of at least two-hundredths of one per cent but less than eight-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.
- (2) The person has a concentration of at least three-hundredths of one per cent but less than ninety-six-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.
- (3) The person has a concentration of at least two-hundredths of one gram but less than eight-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.
- (4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred milliliters of the person's urine.

(c) One Conviction Limitation. In any proceeding arising out of one incident, a person may be charged with a violation of subsection (a)(1)A. or (a)(2) and a violation of subsection (b)(1), (2) or (3) of this section, but the person may not be convicted of more than one violation of these subsections. (ORC 4511.99)

(d) Physical Control.

- (1) As used in this subsection, "physical control" means being in the driver's position of the front seat of a vehicle and having possession of the vehicle's ignition key or other ignition device.
- (2) A. No person shall be in physical control of a vehicle if, at the time of the physical control, any of the following apply:
 - 1. The person is under the influence of alcohol, a drug of abuse, or a combination of them.
 - 2. The person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (a)(1)B., C., D. or E. hereof.
 - 3. Except as provided in subsection (d)(3) of this section, the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the concentration specified in subsection (a)(1)J. hereof.
- B. No person under twenty-one years of age shall be in physical control of a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or while the person's whole blood, blood serum or plasma, breath, or urine contains at least the concentration of alcohol specified in subsection (b)(1) to (4) hereof.

- (3) Subsection (d)(2)A.3. of this section does not apply to a person who is in physical control of a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in subsection (a)(1)J. hereof, if both of the following apply:
- A. The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
 - B. The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.
- (e) Evidence; Tests.
- (1) A. In any criminal prosecution or juvenile court proceeding for a violation of (a)(1)A. of this section or for any equivalent offense, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in Ohio R.C. 2317.02, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a) or (b) of this section or for an equivalent offense, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this subsection regarding the admission of evidence does not extend or affect the two-hour time limit specified in Ohio R.C. 4511.192(A) as the maximum period of time during which a person may consent to a chemical test or tests as described in that section.
- The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this section when a person submits to a blood, breath, urine or other bodily substance test at the request of a law enforcement officer under Ohio R.C. 4511.191, or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this subsection may refuse to withdraw blood under this subsection, if in that person's opinion, the physical welfare of the person would be endangered by the withdrawing of blood.
- The bodily substance withdrawn under subsection (e)(1)B. hereof shall be analyzed in accordance with methods approved by the Director of Health by an individual possessing a valid permit issued by the Director pursuant to Ohio R.C. 3701.143.

- (2) In a criminal prosecution or juvenile court proceeding for violation of subsection (a) of this section or for an equivalent offense, if there was at the time the bodily substance was withdrawn a concentration of less than the applicable concentration of alcohol specified in subsections (a)(1)B., C., D. and E. of this section, or less than the applicable concentration of a listed controlled substance or a listed metabolite of a controlled substance specified for a violation of subsection (a)(1)J. of this section, that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. This subsection does not limit or affect a criminal prosecution or juvenile court proceeding for a violation of subsection (b) of this section or for an equivalent offense that is substantially equivalent to that subsection.
- (3) Upon the request of the person who was tested, the results of the chemical test shall be made available to the person or the person's attorney, immediately upon the completion of the chemical test analysis. If the chemical test was obtained pursuant to subsection (e)(1)B. hereof, the person tested may have a physician, a registered nurse, or a qualified technician, chemist or phlebotomist of the person's own choosing administer a chemical test or tests, at the person's expense, in addition to any administered at the request of a law enforcement officer. The form to be read to the person to be tested, as required under Ohio R.C. 4511.192, shall state that the person may have an independent test performed at the person's expense. The failure or inability to obtain an additional chemical test by a person shall not preclude the admission of evidence relating to the chemical test or tests taken at the request of a law enforcement officer.
- (4) A. As used in subsections (e)(4)B. and C. of this section, "national highway traffic safety administration" means the National Traffic Highway Safety Administration established as an administration of the United States Department of Transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.
- B. In any criminal prosecution or juvenile court proceeding for a violation of subsection (a), (b) or (d) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the blood, breath or urine, if a law enforcement officer has administered a field sobriety test to the operator or person in physical control of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the National Highway Traffic Safety Administration, all of the following apply:
1. The officer may testify concerning the results of the field sobriety test so administered.
 2. The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

3. If testimony is presented or evidence is introduced under subsection (e)(4)B.1. or 2. of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to be appropriate.
 - C. Subsection (e)(4)B. of this section does not limit or preclude a court, in its determination of whether the arrest of a person was supported by probable cause or its determination of any other matter in a criminal prosecution or juvenile court proceeding of a type described in that subsection, from considering evidence or testimony that is not otherwise disallowed by subsection (e)(4)B. of this section. (ORC 4511.19; 4511.194)
- (f) Forensic Laboratory Reports.
- (1) Subject to subsection (f)(3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of subsection (a)(1)B., C., D., E., F., G., H., I., or J. or (b)(1), (2), (3) or (4) of this section or for an equivalent offense that is substantially equivalent to any of those subsections, a laboratory report from any laboratory personnel issued a permit by the Department of Health authorizing an analysis as described in this subsection that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this subsection shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following:
 - A. The signature, under oath, of any person who performed the analysis;
 - B. Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found;
 - C. A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is part of the analyst's or test performer's regular duties;
 - D. An outline of the analyst's or test performer's education, training, and experience in performing the type of analysis involved and a certification that the laboratory satisfies appropriate quality control standards in general and, in this particular analysis, under rules of the Department of Health.
 - (2) Notwithstanding any other provision of law regarding the admission of evidence, a report of the type described in subsection (f)(1) of this section is not admissible against the defendant to whom it pertains in any proceeding, other than a preliminary hearing or a grand jury proceeding, unless the prosecutor has served a copy of the report on the defendant's attorney or, if the defendant has no attorney, on the defendant.

- (3) A report of the type described in subsection (f)(1) of this section shall not be prima-facie evidence of the contents, identity, or amount of any substance if, within seven days after the defendant to whom the report pertains or the defendant's attorney receives a copy of the report, the defendant or the defendant's attorney demands the testimony of the person who signed the report. The judge in the case may extend the seven-day time limit in the interest of justice.

(g) Immunity From Liability For Withdrawing Blood. Except as otherwise provided in this subsection, any physician, registered nurse or qualified technician, chemist, or phlebotomist who withdraws blood from a person pursuant to this section, and any hospital, first-aid station, or clinic at which blood is withdrawn from a person pursuant to this section, is immune from criminal liability and civil liability based upon a claim of assault and battery or any other claim that is not a claim of malpractice, for any act performed in withdrawing blood from the person. The immunity provided in this subsection is not available to a person who withdraws blood if the person engaged in willful or wanton misconduct.

(h) General OVI Penalty.

- (1) Whoever violates any provision of subsections (a)(1)A. to I. or (a)(2) of this section is guilty of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them. Whoever violates subsection (a)(1)J. of this section is guilty of operating a vehicle while under the influence of a listed controlled substance or a listed metabolite of a controlled substance. The court shall sentence the offender for either offense under Ohio R.C. Chapter 2929, and this Traffic Code, except as otherwise authorized or required by subsections (h)(1)A. to E. of this section:

A. Except as otherwise provided in subsections (h)(1)B., C., D. or E. of this section, the offender is guilty of a misdemeanor of the first degree, and the court shall sentence the offender to all of the following:

1. If the sentence is being imposed for a violation of subsections (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of three consecutive days. As used in this subsection, three consecutive days means seventy-two consecutive hours. The court may sentence an offender to both an intervention program and a jail term. The court may impose a jail term in addition to the three-day mandatory jail term or intervention program. However, in no case shall the cumulative jail term imposed for the offense exceed six months.

The court may suspend the execution of the three-day jail term under this subsection if the court, in lieu of that suspended term, places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 and requires the offender to attend, for three consecutive days, a drivers' intervention program certified under Ohio R.C. 3793.10.

The court also may suspend the execution of any part of the three-day jail term under this subsection if it places the offender under a community control sanction pursuant to Ohio R.C. 2929.25 for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. As used in this subsection, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a drivers' intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under Ohio R.C. 2929.25, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Ohio R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of community control on the offender that it considers necessary.

3. In all cases, a fine of not less than three hundred twenty-five dollars (\$325.00) and not more than one thousand seventy-five dollars (\$1,075).

4. In all cases, a class five license suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13.
- B. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to one violation of subsection (a) or (b) of this section or one other equivalent offense is guilty of a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of ten consecutive days. The court shall impose the ten-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the ten-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.
In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court and, subject to subsection (k) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Ohio R.C. 3793.02.
 2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, except as otherwise provided in this subsection, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court may require the offender to attend a drivers' intervention program that is certified pursuant to Ohio R.C. 3793.10. If the operator of the program determines that the offender is alcohol dependent, the program shall notify the court, and, subject to subsection (k) of this section, the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by Ohio R.C. 3793.02.

3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than four hundred seventy-five dollars (\$475.00) and not more than one thousand six hundred twenty-five dollars (\$1,625).
 4. In all cases, a class four license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
 5. In all cases, if the vehicle is registered in the offender's name, immobilization of the vehicle involved in the offense for ninety days in accordance with Ohio R.C. 4503.233 and impoundment of the license plates of that vehicle for ninety days. (ORC 4511.193)
- C. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to two violations of subsection (a) or (b) of this section or other equivalent offenses is guilty of a misdemeanor. The court shall sentence the offender to all of the following:
1. If the sentence is being imposed for a violation of subsection (a)(1)A., B., C., D., E., or J. of this section, a mandatory jail term of thirty consecutive days. The court shall impose the thirty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the thirty-day mandatory jail term. Notwithstanding the jail terms set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.

2. If the sentence is being imposed for a violation of subsection (a)(1)F., G., H. or I. or (a)(2) of this section, a mandatory jail term of sixty consecutive days. The court shall impose the sixty-day mandatory jail term under this subsection unless, subject to subsection (h)(3) of this section, it instead imposes a sentence under that subsection consisting of both a jail term and a term of electronically monitored house arrest with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the sixty-day mandatory jail term. Notwithstanding the terms of imprisonment set forth in Section 303.99, the additional jail term shall not exceed one year, and the cumulative jail term imposed for the offense shall not exceed one year.
 3. In all cases, notwithstanding the fines set forth in Section 303.99, a fine of not less than eight hundred dollars (\$800.00) and not more than two thousand seven hundred fifty dollars (\$2,750).
 4. In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of Ohio R.C. 4510.02. The court may grant limited driving privileges relative to the suspension under Ohio R.C. 4510.021 and 4510.13. (ORC 4511.19)
 5. In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with Ohio R.C. 4503.234. Subsection (h)(5) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this subsection. (ORC 4511.193)
 6. In all cases, participation in an alcohol and drug addiction program authorized by Ohio R.C. 3793.02, subject to subsection (k) of this section.
- D. Except as otherwise provided in subsection (h)(1)E. of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of subsection (a) or (b) of this section or other equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree and shall be prosecuted under appropriate state law.
- E. An offender who previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.19(A) that was a felony, regardless of when the violation and the conviction or guilty plea occurred, is guilty of a felony of the third degree and shall be prosecuted under appropriate state law.

(2) An offender who is convicted of or pleads guilty to a violation of subsection (a) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F)(2) of Ohio R.C. 4511.191.

(3) If an offender is sentenced to a jail term under subsection (h)(1)B.1. or 2. or (h)(1)C.1. or 2. of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative sentence under this subsection that includes a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten consecutive days required by subsection (h)(1)B.1. of this section, the court, under this subsection, may sentence the offender to five consecutive days in jail and not less than eighteen consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the five consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed six months. The five consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of twenty consecutive days required by subsection (h)(1)B.2. of this section, the court, under this subsection, may sentence the offender to ten consecutive days in jail and not less than thirty-six consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the ten consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed six months. The ten consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to a mandatory jail term of thirty consecutive days required by subsection (h)(1)C.1. of this section, the court, under this subsection, may sentence the offender to fifteen consecutive days in jail and not less than fifty-five consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the fifteen consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring or both types of monitoring shall not exceed one year. The fifteen consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

As an alternative to the mandatory jail term of sixty consecutive days required by subsection (h)(1)C.2. of this section, the court, under this subsection, may sentence the offender to thirty consecutive days in jail and not less than one hundred ten consecutive days of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The cumulative total of the thirty consecutive days in jail and the period of house arrest with electronic monitoring, continuous alcohol monitoring, or both types of monitoring shall not exceed one year. The thirty consecutive days in jail do not have to be served prior to or consecutively to the period of house arrest.

- (4) If an offender's driver's or occupational driver's license or permit or nonresident operating privilege is suspended under subsection (h) of this section and if Ohio R.C. 4510.13 permits the court to grant limited driving privileges, the court may grant the limited driving privileges in accordance with that section. If division (A)(7) of that section requires that the court impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under Ohio R.C. 4503.231, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of Ohio R.C. 4503.231.
- (5) If title to a motor vehicle that is subject to an order of criminal forfeiture under this section is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C)(2) of that section.
- (6) As used in subsection (h) of this section, "electronic monitoring", "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in Ohio R.C. 2929.01.

(i) Vehicle Operation After Underage Alcohol Consumption Penalty. Whoever violates subsection (b) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

- (1) Except as otherwise provided in subsection (i)(2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02.
- (2) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one or more violations of subsection (a) or (b) of this section or other equivalent offenses, the offender is guilty of a misdemeanor of the third degree. In addition to any other sanction imposed for the offense, the court shall impose a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

- (3) If the offender also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1414 and if the court imposes a jail term for the violation of subsection (b) of this section, the court shall impose upon the offender an additional definite jail term pursuant to division (E) of Ohio R.C. 2929.24. (ORC 4511.19)

(j) Physical Control Penalty. Whoever violates subsection (d) hereof is guilty of having physical control of a vehicle while under the influence, a misdemeanor of the first degree. In addition to other sanctions imposed, the court may impose on the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4511.194)

(k) Compliance With Ohio R.C. Chapter 3793 Standards.

- (1) No court shall sentence an offender to an alcohol treatment program under this section unless the treatment program complies with the minimum standards for alcohol treatment programs adopted under Ohio R.C. Chapter 3793 by the Director of Alcohol and Drug Addiction Services.
- (2) An offender who stays in a driver's intervention program or in an alcohol treatment program under an order issued under this section shall pay the cost of the stay in the program. However, if the court determines that an offender who stays in an alcohol treatment program under an order issued under this section is unable to pay the cost of the stay in the program, the court may order that the cost be paid from the court's indigent drivers' alcohol treatment fund.

(l) Appeal Does Not Stay Operation of License Suspension. If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension.

(m) Subsection (a)(1)J. of this section does not apply to a person who operates a vehicle while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that subsection, if both of the following apply:

- (1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.

(n) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in subsection (a)(1)J. of this section also apply in a prosecution of a violation of Ohio R.C. 2923.16(D) in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(o) Conflict of Terms. All terms defined in Ohio R.C. 4510.01 apply to this section. If the meaning of a term defined in Ohio R.C. 4510.01 conflicts with the meaning of the same term as defined in Ohio R.C. 4501.01 or this Traffic Code, the term as defined in Ohio R.C. 4510.01 applies to this section. (ORC 4511.19)

(p) Indigent Drivers Alcohol Treatment Fund. Twenty-five dollars (\$25.00) of any fine imposed for a violation of subsection (a) hereof shall be deposited into the municipal or county indigent drivers alcohol treatment fund pursuant to Ohio R.C. 4511.193. (ORC 4511.193)

(q) Definitions. As used in this section:

- (1) "Equivalent offense" means any of the following:
 - A. A violation of division (A) or (B) of Ohio R.C. 4511.19;
 - B. A violation of a municipal OVI ordinance;
 - C. A violation of Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section;
 - D. A violation of division (A)(1) of Ohio R.C. 2903.06 or 2903.08 or a municipal ordinance that is substantially equivalent to either of those divisions;
 - E. A violation of division (A)(2), (3) or (4) of Ohio R.C. 2903.06, division (A)(2) of Ohio R.C. 2903.08, or former Ohio R.C. 2903.07, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;
 - F. A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
 - G. A violation of a former law of this State that was substantially equivalent to division (A) or (B) of Ohio R.C. 4511.19;
- (2) "Mandatory jail term" means the mandatory term in jail of three, six, ten, twenty, thirty, or sixty days that must be imposed under subsection (h)(1)A., B. or C. upon an offender convicted of a violation of subsection (a) hereof and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced or otherwise modified pursuant to Ohio R.C. 2929.21 to 2929.28, or any other provision of the Ohio Revised Code.

- (3) “Municipal OVI ordinance” and “municipal OVI offense” mean any municipal ordinance prohibiting a person from operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum, or plasma, breath or urine.
- (4) “Community residential sanction”, “jail”, “mandatory prison term”, “mandatory term of local incarceration”, “sanction” and “prison term” have the same meanings as in Ohio R.C. 2929.01.
- (5) “Drug of abuse” has the same meaning as in Ohio R.C. 4506.01. (ORC 4511.181)

333.02 OPERATION IN WILLFUL OR WANTON DISREGARD OF SAFETY.

(a) No person shall operate a vehicle on any street or highway in willful or wanton disregard of the safety of persons or property. (ORC 4511.20)

(b) No person shall operate a vehicle on any public or private property other than streets or highways, in willful or wanton disregard of the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon. (ORC 4511.201)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

333.03 MAXIMUM SPEED LIMITS; ASSURED CLEAR DISTANCE AHEAD.

(a) No person shall operate a motor vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface and width of the street or highway and any other conditions, and no person shall drive any motor vehicle in and upon any street or highway at a greater speed than will permit the person to bring it to a stop within the assured clear distance ahead.

(b) It is prima-facie lawful, in the absence of a lower limit declared pursuant to Ohio R.C. 4511.21 by the Ohio Director of Transportation or Council, for the operator of a motor vehicle to operate the same at a speed not exceeding the following:

(1) A. Twenty miles per hour in school zones during school recess and while children are going to or leaving school during the opening or closing hours, and when twenty miles per hour school speed limit signs are erected; except, that on controlled-access highways and expressways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(4) hereof and on freeways, if the right-of-way line fence has been erected without pedestrian opening, the speed shall be governed by subsection (b)(7) hereof. The end of every school zone may be indicated by signs equipped with flashing or other lights, or giving other special notice of the hours in which the school zone speed limit is in effect.

B. As used in this section, "school" means any school chartered under Ohio R.C. 3301.16 and any nonchartered school that during the preceding year filed with the Department of Education in compliance with rule 3301-35-08 of the Ohio Administrative Code, a copy of the school's report for the parents of the school's pupils certifying that the school meets Ohio minimum standards for nonchartered, nontax-supported schools and presents evidence of this filing to the jurisdiction from which it is requesting the establishment of a school zone.

C. As used in this section, "school zone" means that portion of a street or highway passing a school fronting upon the street or highway that is encompassed by projecting the school property lines to the fronting street or highway. Upon request from the Municipality for streets and highways under its jurisdiction, the Ohio Director of Transportation may extend the traditional school zone boundaries. The distances in subsections (b)(1)C.1. to 3. hereof shall not exceed 300 feet per approach per direction and are bounded by whichever of the following distances or combinations thereof the Director approves as most appropriate:

1. The distance encompassed by projecting the school building lines normal to the fronting highway and extending a distance of 300 feet on each approach direction;
2. The distance encompassed by projecting the school property lines intersecting the fronting highway and extending a distance of 300 feet on each approach direction;

3. The distance encompassed by the special marking of the pavement for a principal school pupil crosswalk plus a distance of 300 feet on each approach direction of highway;

Nothing in this section shall be construed to invalidate the Director's initial action on August 9, 1976, establishing all school zones at the traditional school zone boundaries defined by projecting school property lines, except when those boundaries are extended as provided in subsections (b)(1)A. and C. hereof.

- D. As used in this subsection, "crosswalk" has the meaning given that term in Section 301.09. The Director may, upon request by resolution of Council, and upon submission by the Municipality of such engineering, traffic and other information as the Director considers necessary, designate a school zone on any portion of a State route lying within the Municipality that includes a crosswalk customarily used by children going to or leaving a school during recess and opening and closing hours, whenever the distance, as measured in a straight line, from the school property line nearest the crosswalk to the nearest point of the crosswalk is no more than 1,320 feet. Such a school zone shall include the distance encompassed by the crosswalk and extending 300 feet on each approach direction of the State route;
 - (2) Twenty-five miles per hour in all other portions of the Municipality, except on State routes outside business districts, through highways outside business districts and alleys;
 - (3) Thirty-five miles per hour on all State routes or through highways within the Municipality outside business districts, except as provided in subsections (b)(4) and (5) hereof;
 - (4) Fifty miles per hour on controlled-access highways and expressways within the Municipality;
 - (5) Fifty miles per hour on State routes within the Municipality outside urban districts unless a lower prima-facie speed is established as further provided in this section;
 - (5.5) State Route 93, from the intersection with Ralph Street to the intersection with Bridge Street, shall have a speed limit of twenty-five miles per hour.
(Ord. 50-89. Passed 8-14-89.)
 - (6) Fifteen miles per hour on all alleys within the Municipality;
 - (7) Fifty-five miles per hour at all times on freeways with paved shoulders inside the Municipality other than freeways as provided in subsection (b)(10) hereof.
 - (8) Fifty-five miles per hour at all times on portions of freeways that are part of the interstate system and on all portions of freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system for operators of any motor vehicle weighing in excess of eight thousand pounds empty weight and any noncommercial bus;

- (9) Fifty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, unless a higher speed limit is established under Ohio R.C. 4511.21(L);
- (10) Sixty-five miles per hour for operators of any motor vehicle weighing eight thousand pounds or less empty weight and any commercial bus at all times on all portions of the following:
 - A. Freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995, and freeways that are not part of the interstate system, but are built to the standards and specifications that are applicable to freeways that are part of the interstate system and that had such a speed limit established prior to October 1, 1995;
 - B. Freeways that are part of the interstate system and freeways that are not part of the interstate system but are built to the standards and specifications that are applicable to freeways that are part of the interstate system, and that had such a speed limit established under Ohio R.C. 4511.21(L);
 - C. Rural, divided, multi-lane highways that are designated as part of the national highway system under the "National Highway System Designation Act of 1995", 109 Stat. 568, 23 U.S.C.A. 103, and that had such a speed limit established under Ohio R.C. 4511.21(M).

(c) It is prima-facie unlawful for any person to exceed any of the speed limitations in subsection (b)(1)A. to (b)(6) hereof, or any declared pursuant to this section by the Director or local authorities and it is unlawful for any person to exceed any of the speed limitations in subsection (d) hereof. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.

- (d) No person shall operate a motor vehicle upon a street or highway as follows:
 - (1) At a speed exceeding fifty-five miles per hour, except upon a freeway as provided in subsection (b)(10) hereof;
 - (2) At a speed exceeding sixty-five miles per hour upon a freeway as provided in subsection (b)(10) hereof except as otherwise provided in subsection (d)(3) hereof;
 - (3) If a motor vehicle weighing in excess of 8,000 pounds empty weight or a noncommercial bus as prescribed in subsection (b)(8) hereof, at a speed exceeding fifty-five miles per hour upon a freeway as provided in that subsection.
 - (4) At a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit of not more than sixty-five miles per hour pursuant to Ohio R.C. 4511.21(L)(2) or (M);
 - (5) At a speed exceeding sixty-five miles per hour upon a freeway for which such a speed limit has been established through the operation of Ohio R.C. 4511.21(L)(3);
 - (6) At a speed exceeding the posted speed limit upon a freeway for which the Director has determined and declared a speed limit pursuant to Ohio R.C. 4511.21(I)(2).

(e) In every charge of violation of this section the affidavit and warrant shall specify the time, place and speed at which the defendant is alleged to have driven, and in charges made in reliance upon subsection (c) hereof also the speed which subsections (b)(1)A. to (b)(6) hereof, or a limit declared pursuant to this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured clear distance ahead the affidavit and warrant need not specify the speed at which the defendant is alleged to have driven.

(f) When a speed in excess of both a prima-facie limitation and a limitation in subsection (d)(1), (2), (3), (4), (5), or (6) hereof is alleged, the defendant shall be charged in a single affidavit, alleging a single act, with a violation indicated of both subsections (b)(1)A. to (b)(6) hereof, or of a limit declared pursuant to this section by the Director or local authorities, and of the limitation in subsection (d)(1), (2), (3), (4), (5), or (6) hereof. If the court finds a violation of subsection (b)(1)A. to (b)(6) hereof, or a limit declared pursuant to this section has occurred, it shall enter a judgment of conviction under such subsection and dismiss the charge under subsection (d)(1), (2), (3), (4), (5), or (6) hereof. If it finds no violation of subsections (b)(1)A. to (b)(6) hereof or a limit declared pursuant to this section, it shall then consider whether the evidence supports a conviction under subsection (d)(1), (2), (3), (4), (5), or (6) hereof.

(g) Points shall be assessed for violation of a limitation under subsection (d) hereof in accordance with Ohio R.C. 4510.036.

(h) Whenever, in accordance with Ohio R.C. 4511.21 or this section, the speed limitations as established herein have been altered, either higher or lower, and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. It is prima-facie unlawful for any person to exceed the speed limits posted upon such signs.

(i) As used in this section:

- (1) "Interstate system" has the same meaning as in 23 U.S.C.A. 101.
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.
- (3) "Noncommercial bus" includes but is not limited to a school bus, or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization.

- (j) (1) A violation of any provision of this section is one of the following:
- A. Except as otherwise provided in subsections (j)(1)B., (1)C., (2) and (3) of this section, a minor misdemeanor;
 - B. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the fourth degree;
 - C. If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to three or more violations of any provision of this section or of any provision of Ohio R.C. 4511.21 or a municipal ordinance that is substantially similar to any provision of this section, a misdemeanor of the third degree.

- (2) If the offender has not previously been convicted of or pleaded guilty to a violation of any provision of Ohio R.C. 4511.21 or of any provision of a municipal ordinance that is substantially similar to Ohio R.C. 4511.21 and operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree.
- (3) Notwithstanding subsection (j)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with Ohio R.C. 4511.98, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this subsection and if the court determines that the offender is an indigent person and unable to pay the fine.
(ORC 4511.21)

333.031 APPROACHING A STATIONARY PUBLIC SAFETY VEHICLE.

(a) The driver of a motor vehicle, upon approaching a stationary public safety vehicle that is displaying a flashing red light, flashing combination red and white light, oscillating or rotating red light, oscillating or rotating combination red and white light, flashing blue light, flashing combination blue and white light, oscillating or rotating blue light, or oscillating or rotating combination blue and white light, shall do either of the following:

- (1) If the driver of the motor vehicle is traveling on a street or highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible with due regard to the road, weather, and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary public safety vehicle.
- (2) If the driver is not traveling on a street or highway of a type described in subsection (a)(1) of this section, or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle, and maintain a safe speed for the road, weather and traffic conditions.

(b) This section does not relieve the driver of a public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(c) No person shall fail to drive a motor vehicle in compliance with subsection (a)(1) or (2) of this section when so required by subsection (a) of this section.

- (d) (1) 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.
- (2) Notwithstanding Section 303.99, upon a finding that a person operating a motor vehicle in violation of subsection (c) of this section, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation.
(ORC 4511.213)

333.04 STOPPING VEHICLE; SLOW SPEED; POSTED MINIMUM SPEEDS.

(a) No person shall stop or operate a vehicle at such an unreasonably slow speed as to impede or block the normal and reasonable movement of traffic, except when stopping or reduced speed is necessary for safe operation or to comply with law.

(b) Whenever, in accordance with Ohio R.C. 4511.22(B), the minimum speed limit of a controlled-access highway, expressway or freeway has been declared and the appropriate signs giving notice have been erected as required, operators of motor vehicles shall be governed by the speed limitations set forth on such signs. No person shall operate a motor vehicle below the speed limits posted upon such signs except when necessary for safe operation or in compliance with law.

(c) In a case involving a violation of this section, the trier of fact, in determining whether the vehicle was being operated at an unreasonably slow speed, shall consider the capabilities of the vehicle and its operator.

(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.
(ORC 4511.22)

333.05 SPEED LIMITATIONS OVER BRIDGES.

(a) No person shall operate a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed that can be maintained with safety to such bridge or structure, when such structure is posted with authorized signs stating such maximum speed. Such signs shall be erected and maintained at a distance of at least 100 feet before each end of such structure.

(b) Upon the trial of any person charged with a violation of this section, proof of the determination of the maximum speed and the existence of such signs shall constitute prima-facie evidence of the maximum speed which can be maintained with safety to such bridge or structure.

(c) 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. (ORC 4511.23)

333.06 SPEED EXCEPTIONS FOR EMERGENCY OR SAFETY VEHICLES.

The prima-facie speed limitations set forth in Section 333.03 do not apply to emergency vehicles or public safety vehicles when they are responding to emergency calls and are equipped with and displaying at least one flashing, rotating or oscillating light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle and when the drivers thereof sound audible signals by bell, siren or exhaust whistle. This section does not relieve the driver of an emergency vehicle or public safety vehicle from the duty to drive with due regard for the safety of all persons using the street or highway. (ORC 4511.24)

333.07 STREET RACING PROHIBITED.

(a) As used in this section, "street racing" means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.

Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as the participants. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by Section 333.03 or rapidly accelerating from a common starting point to a speed in excess of such prima-facie lawful speeds shall be prima-facie evidence of street racing.

(b) No person shall participate in street racing upon any public road, street or highway in this Municipality.

(c) Whoever violates this section is guilty of street racing, a misdemeanor of the first degree. In addition to any other sanctions, the court shall suspend the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege for not less than thirty days or more than three years. No judge shall suspend the first thirty days of any suspension of an offender's license, permit, or privilege imposed under this subsection. (ORC 4511.251)

333.08 OPERATION WITHOUT REASONABLE CONTROL.

(a) No person shall operate a motor vehicle, agricultural tractor, or agricultural tractor that is towing, pulling, or otherwise drawing a unit of farm machinery on any street, highway, or property open to the public for vehicular traffic without being in reasonable control of the vehicle, agricultural tractor or unit of farm machinery.

(b) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor. (ORC 4511.202)

333.09 RECKLESS OPERATION ON STREETS, PUBLIC OR PRIVATE PROPERTY.

(a) No person shall operate a vehicle on any street or highway without due regard for the safety of persons or property.

(b) No person shall operate a vehicle on any public or private property other than streets or highways, without due regard for the safety of persons or property.

This subsection does not apply to the competitive operation of vehicles on public or private property when the owner of such property knowingly permits such operation thereon.

(c) Whoever violates this section is guilty of a misdemeanor of the third degree.

333.10 OPERATION IN VIOLATION OF IMMOBILIZATION ORDER.

(a) No person shall operate a motor vehicle or permit the operation of a motor vehicle upon any public or private property used by the public for vehicular travel or parking knowing or having reasonable cause to believe that the motor vehicle has been ordered immobilized pursuant to an immobilization order issued under Ohio R.C. 4503.233.

(b) A motor vehicle that is operated by a person during a violation of subsection (a) hereof shall be criminally forfeited in accordance with the procedures contained in Ohio R.C. 4503.234.

(c) Whoever violates this section is guilty of a misdemeanor of the second degree. (ORC 4503.236)

CHAPTER 335
Licensing; Accidents

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| 335.01 | Driver's license or commercial driver's license required. | 335.073 | Driving without complying with license reinstatement requirements. |
| 335.02 | Permitting operation without valid license; one license permitted. | 335.08 | Operation or sale without certificate of title. |
| 335.03 | Driving with temporary instruction permit; curfew. | 335.09 | Display of license plates. |
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| 335.04 | Certain acts prohibited. | 335.11 | Use of illegal license plates; transfer of registration. |
| 335.05 | Wrongful entrustment of a motor vehicle. | 335.12 | Stopping after accident upon streets; collision with unattended vehicle. |
| 335.06 | Display of license. | 335.13 | Stopping after accident upon property other than street. |
| 335.07 | Driving under suspension or license restriction. | 335.14 | Vehicle accident resulting in damage to realty. |
| 335.071 | Driving under OVI suspension. | 335.15 | Police reports. |
| 335.072 | Driving under financial responsibility law suspension or cancellation. | | |

CROSS REFERENCES

See sectional histories for similar State law
 Deposit of driver's license as bond - see Ohio R.C. 2937.221
 Motor vehicle licensing law - see Ohio R.C. Ch. 4503
 Driver's license law - see Ohio R.C. Ch. 4507
 Power of trial court of record to suspend or revoke license for certain violations - see Ohio R.C. Ch. 4510
 State point system suspension - see Ohio R.C. 4510.03.6
 State accident reports - see Ohio R.C. 4509.01(J), 4509.06, 4509.74, 5502.11
 Motorized bicycle operator's license - see Ohio R.C. 4511.521
 Glass removal from street after accident - see TRAF. 311.01

335.01 DRIVER'S LICENSE OR COMMERCIAL DRIVER'S LICENSE REQUIRED.

- (a) (1) No person, except those expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motor vehicle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid driver's license issued under Ohio R.C. Chapter 4507 or a commercial driver's license issued under Ohio R.C. Chapter 4506.
- (2) No person, except a person expressly exempted under Ohio R.C. 4507.03, 4507.04, and 4507.05, shall operate any motorcycle upon a public road or highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality unless the person has a valid license as a motorcycle operator that was issued upon application by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507. The license shall be in the form of an endorsement, as determined by the Registrar, upon a driver's or commercial driver's license, if the person has a valid license to operate a motor vehicle or commercial motor vehicle, or in the form of a restricted license as provided in Ohio R.C. 4507.14, if the person does not have a valid license to operate a motor vehicle or commercial motor vehicle.
- (b) Whoever violates this section is guilty of operating a motor vehicle without a valid license and shall be punished as follows:
- (1) If the trier of fact finds that the offender never has held a valid driver's or commercial driver's license issued by this State or any other jurisdiction, the offense is a misdemeanor of the first degree.
- (2) A. Subject to subsection (b)(2)B. hereof, if the offender's driver's or commercial driver's license or permit was expired at the time of the offense for no more than six months, the offense is a minor misdemeanor, and if the offender's driver's or commercial driver's license or permit was expired at the time of the offense for more than six months, the offense is a misdemeanor of the fourth degree.
- B. 1. If the offender previously was convicted of or pleaded guilty to one violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the third degree.
2. If the offender previously was convicted of or pleaded guilty to two violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the second degree.
3. If the offender previously was convicted of or pleaded guilty to three or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance within the past three years, the offense is a misdemeanor of the first degree.
- (c) The court shall not impose a license suspension for a first violation of this section or if more than three years have passed since the offender's last violation of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance.

(d) If the offender was convicted of or pleaded guilty to one or more violations of Ohio R.C. 4510.12 or a substantially equivalent municipal ordinance within the past three years, and if the offender's license was expired for more than six months at the time of the offense, the court shall impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
(ORC 4510.12)

335.02 PERMITTING OPERATION WITHOUT VALID LICENSE; ONE LICENSE PERMITTED.

(a) No person shall permit the operation of a motor vehicle upon any public or private property used by the public for purposes of vehicular travel or parking knowing the operator does not have a valid driver's license issued to the operator by the Registrar of Motor Vehicles under Ohio R.C. Chapter 4507 or a valid commercial driver's license issued under Ohio R.C. Chapter 4506.

(b) No person shall receive a driver's license, or a motorcycle operator's endorsement of a driver's or commercial driver's license, unless and until he surrenders to the Registrar all valid licenses issued to him by another jurisdiction recognized by the State of Ohio. No person shall be permitted to have in his possession more than one valid license at any time.
(ORC 4507.02)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.02; 4507.99)

335.03 DRIVING WITH TEMPORARY INSTRUCTION PERMIT; CURFEW.

(a) No holder of a temporary instruction permit issued under Ohio R.C. 4507.05(A) shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in violation of the following conditions:

- (1) If the permit is issued to a person who is at least fifteen years six months of age, but less than sixteen years of age:
 - A. The permit and identification card are in the holder's immediate possession;
 - B. The holder is accompanied by an eligible adult who actually occupies the seat beside the permit holder and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);
 - C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.
- (2) If the permit is issued to a person who is at least sixteen years of age:
 - A. The permit and identification card are in the holder's immediate possession;
 - B. The holder is accompanied by a licensed operator who is at least twenty-one years of age and is actually occupying a seat beside the driver and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Ohio R.C. 4511.19(A);

- C. The total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(b) Except as provided in subsection (b) hereof, no holder of a temporary instruction permit that is issued under Ohio R.C. 4507.05(A) and that is issued on or after July 1, 1998, and who has not attained the age of eighteen years, shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m.

The holder of a permit issued under Ohio R.C. 4507.05(A) on or after July 1, 1998, who has not attained the age of eighteen years, may operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. if, at the time of such operation, the holder is accompanied by the holder's parent, guardian, or custodian, and the parent, guardian and custodian holds a current valid driver's or commercial driver's license issued by this State and is actually occupying a seat beside the permit holder, and does not have a prohibited concentration of alcohol in the whole blood, blood serum or plasma, breath, or urine as provided in Section 333.01(a).

(c) As used in this section:

(1) "Eligible adult" means any of the following:

- A. An instructor of a driver education course approved by the Department of Education or a driver training course approved by the Department of Public Safety;
- B. Any of the following persons who holds a current valid driver's or commercial driver's license issued by this State:
1. A parent, guardian or custodian of the permit holder;
 2. A person twenty-one years of age or older who acts in loco parentis of the permit holder.

(2) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.05)

335.031 DRIVING WITH PROBATIONARY LICENSE; CURFEW.

- (a) (1) A. No holder of a probationary driver's license, who has not attained the age of seventeen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of midnight and six a.m. unless the holder is accompanied by the holder's parent or guardian.
- B. No holder of a probationary driver's license who has attained the age of seventeen years but has not attained the age of eighteen years shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking between the hours of one a.m. and five a.m. unless the holder is accompanied by the holder's parent or guardian.

- (2) A. Subject to subsection (c)(1)A., subsection (a)(1)A. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of midnight and six a.m. and has in the holder's immediate possession written documentation from the holder's employer.
- B. Subsection (a)(1)B. does not apply to the holder of a probationary driver's license who is traveling to or from work between the hours of one a.m. and five a.m. and has in the holder's immediate possession written documentation from the holder's employer.
- (3) An employer is not liable in damages in a civil action for any injury, death, or loss to person or property that allegedly arises from, or is related to, the fact that the employer provided an employee who is the holder of a probationary driver's license with the written documentation described in subsection (a)(2) .

The registrar of motor vehicles shall make available at no cost a form to serve as the written documentation described in subsection (a)(2), and employers and holders of probationary driver's licenses may utilize that form or may choose to utilize any other written documentation to meet the requirements of that division.

- (4) No holder of a probationary driver's license who is less than seventeen years of age shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking with more than one person who is not a family member occupying the vehicle unless the probationary license holder is accompanied by the probationary license holder's parent, guardian, or custodian.

(b) It is an affirmative defense to a violation of subsection (a)(1)A. or B. hereof if, at the time of the violation, the holder of the probationary driver's license was traveling to or from an official function sponsored by the school the holder attends, or an emergency existed that required the holder to operate a motor vehicle in violation of subsection (a)(1)A. or B. hereof, or the holder was an emancipated minor.

- (c) (1) A. If a person is issued a probationary driver's license prior to attaining the age of seventeen years and the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed a moving violation during the six-month period commencing on the date on which the person is issued the probationary driver's license, the holder must be accompanied by the holder's parent or guardian whenever the holder is operating a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular parking during whichever of the following time periods applies:
 - 1. If, on the date the holder of the probationary driver's license pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has not attained the age of sixteen years six months, during the six-month period commencing on that date;
 - 2. If, on the date the holder pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the holder has attained the age of sixteen years six months but not seventeen years, until the person attains the age of seventeen years.

- B. If the holder of a probationary driver's license commits a moving violation during the six-month period after the person is issued the probationary driver's license and before the person attains the age of seventeen years and on the date the person pleads guilty to, is convicted of, or is adjudicated in juvenile court of having committed the moving violation, the person has attained the age of seventeen years, or if the person commits the moving violation during the six-month period after the person is issued the probationary driver's license and after the person attains the age of seventeen years, the holder is not subject to the restriction described in subsection (c)(1)A.1. and 2. hereof unless the court or juvenile court imposes such a restriction upon the holder.

- (2) No person shall violate subsection (c)(1)A. hereof.

(d) No holder of a probationary license shall operate a motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking unless the total number of occupants of the vehicle does not exceed the total number of occupant restraining devices originally installed in the motor vehicle by its manufacturer, and each occupant of the vehicle is wearing all of the available elements of a properly adjusted occupant restraining device.

(e) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether each occupant of the motor vehicle is wearing all of the available elements of a properly adjusted occupant restraining device as required by subsection (d) hereof, or for the sole purpose of issuing a ticket, citation, or summons if the requirement in that subsection has been or is being violated, or for causing the arrest of or commencing a prosecution of a person for a violation of that requirement.

(f) Notwithstanding any other provision of law to the contrary, no law enforcement officer shall cause the operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (a)(1)A. or B. hereof has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for such a violation or for causing the arrest of or commencing a prosecution of a person for such violation.

- (g) As used in this section:

- (1) "Occupant restraining device" has the same meaning as in Ohio R.C. 4513.263.
- (2) "Family member" of a probationary license holder includes any of the following:
- A. A spouse;
 - B. A child or stepchild;
 - C. A parent, stepparent, grandparent, or parent-in-law;
 - D. An aunt or uncle;
 - E. A sibling, whether or the whole or half blood or by adoption, a brother-in-law or a sister-in-law;
 - F. A son or daughter of the probationary license holder's stepparent if the stepparent has not adopted the probationary license holder;
 - G. An eligible adult, as defined in Ohio R.C. 4507.05.

- (3) “Moving violation” means any violation of any statute or ordinance that regulates the operation of vehicles, streetcars, or trackless trolleys on the highways or streets. “Moving violation” does not include a violation of Ohio R.C. 4513.263 or a substantially equivalent municipal ordinance, or a violation of any statute or ordinance regulating pedestrians or the parking of vehicles, vehicle size or load limitations, vehicle fitness requirements, or vehicle registration.

(h) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4507.071)

335.04 CERTAIN ACTS PROHIBITED.

- (a) No person shall do any of the following:
 - (1) Display, or cause or permit to be displayed, or possess any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit knowing the same to be fictitious, or to have been canceled, suspended or altered;
 - (2) Lend to a person not entitled thereto, or knowingly permit a person not entitled thereto to use any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit issued to the person so lending or permitting the use thereof;
 - (3) Display or represent as one's own, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit not issued to the person so displaying the same;
 - (4) Fail to surrender to the Registrar of Motor Vehicles, upon the Registrar's demand, any identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit that has been suspended or canceled;
 - (5) In any application for an identification card, driver's or commercial driver's license, temporary instruction permit or commercial driver's license temporary instruction permit, or any renewal or duplicate thereof, knowingly conceal a material fact, or present any physician's statement required under Ohio R.C. 4507.08 or 4507.081 when knowing the same to be false or fictitious.
- (b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.30)

335.05 WRONGFUL ENTRUSTMENT OF A MOTOR VEHICLE.

(a) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply:

- (1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges.
- (2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or this Traffic Code.
- (3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Ohio R.C. Chapter 4509.
- (4) The offender knows or has reasonable cause to believe that the other person's act of driving would violate Ohio R.C. 4511.19 or any substantially equivalent municipal ordinance.

(b) Without limiting or precluding the consideration of any other evidence in determining whether a violation of subsection (a)(1), (2), (3), or (4) of this section has occurred, it shall be prima-facie evidence that the offender knows or has reasonable cause to believe that the operator of the motor vehicle owned by the offender or under the offender's control is in a category described in subsection (a)(1), (2), (3) or (4) of this section if any of the following applies:

- (1) Regarding an operator allegedly in the category described in subsection (a)(1) or (3) of this section, the offender and the operator of the motor vehicle reside in the same household and are related by consanguinity or affinity.
- (2) Regarding an operator allegedly in the category described in subsection (a)(2) of this section, the offender and the operator of the motor vehicle reside in the same household, and the offender knows or has reasonable cause to believe that the operator has been charged with or convicted of any violation of law or ordinance, or has committed any other act or omission, that would or could result in the suspension or cancellation of the operator's license, permit or privilege.
- (3) Regarding an operator allegedly in the category described in subsection (a)(4) of this section, the offender and the operator of the motor vehicle occupied the motor vehicle together at the time of the offense.

(c) Whoever violates this section is guilty of wrongful entrustment of a motor vehicle, a misdemeanor of the first degree. In addition to the penalties imposed under Section 303.99, the court shall impose a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02, and, if the vehicle involved in the offense is registered in the name of the offender, the court shall order one of the following:

- (1) Except as otherwise provided in subsection (c)(2) or (3) of this section, the court shall order, for thirty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under Ohio R.C. 4503.233.

- (2) If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court shall order, for sixty days, the immobilization of the vehicle involved in the offense and the impoundment of that vehicle's license plates. The order shall be issued and enforced under Ohio R.C. 4503.233.
- (3) If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4511.203 or a substantially equivalent municipal ordinance, the court shall order the criminal forfeiture to the state of the vehicle involved in the offense. The order shall be issued and enforced under Ohio R.C. 4503.234.
If title to a motor vehicle that is subject to an order for criminal forfeiture under this subsection is assigned or transferred and division (B)(2) or (3) of Ohio R.C. 4503.234 applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine imposed under this subsection shall be distributed in accordance with division (C)(2) of Ohio R.C. 4503.234.

(d) If a court orders the immobilization of a vehicle under subsection (c) of this section, the court shall not release the vehicle from the immobilization before the termination of the period of immobilization ordered unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) If a court orders the criminal forfeiture of a vehicle under subsection (c) of this section, upon receipt of the order from the court, neither the Registrar of Motor Vehicles nor any deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the order. The period of denial shall be five years after the date the order is issued, unless, during that five-year period, the court with jurisdiction of the offense that resulted in the order terminates the forfeiture and notifies the Registrar of the termination. If the court terminates the forfeiture and notifies the Registrar, the Registrar shall take all necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer the registration of the vehicle.

(f) This section does not apply to motor vehicle rental dealers or motor vehicle leasing dealers, as defined in Ohio R.C. 4549.65.

(g) Evidence of a conviction of, plea of guilty to, or adjudication as a delinquent child for a violation of this section or a substantially similar municipal ordinance shall not be admissible as evidence in any civil action that involves the offender or delinquent child who is the subject of the conviction, plea, or adjudication and that arises from the wrongful entrustment of a motor vehicle.

(h) As used in this section, a vehicle is owned by a person if, at the time of a violation of this section, the vehicle is registered in the person's name.
(ORC 4511.203)

335.06 DISPLAY OF LICENSE.

(a) The operator of a motor vehicle shall display the operator's driver's license, or furnish satisfactory proof that the operator has a driver's license, upon demand of any peace officer or of any person damaged or injured in any collision in which the licensee may be involved. When a demand is properly made and the operator has the operator's driver's license on or about the operator's person, the operator shall not refuse to display the license. A person's failure to furnish satisfactory evidence that the person is licensed under Ohio R.C. Chapter 4507 when the person does not have the person's license on or about the person's person shall be prima-facie evidence of the person's not having obtained a driver's license.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4507.35)

335.07 DRIVING UNDER SUSPENSION OR LICENSE RESTRICTION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under any provision of the Ohio Revised Code, other than Ohio R.C. Chapter 4509, or under any applicable law in any other jurisdiction in which the person's license or permit was issued shall operate any motor vehicle upon the public roads and highways or upon any public or private property used by the public for purposes of vehicular travel or parking within this Municipality during the period of suspension unless the person is granted limited driving privileges and is operating the vehicle in accordance with the terms of the limited driving privileges.

(b) No person shall operate any motor vehicle upon a highway or any public or private property used by the public for purposes of vehicular travel or parking in this Municipality in violation of any restriction of the person's driver's or commercial driver's license or permit imposed under division (D) of Ohio R.C. 4506.10 or under Ohio R.C. 4507.14.

- (c) (1) Whoever violates this section is guilty of driving under suspension or in violation of a license restriction, a misdemeanor of the first degree. The court shall impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.
- (2) Except as provided in subsection (c)(3) or (4) of this section, the court, in addition to any other penalty that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for thirty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for thirty days.
- (3) If the offender previously has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the immobilization of the vehicle involved in the offense for sixty days in accordance with Ohio R.C. 4503.233 and the impoundment of that vehicle's license plates for sixty days.

- (4) If the offender previously has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.11 or of a substantially similar municipal ordinance, the court, in addition to any other sentence that it imposes on the offender and if the vehicle is registered in the offender's name, shall order the criminal forfeiture of the vehicle involved in the offense to the State.

(d) Any order for immobilization and impoundment under this section shall be issued and enforced under Ohio R.C. 4503.233. The court shall not release a vehicle from immobilization ordered under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle.

(e) Any order of criminal forfeiture under this section shall be issued and enforced under Ohio R.C. 4503.234. Upon receipt of the copy of the order from the court, neither the Ohio Registrar of Motor Vehicles nor a deputy registrar shall accept any application for the registration or transfer of registration of any motor vehicle owned or leased by the person named in the declaration of forfeiture. The period of registration denial shall be five years after the date of the order, unless, during that period, the court having jurisdiction of the offense that lead to the order terminates the forfeiture and notifies the Registrar of the termination. The Registrar shall then take necessary measures to permit the person to register a vehicle owned or leased by the person or to transfer registration of the vehicle.
(ORC 4510.11)

335.071 DRIVING UNDER OVI SUSPENSION.

(a) No person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under Ohio R.C. 4511.19, 4511.191, or 4511.196 or under Ohio R.C. 4510.07 for a conviction of a violation of a municipal OVI ordinance shall operate any motor vehicle upon the public roads or highways within this Municipality during the period of the suspension.

(b) Whoever violates this section is guilty of driving under OVI suspension. The court shall sentence the offender under Ohio R.C. Chapter 2929, subject to the differences authorized or required by this section.

- (1) Except as otherwise provided in subsection (b)(2) or (3) of this section, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of three consecutive days. The three-day term shall be imposed, unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than thirty consecutive days of house arrest with electronic monitoring. A period of house arrest with electronic monitoring imposed under this subsection shall not exceed six months. If the court imposes a mandatory three-day jail term under this subsection, the court may impose a jail term in addition to that term, provided that in no case shall the cumulative jail term imposed for the offense exceed six months.
 - B. A fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000).

- C. A license suspension under subsection (e) of this section.
- (2) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this section or one equivalent offense, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of ten consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The ten-day mandatory jail term shall be imposed unless, subject to subsection (c) of this section, the court instead imposes a sentence of not less than ninety consecutive days of house arrest with electronic monitoring. The period of house arrest with electronic monitoring shall not exceed one year.
- B. Notwithstanding the fines provided for in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. A license suspension under subsection (e) of this section.
- (3) If, within six years of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this section or two or more equivalent offenses, driving under OVI suspension is a misdemeanor of the first degree. The court shall sentence the offender to all of the following:
- A. A mandatory jail term of thirty consecutive days. Notwithstanding the jail terms provided in Ohio R.C. Chapter 2929, the court may sentence the offender to a longer jail term of not more than one year. The court shall not sentence the offender to a term of house arrest with electronic monitoring in lieu of the mandatory portion of the jail term.
- B. Notwithstanding the fines set forth in Ohio R.C. Chapter 2929, a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).
- C. A license suspension under subsection (e) of this section.

(c) No court shall impose an alternative sentence of house arrest with electronic monitoring under subsection (b)(1) or (2) of this section unless, within sixty days of the date of sentencing, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the jail term imposed, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing.

An offender sentenced under this section to a period of house arrest with electronic monitoring shall be permitted work release during that period.

(d) Fifty per cent of any fine imposed by a court under subsection (b)(1), (2) or (3) of this section shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (H) of Ohio R.C. 4511.191.

(e) In addition to or independent of all other penalties provided by law or ordinance, the trial judge of any court of record or the mayor of a mayor's court shall impose on an offender who is convicted of or pleads guilty to a violation of this section a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02.

When permitted as specified in Ohio R.C. 4510.021, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under Ohio R.C. 4503.231, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under Ohio R.C. 3123.58 or 4506.16. No person who is disqualified for life from holding a commercial driver's license under Ohio R.C. 4506.16 shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Ohio R.C. Chapter 4507 during the period of the suspension. (ORC 4510.14)

(f) If a person is convicted of or pleads guilty to a violation of this section, the court, in addition to and independent of any sentence that it imposes upon the offender for the offense, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, shall do whichever of the following is applicable:

- (1) If, within five years of the current offense, the offender has not been convicted of or pleaded guilty to a violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for thirty days of the identification license plates of that vehicle.
- (2) If, within five years of the current offense, the offender has been convicted of or pleaded guilty to one violation of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the immobilization for sixty days of the vehicle the offender was operating at the time of the offense and the impoundment for sixty days of the identification license plates of that vehicle.
- (3) If, within five years of the current offense, the offender has been convicted of or pleaded guilty to two or more violations of Ohio R.C. 4510.14 or former division (D)(2) of Ohio R.C. 4507.02, or a municipal ordinance that is substantially equivalent to that section or former division, the court shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense.

(g) An order of criminal forfeiture issued pursuant to this section shall be issued and enforced in accordance with Ohio R.C. 4503.234. An order for the immobilization and impoundment of a vehicle that issued pursuant to this section shall be issued and enforced in accordance with Ohio R.C. 4503.233. (ORC 4510.161)

- (h) As used in this section:
- (1) "Electronic monitoring" has the same meaning as in Ohio R.C. 2929.01.
 - (2) "Equivalent offense" means any of the following:
 - A. A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to subsection (a) of this section;
 - B. A violation of a former law of this State that was substantially equivalent to subsection (a) of this section.
 - (3) "Jail" has the same meaning as in Ohio R.C. 2929.01.
 - (4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under subsection (b)(1), (2) or (3) of this section upon an offender convicted of a violation of subsection (a) of this section and in relation to which all of the following apply:
 - A. Except as specifically authorized under this section, the term must be served in a jail.
 - B. Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Ohio Revised Code.
(ORC 4510.14)

**335.072 DRIVING UNDER FINANCIAL RESPONSIBILITY LAW
SUSPENSION OR CANCELLATION.**

(a) No person, whose driver's or commercial driver's license or temporary instruction permit or nonresident's operating privilege has been suspended or canceled pursuant to Ohio R.C. Chapter 4509, shall operate any motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period of the suspension or cancellation, except as specifically authorized by Ohio R.C. Chapter 4509. No person shall operate a motor vehicle within this Municipality, or knowingly permit any motor vehicle owned by the person to be operated by another person in the Municipality, during the period in which the person is required by Ohio R.C. 4509.45 to file and maintain proof of financial responsibility for a violation of Ohio R.C. 4509.101, unless proof of financial responsibility is maintained with respect to that vehicle.

(b) Whoever violates this section is guilty of driving under financial responsibility law suspension or cancellation, a misdemeanor of the first degree. The court shall impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege for the period of time specified in division (A)(7) of Ohio R.C. 4510.02.
(ORC 4510.16)

- (c) (1) If a person is convicted of or pleads guilty to a violation of this section, if the vehicle the offender was operating at the time of the offense is registered in the offender's name, and if subsection (c)(2) of this section does not apply, the court, in addition to or independent of any sentence that it imposes upon the offender for the offense, may order the immobilization for not more than thirty days of the vehicle the offender was operating at the time of the offense and the impoundment for not more than thirty days of the identification license plates of that vehicle.

- (2) If a person is convicted of or pleads guilty to a violation of this section, and if, within five years of the current offense, the offender has been convicted of or pleaded guilty to one or more violations of division (A) of Ohio R.C. 4510.16 or former division (B)(1) of Ohio R.C. 4507.02 or a municipal ordinance that is substantially equivalent to either division, the court, in addition to or independent of any sentence that it imposes upon the offender for the offense, shall do whichever of the following is applicable:
- A. If, within five years of the current offense, the offender has been convicted of or pleaded guilty to one such violation, the court shall order the immobilization for sixty days of the vehicle the offender was operating at the time of the offense and the impoundment for sixty days of the identification license plates of that vehicle.
 - B. If, within five years of the current offense, the offender has been convicted of or pleaded guilty to two or more such violations, the court shall order the criminal forfeiture of the vehicle the offender was operating at the time of the offense.

(d) Any order for immobilization and impoundment under this section shall be issued and enforced in accordance with Ohio R.C. 4503.233 and 4507.02, as applicable. Any order of criminal forfeiture shall be issued and enforced in accordance with Ohio R.C. 4503.234. The court shall not release a vehicle from immobilization orders under this section unless the court is presented with current proof of financial responsibility with respect to that vehicle. (ORC 4510.16)

(e) No person who has knowingly failed to maintain proof of financial responsibility in accordance with Ohio R.C. 4509.101 shall produce any document with the purpose to mislead a peace officer upon the request of a peace officer for proof of financial responsibility made in accordance with Ohio R.C. 4509.101. Any person who violates this subsection (d) hereof is guilty of falsification, a misdemeanor of the first degree. (ORC 4509.102)

335.073 DRIVING WITHOUT COMPLYING WITH LICENSE REINSTATEMENT REQUIREMENTS.

(a) No person whose driver's license, commercial driver's license, temporary instruction permit, or nonresident's operating privilege has been suspended shall operate any motor vehicle upon a public road or highway or any public or private property after the suspension has expired unless the person has complied with all license reinstatement requirements imposed by the court, the Bureau of Motor Vehicles, or another provision of the Ohio Revised Code.

(b) Whoever violates this section is guilty of failure to reinstate a license, a misdemeanor of the first degree. The court may impose upon the offender a class seven suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary driver's license, or nonresident operating privilege from the range specified in division (A)(7) of Ohio R.C. 4510.02. (ORC 4510.21)

335.08 OPERATION OR SALE WITHOUT CERTIFICATE OF TITLE.

- (a) No person shall do any of the following:
- (1) Operate in this Municipality a motor vehicle for which a certificate of title is required without having that certificate in accordance with Ohio R.C. Chapter 4505 or, if a physical certificate of title has not been issued for a motor vehicle, operate the motor vehicle in this Municipality knowing that the ownership information relating to the vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;

- (2) Display or display for sale or sell as a dealer or acting on behalf of a dealer, a motor vehicle without having obtained a manufacturer's or importer's certificate, a certificate of title, or an assignment of a certificate of title for it as provided in Ohio R.C. Chapter 4505;
- (3) Fail to surrender any certificate of title or any certificate of registration or license plates upon cancellation of the same by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4505;
- (4) Fail to surrender the certificate of title to a clerk of a court of common pleas as provided in Ohio R.C. Chapter 4505 in case of the destruction or dismantling or change of a motor vehicle in such respect that it is not the motor vehicle described in the certificate of title;
- (5) Violate any rules adopted pursuant to Ohio R.C. Chapter 4505;
- (6) Except as otherwise provided in Ohio R.C. Chapter 4505 and Chapter 4517, sell at wholesale a motor vehicle the ownership of which is not evidenced by an Ohio certificate of title, or the current certificate of title issued for the motor vehicle, or the manufacturer's certificate of origin, and all title assignments that evidence the seller's ownership of the motor vehicle, and an odometer disclosure statement that complies with Ohio R.C. 4505.06 and subchapter IV of the "Motor Vehicle Information and Cost Savings Act", 86 Stat. 961 (1972), 15 U.S.C. 1981;
- (7) Operate in this Municipality a motor vehicle knowing that the certificate of title to the vehicle or ownership of the vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) This section does not apply to persons engaged in the business of warehousing or transporting motor vehicles for the purpose of salvage disposition.

(c) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.
(ORC 4505.18)

335.09 DISPLAY OF LICENSE PLATES.

(a) No person who is the owner or operator of a motor vehicle shall fail to properly display in plain view on the front and rear of the motor vehicle the distinctive number and registration mark, including any county identification sticker and any validation sticker issued under Ohio R.C. 4503.19 and 4503.191, furnished by the Ohio Director of Public Safety, except that a manufacturer of motor vehicles or dealer therein, the holder of an intransit permit, and the owner or operator of a motorcycle, motorized bicycle, manufactured home, mobile home, trailer or semitrailer shall display on the rear only. A motor vehicle that is issued two license plates shall display the validation sticker on the rear license plate. A commercial tractor that does not receive an apportioned license plate under the international registration plan shall be issued one license plate and one validation sticker, which license plate and validation sticker shall be displayed on the front of the commercial tractor. An apportioned vehicle receiving an apportioned license plate under the international registration plan shall display the license plate only on the front of a commercial tractor and on the rear of all other vehicles. All license plates shall be securely fastened so as not to swing, and shall not be covered by any material that obstructs their visibility.

No person to whom a temporary license placard or windshield sticker has been issued for the use of a motor vehicle under Ohio R.C. 4503.182, and no operator of that motor vehicle, shall fail to display the temporary license placard in plain view from the rear of the vehicle either in the rear window or on an external rear surface of the motor vehicle, or fail to display the windshield sticker in plain view on the rear window of the motor vehicle. No temporary license placard or windshield sticker shall be covered by any material that obstructs its visibility.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4503.21)

335.10 EXPIRED OR UNLAWFUL LICENSE PLATES.

(a) No person who is the owner of a motor vehicle which is parked or operated upon the public streets or highways shall fail to annually file the application for registration or to pay the tax therefor, as required by Ohio R.C. Chapter 4503. (ORC 4503.11)

(b) No person shall operate, drive or park upon the public streets or highways a motor vehicle acquired from a former owner who has registered the motor vehicle, while the motor vehicle displays the distinctive number or identification mark assigned to it upon its original registration. (ORC 4549.11)

(c) No person who is the owner of a motor vehicle and a resident of Ohio shall operate, drive or park the motor vehicle upon the public streets or highways, while it displays a distinctive number or identification mark issued by or under the authority of another state, without complying with the laws of Ohio relating to the registration and identification of motor vehicles.
(ORC 4549.12)

(d) No person shall park or operate any vehicle upon any public street or highway upon which is displayed an expired license plate or an expired validation sticker.

(e) No person shall park or operate any vehicle upon any public street or highway upon which are displayed any license plates not legally registered and issued for such vehicle, or upon which are displayed any license plates that were issued on an application for registration that contains any false statement by the applicant.

(f) Whoever violates this section is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense.
(ORC 4549.11; 4549.12)

335.11 USE OF ILLEGAL LICENSE PLATES; TRANSFER OF REGISTRATION.

(a) No person shall operate or drive a motor vehicle upon the streets in this Municipality if it displays a license plate or a distinctive number or identification mark that meets any of the following criteria:

- (1) Is fictitious;
- (2) Is a counterfeit or an unlawfully made copy of any distinctive number or identification mark;

- (3) Belongs to another motor vehicle, provided that this section does not apply to a motor vehicle that is operated on the streets in this Municipality when the motor vehicle displays license plates that originally were issued for a motor vehicle that previously was owned by the same person who owns the motor vehicle that is operated on the streets in this Municipality, during the thirty-day period described in subsection (c) hereof.

(b) Whoever violates subsection (a)(1), (2) or (3) of this section is guilty of operating a motor vehicle bearing an invalid license plate or identification mark, a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.
(ORC 4549.08)

(c) Upon the transfer of ownership of a motor vehicle, the registration of the motor vehicle expires, and the original owner shall immediately remove the license plates from the motor vehicle. The transfer of the registration and, where applicable, the license plates from the motor vehicle for which they originally were issued to a succeeding motor vehicle purchased by the same person in whose name the original registration and license plates were issued shall be done within a period not to exceed thirty days. During that thirty-day period, the license plates from the motor vehicle for which they originally were issued may be displayed on the succeeding motor vehicle, and the succeeding motor vehicle may be operated on the streets of the Municipality.

(d) Whoever violates subsection (c) of this section is guilty of a misdemeanor of the fourth degree. (ORC 4503.12)

335.12 STOPPING AFTER ACCIDENT UPON STREETS; COLLISION WITH UNATTENDED VEHICLE.

(a) In case of accident to or collision with persons or property upon any of the public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, immediately shall stop the driver's or operator's motor vehicle at the scene of the accident or collision and shall remain at the scene of the accident or collision until the driver or operator has given the driver's or operator's name and address and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, to any person injured in the accident or collision or to the operator, occupant, owner, or attendant of any motor vehicle damaged in the accident or collision, or to any police officer at the scene of the accident or collision.

In the event the injured person is unable to comprehend and record the information required to be given by this section, the other driver involved in the accident or collision forthwith shall notify the nearest police authority concerning the location of the accident or collision, and the driver's name, address and the registered number of the motor vehicle the driver was operating, and then remain at the scene of the accident or collision until a police officer arrives, unless removed from the scene by an emergency vehicle operated by a political subdivision or an ambulance.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident, a misdemeanor of the first degree. If the violation results in serious physical harm or death to a person, failure to stop after an accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection. (ORC 4549.02)

335.13 STOPPING AFTER ACCIDENT UPON PROPERTY OTHER THAN STREET.

(a) In case of accident or collision resulting in injury or damage to persons or property upon any public or private property other than public roads or highways, due to the driving or operation thereon of any motor vehicle, the person driving or operating the motor vehicle, having knowledge of the accident or collision, shall stop, and, upon request of the person injured or damaged, or any other person, shall give that person the driver's or operator's name and address, and, if the driver or operator is not the owner, the name and address of the owner of that motor vehicle, together with the registered number of that motor vehicle, and, if available, exhibit the driver's or operator's driver's or commercial driver's license.

If the owner or person in charge of the damaged property is not furnished such information, the driver of the motor vehicle involved in the accident or collision, within twenty-four hours after the accident or collision, shall forward to the police authority in the municipality in which the accident or collision occurred the same information required to be given to the owner or person in control of the damaged property and give the date, time, and location of the accident or collision.

If the accident or collision is with an unoccupied or unattended motor vehicle, the operator who collides with the motor vehicle shall securely attach the information required to be given in this section, in writing, to a conspicuous place in or on the unoccupied or unattended motor vehicle.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after a nonpublic road accident, a misdemeanor of the first degree. If the violation results in serious physical harm or death to a person, failure to stop after a nonpublic road accident is a felony and shall be prosecuted under appropriate state law.

The court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(5) of Ohio R.C. 4510.02. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this subsection. (ORC 4549.021)

335.14 VEHICLE ACCIDENT RESULTING IN DAMAGE TO REALTY.

(a) The driver of any vehicle involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a public road or highway immediately shall stop and take reasonable steps to locate and notify the owner or person in charge of the property of that fact, of the driver's name and address, and of the registration number of the vehicle the driver is driving and, upon request and if available, shall exhibit the driver's driver's or commercial driver's license.

If the owner or person in charge of the property cannot be located after reasonable search, the driver of the vehicle involved in the accident resulting in damage to the property, within twenty-four hours after the accident, shall forward to the police authority in the municipality in which the accident or collision occurred, the same information required to be given to the owner or person in control of the property and give the location of the accident and a description of the damage insofar as it is known.

(b) Whoever violates subsection (a) of this section is guilty of failure to stop after an accident involving the property of others, a misdemeanor of the first degree.
(ORC 4549.03)

335.15 POLICE REPORTS.

Police officers shall make a report, and records shall be kept of all accidents witnessed or investigated by them. (Ord. 80. Passed 7-22-24.)

CHAPTER 337
Safety and Equipment

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CROSS REFERENCES

- See sectional histories for similar State law
- Warning devices for commercial vehicles disabled upon freeways - see Ohio R.C. 4513.28
- Slow moving vehicle emblem - see OAC Ch. 4501.13
- Motorized bicycle lights and equipment - see Ohio R.C. 4511.521
- Vehicle lighting - see OAC 4501-15
- Use of stop and turn signals - see TRAF. 331.14
- Wheel protectors for commercial vehicles - see TRAF. 339.05
- Vehicles transporting explosives - see TRAF. 339.06
- Towing requirements - see TRAF. 339.07
- Use of studded tires and chains - see TRAF. 339.11
- Bicycle equipment - see TRAF. 373.05 et seq.

337.01 DRIVING UNSAFE VEHICLES.

(a) No person shall drive or move, or cause or knowingly permit to be driven or moved, on any street any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or property.

(b) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(c) The provisions of this chapter with respect to equipment on vehicles do not apply to implements of husbandry, road machinery, road rollers or agricultural tractors except as made applicable to such articles of machinery.

(d) 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 a violation of this section, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4513.02)

337.02 LIGHTED LIGHTS; MEASUREMENT OF DISTANCES AND HEIGHTS.

(a) Every vehicle upon a street or highway during the time from sunset to sunrise, and at any other time when there are unfavorable atmospheric conditions or when there is not sufficient natural light to render discernible persons, vehicles and substantial objects on the street or highway at a distance of 1,000 feet ahead, shall display lighted lights and illuminating devices as required by this chapter for different classes of vehicles; except that every motorized bicycle shall display at such times lighted lights meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521. No motor vehicle, during such times, shall be operated upon a street or highway using only parking lights as illumination.

(b) Whenever in this chapter a requirement is declared as to the distance from which certain lights and devices shall render objects visible, or within which such lights or devices shall be visible, such distance shall be measured upon a straight level unlighted street under normal atmospheric conditions unless a different condition is expressly stated.

(c) Whenever in this chapter a requirement is declared as to the mounted height of lights or devices, it shall mean from the center of such light or device to the level ground upon which the vehicle stands.

(d) 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. (ORC 4513.03)

337.03 HEADLIGHTS ON MOTOR VEHICLES AND MOTORCYCLES.

(a) Every motor vehicle, other than a motorcycle, shall be equipped with at least two headlights with at least one near each side of the front of the motor vehicle.

(b) Every motorcycle shall be equipped with at least one and not more than two headlights.

(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.
(ORC 4513.04)

337.04 TAIL LIGHT; ILLUMINATION OF REAR LICENSE PLATE.

(a) Every motor vehicle, trailer, semitrailer, pole trailer or vehicle which is being drawn at the end of a train of vehicles shall be equipped with at least one tail light mounted on the rear which, when lighted, shall emit a red light visible from a distance of 500 feet to the rear, provided that in the case of a train of vehicles only the tail light on the rear-most vehicle need be visible from the distance specified.

(b) Either a tail light or a separate light shall be so constructed and placed as to illuminate with a white light the rear registration plate, when such registration plate is required, and render it legible from a distance of fifty feet to the rear. Any tail light, together with any separate light for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlights or auxiliary driving lights are lighted, except where separate lighting systems are provided for trailers for the purpose of illuminating such registration plate.

(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.
(ORC 4513.05)

337.05 REAR RED REFLECTORS.

(a) Every new motor vehicle sold after September 6, 1941, and operated on a street, other than vehicles of the type mentioned in Section 337.06 or a commercial tractor to which a trailer or semitrailer is attached, shall carry at the rear, either as a part of the tail lights or separately, two red reflectors of such size and characteristics and so maintained as to be visible at night from all distances within 300 feet to fifty feet from such vehicle.

(b) 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.
(ORC 4513.06)

337.06 SAFETY LIGHTING ON COMMERCIAL VEHICLES.

(a) Buses, trucks, commercial tractors, trailers, semitrailers and pole trailers, when operated upon any street, shall be equipped with clearance lights, marker lights, reflectors and stop lights as required by State regulations. Such equipment shall be lighted at all times mentioned in Section 337.02 except that clearance lights and side marker lights need not be lighted on a vehicle operated where there is sufficient light to reveal any person or substantial object on the street at a distance of 500 feet.

Such equipment shall be in addition to all other lights specifically required by Section 337.02 to Section 337.15, inclusive. Vehicles operated under the jurisdiction of the Ohio Public Utilities Commission are not subject to this section.

(b) 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.
(ORC 4513.07)

337.07 OBSCURED LIGHTS ON VEHICLES IN COMBINATION.

(a) Whenever motor and other vehicles are operated in combination during the time that lights are required, any light, except tail lights, which by reason of its location on a vehicle of the combination would be obscured by another vehicle of the combination need not be lighted, but this section does not affect the requirement that lighted clearance lights be displayed on the front of the foremost vehicle required to have clearance lights or that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

(b) 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.
(ORC 4513.08)

337.08 RED LIGHT OR RED FLAG ON EXTENDED LOADS.

(a) Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in Section 337.02, a red light or lantern plainly visible from a distance of at least 500 feet to the side and rear. The red light or lantern required by this section is in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than sixteen inches square.

(b) 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.
(ORC 4513.09)

337.09 LIGHTS ON PARKED OR STOPPED VEHICLES.

(a) Except in case of an emergency, whenever a vehicle is parked or stopped upon a roadway open to traffic or shoulder adjacent thereto, whether attended or unattended during the times mentioned in Section 337.02, such vehicle shall be equipped with one or more lights which shall exhibit a white or amber light on the roadway side visible from a distance of 500 feet to the front of such vehicle, and a red light visible from a distance of 500 feet to the rear. No lights need be displayed upon any such vehicle when it is stopped or parked where there is sufficient light to reveal any person or substantial object within a distance of 500 feet upon such street. Any lighted headlights upon a parked vehicle shall be depressed or dimmed.

(b) 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.
(ORC 4513.10)

337.10 LIGHTS ON SLOW-MOVING VEHICLES; EMBLEM REQUIRED.

(a) All vehicles other than bicycles, including animal-drawn vehicles and vehicles referred to in Section 337.01(c), not specifically required to be equipped with lights or other lighting devices by Section 337.02 to 337.09, shall at all times specified in Section 337.02, be equipped with at least one light displaying a white light visible from a distance of not less than 1,000 feet to the front of the vehicle, and also shall be equipped with two lights displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or as an alternative, one light displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 feet to 100 feet to the rear when illuminated by the lawful lower beams of headlights.

Lights and reflectors required or authorized by this section shall meet standards adopted by the Ohio Director of Public Safety.

(b) All boat trailers, farm machinery and other machinery, including all road construction machinery, upon a street or highway, except when being used in actual construction and maintenance work in an area guarded by a flagperson, or where flares are used, or when operating or traveling within the limits of a construction area designated by the Ohio Director of Transportation, or the Municipal or County Engineer, when such construction area is marked in accordance with requirements of the Director and the Manual of Uniform Traffic Control Devices, as set forth in Ohio R.C. 4511.09, which is designed for operation at a speed of twenty-five miles per hour or less shall be operated at a speed not exceeding twenty-five miles per hour, and shall display a triangular slow-moving vehicle emblem (SMV). The emblem shall be mounted so as to be visible from a distance of not less than 500 feet to the rear. The Ohio Director of Public Safety shall adopt standards and specifications for the design and position of mounting the SMV emblem. The standards and specifications for SMV emblems referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Society of Agricultural Engineers.

A unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour may be operated on a street or highway at a speed greater than twenty-five miles per hour provided it is operated in accordance with this section.

As used in this subsection (b), "machinery" does not include any vehicle designed to be drawn by an animal.

(c) The use of the SMV emblem shall be restricted to animal-drawn vehicles, and to the slow-moving vehicles specified in subsection (b) hereof operating or traveling within the limits of the highway. Its use on slow-moving vehicles being transported upon other types of vehicles or on any other type of vehicle or stationary object on the highway is prohibited.

- (d) (1) No person shall sell, lease, rent or operate any boat trailer, farm machinery or other machinery defined as a slow-moving vehicle in subsection (b) hereof, except those units designed to be completely mounted on a primary power unit, which is manufactured or assembled on or after April 1, 1966, unless the vehicle is equipped with a slow-moving vehicle emblem mounting device as specified in subsection (b) hereof.
- (2) No person shall sell, lease, rent, or operate on a street or highway any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour unless the unit displays a slow-moving vehicle emblem as specified in subsection (b) of this section and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS).

(e) Any boat trailer, farm machinery, or other machinery defined as a slow-moving vehicle in subsection (b) of this section, in addition to the use of the slow-moving vehicle emblem, and any unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour, in addition to the display of a speed identification symbol may be equipped with a red flashing light that shall be visible from a distance of not less than one thousand feet to the rear at all times specified in Section 337.02. When a double-faced light is used, it shall display amber light to the front and red light to the rear.

In addition to the lights described in this subsection, farm machinery and motor vehicles escorting farm machinery may display a flashing, oscillating or rotating amber light, as permitted by Section 337.16, and also may display simultaneously flashing turn signals or warning lights, as permitted by that section.

- (f) Every animal-drawn vehicle upon a street or highway shall at all times be equipped in one of the following ways:
- (1) With a slow-moving vehicle emblem complying with subsection (b) hereof;
 - (2) With alternate reflective material complying with rules adopted under this subsection (f);
 - (3) With both a slow-moving vehicle emblem and alternate reflective material as specified in this subsection (f).

The Ohio Director of Public Safety, subject to Ohio R.C. Chapter 119, shall adopt rules establishing standards and specifications for the position of mounting of the alternate reflective material authorized by this subsection (f). The rules shall permit, as a minimum, the alternate reflective material to be black, gray or silver in color. The alternate reflective material shall be mounted on the animal-drawn vehicle so as to be visible at all times specified in Section 337.02, from a distance of not less than 500 feet to the rear when illuminated by the lawful lower beams of headlamps.

(g) Every unit of farm machinery that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour shall display a slow-moving vehicle emblem and a speed identification symbol that meets the specifications contained in the American Society of Agricultural Engineers Standard ANSI/ASAE S584 JAN2005, agricultural equipment; speed identification symbol (SIS) when the unit is operated upon a street or highway, irrespective of the speed at which the unit is operated on the street or highway. The speed identification symbol shall indicate the maximum speed in miles per hour at which the unit of farm machinery is designed by its manufacturer to operate. The display of the speed identification symbol shall be in accordance with the standard prescribed in this subsection.

If an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour and is towing, pulling or otherwise drawing a unit of farm machinery, the unit of farm machinery shall display a slow-moving vehicle emblem and a speed identification symbol that is the same as the speed identification symbol that is displayed on the agricultural tractor.

(h) When an agricultural tractor that is designed by its manufacturer to operate at a speed greater than twenty-five miles per hour is being operated on a street or highway at a speed greater than twenty-five miles per hour, the operator shall possess some documentation published or provided by the manufacturer indicating the maximum speed in miles per hour at which the manufacturer designed the agricultural tractor to operate.

(i) As used in this section, "boat trailer" means any vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(j) 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. (ORC 4513.11)

337.11 SPOTLIGHT AND AUXILIARY LIGHTS.

(a) Any motor vehicle may be equipped with not more than one spotlight and every lighted spotlight shall be so aimed and used upon approaching another vehicle that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle, nor more than 100 feet ahead of the vehicle.

(b) Any motor vehicle may be equipped with not more than three State approved auxiliary driving lights mounted on the front of the vehicle, which when used shall conform to State regulations.

(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. (ORC 4513.12)

337.12 COWL, FENDER AND BACK-UP LIGHTS.

(a) Any motor vehicle may be equipped with side cowl or fender lights or lights on each side thereof which shall emit a white or amber light without glare.

(b) Any motor vehicle may be equipped with back-up lights, either separately or in combination with another light. No back-up lights shall be continuously lighted when the motor vehicle is in forward motion.

(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. (ORC 4513.13)

337.13 DISPLAY OF LIGHTED LIGHTS.

(a) At all times mentioned in Section 337.02 at least two State approved lighted lights shall be displayed conforming to State regulations, one near each side of the front of every motor vehicle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles. (ORC 4513.14)

(b) However, on a motorcycle, there shall be displayed at least one and not more than two lighted lights as required herein.

(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. (ORC 4513.14)

337.14 USE OF HEADLIGHT BEAMS.

(a) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 337.02, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons, vehicles and substantial objects at a safe distance in advance of the vehicle, except that upon approaching an oncoming vehicle, the lights or beams shall be so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

(b) 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. (ORC 4513.15)

337.15 LIGHTS OF LESS INTENSITY ON SLOW-MOVING VEHICLES.

(a) Any motor vehicle may be operated under the conditions specified in Section 337.02 when it is equipped with two lighted lights upon the front thereof capable of revealing persons and substantial objects seventy-five feet ahead in lieu of lights required in Section 337.13, provided that such vehicle shall not be operated at a speed in excess of twenty miles per hour.

(b) 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. (ORC 4513.16)

337.16 NUMBER OF LIGHTS; LIMITATIONS ON FLASHING, OSCILLATING OR ROTATING LIGHTS.

(a) Whenever a motor vehicle equipped with headlights also is equipped with any auxiliary lights or spotlight or any other light on the front thereof projecting a beam of an intensity greater than 300 candle power, not more than a total of five of any such lights on the front of a vehicle shall be lighted at any one time when the vehicle is upon a highway.

(b) Any lighted light or illuminating device upon a motor vehicle, other than headlights, spotlights, signal lights or auxiliary driving lights, that projects a beam of light of an intensity greater than 300 candle power, shall be so directed that no part of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(c) (1) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or a left turn, or in the presence of a vehicular traffic hazard requiring unusual care in approaching, or overtaking or passing.

This prohibition does not apply to emergency vehicles, road service vehicles servicing or towing a disabled vehicle, traffic line strippers, snow plows, rural mail delivery vehicles, vehicles transporting preschool children as provided in Ohio R.C. 4513.182, Ohio Department of Transportation maintenance vehicles, funeral hearses, funeral escort vehicles and similar equipment operated by the Department or local authorities, which shall be equipped with and display, when used on a street or highway for the special purpose necessitating such lights, a flashing, oscillating or rotating amber light, but shall not display a flashing, oscillating or rotating light of any other color, nor to vehicles or machinery permitted by Section 337.10 to have a flashing red light.

- (2) When used on a street or highway, farm machinery and vehicles escorting farm machinery may be equipped with and display a flashing, oscillating, or rotating amber light, and the prohibition contained in subsection (c)(1) hereof does not apply to such machinery or vehicles. Farm machinery also may display the lights described in Section 337.10.

(d) Except a person operating a public safety vehicle, as defined in Section 301.27, or a school bus, no person shall operate, move or park upon or permit to stand within the right of way of any public street or highway any vehicle or equipment that is equipped with and displaying a flashing red or a flashing combination red and white light, or an oscillating or rotating red light, or a combination red and white oscillating or rotating light; and except a public law enforcement officer, or other person sworn to enforce the criminal and traffic laws of the State or Municipality, operating a public safety vehicle when on duty, no person shall operate, move or park upon, or permit to stand within the right of way of any street or highway any vehicle or equipment that is equipped with, or upon which is mounted, and displaying a flashing blue or a flashing combination blue and white light, or an oscillating or rotating blue light, or a combination blue and white oscillating or rotating light.

(e) This section does not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles or on vehicles being operated in unfavorable atmospheric conditions in order to enhance their visibility. This section also does not prohibit the simultaneous flashing of turn signals or warning lights either on farm machinery or vehicles escorting farm machinery, when used on a street or highway.

(f) 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.
(ORC 4513.17)

337.17 FOCUS AND AIM OF HEADLIGHTS.

(a) No person shall use any lights mentioned in Section 337.02 to 337.16, inclusive, upon any motor vehicle, trailer or semitrailer unless the lights are equipped, mounted and adjusted as to focus and aim in accordance with State regulations.

(b) 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.
(ORC 4513.19)

337.18 MOTOR VEHICLE AND MOTORCYCLE BRAKES.

- (a) The following requirements govern as to brake equipment on vehicles:
- (1) Every motor vehicle, other than a motorcycle, when operated upon a street or highway, shall be equipped with brakes adequate to control the movement of and to stop and hold such motor vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, then on such motor vehicles manufactured or assembled after January 1, 1942, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.
 - (2) Every motorcycle, when operated upon a street or highway, shall be equipped with at least one adequate brake, which may be operated by hand or by foot.
 - (3) Every motorized bicycle shall be equipped with brakes meeting the rules adopted by the Ohio Director of Public Safety under Ohio R.C. 4511.521.
 - (4) When operated upon the streets or highways of this Municipality, the following vehicles shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle designed to be applied by the driver of the towing motor vehicle from its cab, and also designed and connected so that, in case of a breakaway of the towed vehicle, the brakes shall be automatically applied:
 - A. Except as otherwise provided in this section, every trailer or semitrailer, except a pole trailer, with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 1942;
 - B. Every manufactured home or travel trailer with an empty weight of two thousand pounds or more, manufactured or assembled on or after January 1, 2001.
 - (5) Every watercraft trailer with a gross weight or manufacturer's gross vehicle weight rating of three thousand pounds or more that is manufactured or assembled on or after January 1, 2008, shall have separate brakes equipped with hydraulic surge or electrically operated brakes on two wheels.
 - (6) In any combination of motor-drawn trailers or semitrailers equipped with brakes, means shall be provided for applying the rearmost brakes in approximate synchronism with the brakes on the towing vehicle, and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost brakes; or both of the above means, capable of being used alternatively, may be employed.
 - (7) Every vehicle and combination of vehicles, except motorcycles and motorized bicycles, and except trailers and semitrailers of a gross weight of less than 2,000 pounds, and pole trailers, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other sources of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind.

- (8) The same brake drums, brake shoes and lining assemblies, brake shoe anchors, and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.
- (9) Every motor vehicle or combination of motor-drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service or foot brake, within the following specified distances, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

	<u>From a speed of 20 miles per hour</u>	
	<u>Stopping distance</u>	<u>Deceleration in</u>
	<u>in feet</u>	<u>feet per second</u>
	<u>per second</u>	
Brakes on all wheels	30	14
Brakes not on all four wheels	40	10.7

- (10) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

(b) 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. (ORC 4513.20)

337.19 HORN, SIREN AND THEFT ALARM SIGNAL.

(a) Every motor vehicle when operated upon a street shall be equipped with a horn which is in good working order and capable of emitting sound audible, under normal conditions, from a distance of not less than 200 feet.

(b) No motor vehicle shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal. Every emergency or public safety vehicle shall be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the Ohio Director of Public Safety. Such equipment shall not be used except when such vehicle is operated in response to an emergency call or is in the immediate pursuit of an actual or suspected violator of the law, in which case the driver of the emergency or public safety vehicle shall sound such equipment when it is necessary to warn pedestrians and other drivers of the approach thereof. (ORC 4513.21)

(c) No person shall use the horn of a motor vehicle except to give warning to other drivers or pedestrians.

(d) 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. (ORC 4513.21)

337.20 MUFFLER; MUFFLER CUTOUT; EXCESSIVE SMOKE, GAS OR NOISE.

(a) 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 cutout, by-pass or similar device upon a motor vehicle on a highway. Every motorcycle muffler shall be equipped with baffle plates.

(b) 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 other 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.

(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. (ORC 4513.22)

337.21 REAR-VIEW MIRROR; CLEAR VIEW TO FRONT, BOTH SIDES AND REAR.

(a) Every motor vehicle and motorcycle shall be equipped with a mirror so located as to reflect to the operator a view of the street to the rear of such vehicle or motorcycle. Operators of vehicles and motorcycles shall have a clear and unobstructed view to the front and to both sides of their vehicles or motorcycles and shall have a clear view to the rear of their vehicles or motorcycles by mirror.

(b) 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. (ORC 4513.23)

337.22 WINDSHIELD AND WINDSHIELD WIPER; SIGN OR POSTER THEREON.

(a) No person shall drive any motor vehicle on a street or highway, other than a motorcycle or motorized bicycle, that is not equipped with a windshield.

(b) No person shall drive any motor vehicle, other than a bus, with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be displayed by law, except that there may be in the lower left-hand or right-hand corner of the windshield a sign, poster or decal not to exceed four inches in height by six inches in width. No sign, poster or decal shall be displayed in the front windshield in such a manner as to conceal the vehicle identification number for the motor vehicle when in accordance with federal law, that number is located inside the vehicle passenger compartment and so placed as to be readable through the vehicle glazing without moving any part of the vehicle.

(c) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be maintained in good working order and so constructed as to be controlled or operated by the operator of the vehicle.

(d) 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. (ORC 4513.24)

337.23 LIMITED LOAD EXTENSION ON LEFT SIDE OF PASSENGER VEHICLE.

(a) No passenger-type vehicle shall be operated on a street with any load carried on such vehicle which extends more than six inches beyond the line of the fenders on the vehicle's left side.

(b) 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. (ORC 4513.30)

337.24 MOTOR VEHICLE STOP LIGHTS.

(a) Every motor vehicle, trailer, semitrailer, and pole trailer when operated upon a street or highway shall be equipped with two or more stop lights, except that passenger cars manufactured or assembled prior to January 1, 1967, motorcycles, and motor-driven cycles shall be equipped with at least one stop light. Stop lights shall be mounted on the rear of the vehicle, actuated upon application of the service brake, and may be incorporated with other rear lights. Such stop lights when actuated shall emit a red light visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the stop lights on the rear-most vehicle need be visible from the distance specified.

Such stop lights when actuated shall give a steady warning light to the rear of a vehicle or train of vehicles to indicate the intention of the operator to diminish the speed of or stop a vehicle or train of vehicles.

When stop lights are used as required by this section, they shall be constructed or installed so as to provide adequate and reliable illumination and shall conform to the appropriate rules and regulations established under Ohio R.C. 4513.19.

Historical motor vehicles as defined in Ohio R.C. 4503.181, not originally manufactured with stop lights, are not subject to this section.

(b) 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. (ORC 4513.071)

337.25 AIR CLEANER REQUIRED.

(a) No person shall operate a motor vehicle with an internal combustion engine unless the carburetion system of the vehicle is protected with an air filter, a flame arresting device, or any other accepted method of protection that is adequate for this purpose. If the original device or system is replaced, it shall be replaced with one that is equal to or better than the original equipment.

(b) This section does not apply to a person doing automotive repair work on a motor vehicle that necessitates this device being removed while the work is performed.

(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.

337.26 CHILD RESTRAINT SYSTEM USAGE.

(a) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(b) When any child who is in either or both of the following categories is being transported in a motor vehicle, other than a taxicab, that is owned, leased or otherwise under the control of a nursery school, kindergarten, or day-care center, the operator of the motor vehicle shall have the child properly secured in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards:

- (1) A child who is less than four years of age;
- (2) A child who weighs less than forty pounds.

(c) When any child who is at least four years of age but not older than fifteen years of age is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in Ohio R.C. 4511.01, that is required by the United States Department of Transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in Ohio R.C. 4513.263.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of subsection (c) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) The Ohio Director of Public Safety shall adopt such rules as are necessary to carry out this section.

(f) The failure of an operator of a motor vehicle to secure a child in a child restraint system or in an occupant restraining device as required by this section is not negligence imputable to the child, is not admissible as evidence in any civil action involving the rights of the child against any other person allegedly liable for injuries to the child, is not to be used as a basis for a criminal prosecution of the operator of the motor vehicle other than a prosecution for a violation of this section, and is not admissible as evidence in any criminal action involving the operator of the motor vehicle other than a prosecution for a violation of this section.

(g) This section does not apply when an emergency exists that threatens the life of any person operating a motor vehicle to whom this section otherwise would apply or the life of any child who otherwise would be required to be restrained under this section.

(h) Whoever violates subsection (a), (b) or (c) of this section shall be punished as follows:

- (1) Except as otherwise provided in subsection (h)(2) of this section, the offender is guilty of a minor misdemeanor and shall be fined not less than twenty-five dollars (\$25.00).
- (2) If the offender previously has been convicted of or pleaded guilty to a violation of Ohio R.C. 4511.81(A), (B) or (C) or of a municipal ordinance that is substantially similar to any of those subsections, the offender is guilty of a misdemeanor of the fourth degree. (ORC 4511.81)

337.27 DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS.

(a) As used in this section:

- (1) "Automobile" means any commercial tractor, passenger car, commercial car or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States Secretary of Transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392.
- (2) "Occupant restraining device" means a seat safety belt, shoulder belt, harness or other safety device for restraining a person who is an operator of or passenger in an automobile and that satisfies the minimum Federal vehicle safety standards established by the United States Department of Transportation.
- (3) "Passenger" means any person in an automobile, other than its operator, who is occupying a seating position for which an occupant restraining device is provided.
- (4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as provided in Ohio R.C. 4501.01.
- (5) "Vehicle" and "motor vehicle", as used in the definitions of the terms set forth in subsection (a)(4) hereof, have the same meanings as provided in Chapter 301.
- (6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in Ohio R.C. 2307.71 and an asbestos claim, as defined in Ohio R.C. 2307.91, but does not include a civil action for damages for breach of contract or another agreement between persons.

(b) No person shall do either of the following:

- (1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted;
- (2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in subsection (b)(3) hereof is wearing all of the available elements of a properly adjusted occupant restraining device;
- (3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device;
- (4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are maintained in usable form.

(c) Subsection (b)(3) hereof does not apply to a person who is required by Section 337.26 to be secured in a child restraint device. Subsection (b)(1) hereof does not apply to a person who is an employee of the United States Postal Service or of a newspaper home delivery service, during any period in which the person is engaged in the operation of an automobile to deliver mail or newspapers to addressees. Subsections (b)(1) and (3) hereof do not apply to a person who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or a chiropractor licensed to practice in this State under Ohio R.C. Chapter 4734 that states that the person has a physical impairment that makes use of an occupant restraining device impossible or impractical.

(d) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of an automobile being operated on any street or highway to stop the automobile for the sole purpose of determining whether a violation of subsection (b) hereof has been or is being committed or for the sole purpose of issuing a ticket, citation or summons for a violation of that nature or causing the arrest of or commencing a prosecution of a person for a violation of that nature, and no law enforcement officer shall view the interior or visually inspect any automobile being operated on any street or highway for the sole purpose of determining whether a violation of that nature has been or is being committed.

(e) All fines collected for violations of subsection (b) hereof shall be forwarded to the Treasurer of State for deposit as provided in Ohio R.C. 4513.263.

- (f) (1) Subject to subsection (f)(2) of this section, the failure of a person to wear all of the available elements of a properly adjusted occupant restraining device in violation of subsection (b)(1) or (3) or the failure of a person to ensure that each minor who is a passenger of an automobile being operated by that person is wearing all of the available elements of a properly adjusted occupant restraining device, in violation of subsection (b)(2) of this section, shall not be considered or used by the trier of fact in a tort action as evidence of negligence or contributory negligence. But the trier of fact may determine based on evidence admitted consistent with the Ohio rules of evidence that the failure contributed to the harm alleged in the tort action and may diminish a recovery of compensatory damages that represents noneconomic loss, as defined in Ohio R.C. 2307.011 in a tort action that could have been recovered but for the plaintiff's failure to wear all of the available elements of a properly adjusted occupant restraining device. Evidence of that failure shall not be used as a basis for a criminal prosecution of the person other than a prosecution for a violation of this section; and shall not be admissible as evidence in a criminal action involving the person other than a prosecution for a violation of this section.
- (2) If, at the time of an accident involving a passenger car equipped with occupant restraining devices, any occupant of the passenger car who sustained injury or death was not wearing an available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted, then, consistent with the Rules of Evidence, the fact that the occupant was not wearing the available occupant restraining device, was not wearing all of the available elements of such a device, or was not wearing such a device as properly adjusted is admissible in evidence in relation to any claim for relief in a tort action to the extent that the claim for relief satisfies all of the following:

- A. It seeks to recover damages for injury or death to the occupant.
 - B. The defendant in question is the manufacturer, designer, distributor or seller of the passenger car.
 - C. The claim for relief against the defendant in question is that the injury or death sustained by the occupant was enhanced or aggravated by some design defect in the passenger car or that the passenger car was not crashworthy.
- (g) (1) Whoever violates subsection (b)(1) of this section shall be fined thirty dollars (\$30.00).
- (2) Whoever violates subsection (b)(3) of this section shall be fined twenty dollars (\$20.00).
- (3) Except as otherwise provided in this subsection, whoever violates subsection (b)(4) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (b)(4) of this section, whoever violates subsection (b)(4) of this section is guilty of a misdemeanor of the third degree.
(ORC 4513.263)

337.28 USE OF SUNSCREENING, NONTRANSPARENT AND REFLECTORIZED MATERIALS.

(a) Requirements.

- (1) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State with any suncreening material, or other product or material which has the effect of making the windshield or windows nontransparent or would alter the windows' color, increase its reflectivity, or reduce its light transmittance, unless the product or material satisfies one of the following exceptions:
- A. Any manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle until such standard is subsequently repealed or reduced. In "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) "manufacturer" means any person engaged in the manufacturing or assembling of motor vehicles or motor vehicle equipment, including any person importing motor vehicles or motor vehicle equipment for resale.
 - B. Any sunscreening material or other product or material applied to the windshield when used in conjunction with the safety glazing materials of such window, has a light transmittance of not less than seventy per cent plus or minus three per cent and is not red or yellow in color.
 - C. Any sunscreening material or other product or material applied to the side windows to the immediate right or left the driver, so long as such material, when used in conjunction with the safety glazing materials of such windows, has a light transmittance of not less than fifty per cent plus or minus three per cent and is not red or yellow in color.

- D. Any sunscreening material or other product or material applied to a window not otherwise listed in subsections (a)(1)A. to C. or E. of this section, except that outside left and right rear view mirrors are required if the suncreening material is applied to the rear window and the sunscreening material, when used in conjunction with the safety glazing material of such window, has a light transmittance of less than fifty per cent plus or minus three per cent.
- E. Any sunscreening material or other product or material applied along the top of the windshield and that does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top, is not regulated by this section.
- (2) No person shall install in any motor vehicle any glass or other material that fails to conform to the specifications of this section.
 - (3) No used motor vehicle dealer or new motor vehicle dealer, as defined in Ohio R.C. 4517.01, shall sell any motor vehicle that fails to conform to the specifications of this section.
 - (4) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings or rear window.
 - (5) No person shall operate on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is required to be registered in this State that is equipped with privacy drapes, louvers, curtains or blinds unless the drapes, louvers, curtains or blinds are open and secure during vehicle operation.
 - (6) All motor vehicles, beginning with the 1990 model year, must be equipped with labels identifying sunscreening material. All sunscreening material must indicate the manufacturer's name and the percentage level of light transmission of the material permanently installed between the material and the surface to which the material is applied or affixed. Such label must be legible and must be placed in the lower left-hand corner of the vehicle window when viewed from the outside. (OAC 4501-41-03)
- (b) Exemptions. The provisions of this section do not apply to:
- (1) A motor vehicle registered in this State in the name of a person, or the person's parent, legal guardian or spouse who has an affidavit signed by a physician licensed to practice in this State under Ohio R.C. Chapter 4731 or an affidavit signed by an optometrist licensed to practice in this State under Ohio R.C. Chapter 4725 that states that the person has a physical condition that makes it necessary to equip such motor vehicle with sunscreening material which would be of a light transmittance and/or luminous reflectance in violation of this section. Such affidavit shall be in the possession of the person so afflicted or the driver at all times while in the motor vehicle;
 - (2) The windows to the rear of the driver in chauffeured limousines as defined herein;
 - (3) The windows to the rear of the driver in those vehicles designed and used to transport corpses which include hearses and other vehicles adapted for such use; and

- (4) The manufacturer's tinting or glazing of motor vehicle windows or windshields that is otherwise in compliance with or permitted by "Federal Motor Vehicle Safety Standard Number 205" (FMVSS 205) in effect at the time of the manufacture of the motor vehicle as provided in subsection (a) hereof. (OAC 4501-41-05)
- (c) Definitions. As used in this section, certain terms are defined as follows:
- (1) "Motor vehicle" has the same meaning as specified in Section 301.20.
 - (2) "Sunscreening material" means products or materials, including film, glazing and perforated sunscreening, which, when applied to the windshield or windows of a motor vehicle, reduce the effects of the sun with respect to light reflectance or transmittance.
 - (3) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including glazing, to the amount of total light falling on the product or material and the glazing.
 - (4) "Windshield" means the front exterior viewing device of a motor vehicle.
 - (5) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.
 - (6) "Manufacturer" unless otherwise specified in this section, means any person who engages in the manufacturing or assembling of sunscreening products or materials or any person who fabricates, laminates or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.
 - (7) "Chauffeured limousine" means a motor vehicle that is designed to carry nine or fewer passengers and is operated for hire on an hourly basis pursuant to a prearranged contract for the transportation of passengers on public roads and highways along a route under the control of the person hiring the vehicle and not over a defined and regular route. "Prearranged contract" means an arrangement, made in advance of boarding, to provide transportation from a specific location in a chauffeured limousine at a fixed rate per hour or trip. "Chauffeured limousine" does not include any vehicle that is used exclusively in the business of funeral directing. (OAC 4501-41-02)
- (d) Penalty. 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.

337.29 BUMPER HEIGHTS.

- (a) Definitions.
- (1) "Passenger car" means any motor vehicle with motive power, designed for carrying ten persons or less, except a multipurpose passenger vehicle or motorcycle.
 - (2) "Multipurpose passenger vehicle" means a motor vehicle with motive power, except a motorcycle, designed to carry ten persons or less, that is constructed either on a truck chassis or with special features for occasional off-road operation.
 - (3) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property and having a gross vehicle weight rating of 10,000 pounds or less.

- (4) "Manufacturer" has the same meaning as in Ohio R.C. 4501.01.
- (5) "Gross vehicle weight rating" means the manufacturer's gross vehicle weight rating established for the vehicle.
- (6) "Body floor height" means the vertical distance between top of the frame rail and the bottom of the passenger compartment (cab) floor. In the event that the vehicle is a truck body, floor height will be measured by the vertical distance between the passenger compartment (cab) floor and the floor of the truck bed.
- (7) "Bumper height" means the vertical distance between the ground and the highest point of the bottom of the bumper, measured when the vehicle is laden on a level surface with the vehicle tires inflated to the manufacturer's recommended pressure.
- (8) "Frame" means the main longitudinal structural members of the chassis of the vehicle or, for vehicles with unitized body construction, the lowest main longitudinal structural members of the body of the vehicle.
- (9) "Wheel track distance" means the distance on the ground between the center of the tire tread on one side of the vehicle, and the center of the tire tread on the opposite side. (OAC 4501-43-02)

(b) Prohibitions; Application.

- (1) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle, or truck registered in this State that does not conform to the requirements of this section.
- (2) No person shall modify any motor vehicle registered in this State in such a manner as to cause the vehicle body or chassis to come in contact with the ground, expose the fuel tank to damage from collision, or cause the wheels to come in contact with the body under normal operation, and no person shall disconnect any part of the original suspension system of the vehicle to defeat the safe operation of that system including the installation of inverted, altered or modified suspension system component parts which results in elevation of the height of the vehicle bumper or frame unit which is not in compliance with this section.
- (3) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State without a bumper on the front and rear of the vehicle if such vehicle was equipped with bumpers as standard equipment by the manufacturer.
- (4) No person shall operate upon a street or highway any passenger car, multipurpose passenger vehicle or truck registered in this State if the difference in height between the body floor and the top of the frame exceeds four inches.
- (5) Nothing contained in this section shall be construed to prohibit either of the following:
 - A. The installation upon a passenger car, multipurpose passenger vehicle or truck registered in this State of heavy duty equipment, including shock absorbers and overload springs as long as such equipment does not cause the vehicle to be in violation of this section;
 - B. The operation on a street or highway of a passenger car, multipurpose passenger vehicle or truck registered in this State with normal wear to the suspension system if the normal wear does not adversely affect the control of the vehicle.
- (6) This section does not apply to any specially designed or modified passenger car, multipurpose passenger vehicle or truck when operated off a street or highway in races and similar events.

- (7) A specially designed or modified passenger car, multipurpose passenger vehicle or truck which does not conform to this section shall not be operated on a street or highway.
(OAC 4501-43-03)

(c) Specifications.

- (1) The horizontal bumper shall be at least 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers shall be horizontal load bearing bumpers and attached to the vehicle frame to effectively transfer impact when engaged.
- (2) Maximum bumper heights shall be determined by weight category of gross vehicle weight rating (GVWR) measured in terms of the vertical distance between the ground and the bottom of the frame rail or bumper. Maximum bumper heights are as follows:

	<u>Front (inches)</u>	<u>Rear (inches)</u>
Passenger Vehicles	22	22
4,500 lbs. and under GVWR	24	26
4,501 lbs. to 7,500 lbs. GVWR	27	29
7,501 lbs. to 10,000 lbs. GVWR	28	31

- (3) If the body and/or truck bed height is altered the difference in height between the body floor and/or the truck bed floor to the top of the frame rail shall not exceed four inches.
- (4) For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail.
- (5) The height restriction in this subsection (c) applies to the distance from the ground to the bottom of the frame rail under any one or more of the following conditions:
- A. A motor vehicle is not equipped with a front and rear bumper.
 - B. The bumper height relative to the frame rails has been altered.
 - C. A supplemental bumper has been installed or an addition to the original or replacement has been made.
- (OAC 4501-43-04)

(d) 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.

337.30 DIRECTIONAL SIGNALS REQUIRED.

- (a) (1) No person shall operate any motor vehicle manufactured or assembled on or after January 1, 1954, unless the vehicle is equipped with electrical or mechanical directional signals.
- (2) No person shall operate any motorcycle or motor-driven cycle manufactured or assembled on or after January 1, 1968, unless the vehicle is equipped with electrical or mechanical directional signals.

(b) “Directional signals” means an electrical or mechanical signal device capable of clearly indicating an intention to turn either to the right or to the left and which shall be visible from both the front and rear.

(c) All mechanical signal devices shall be self-illuminating devices when in use at the times mentioned in Section 337.02.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4513.261)

CHAPTER 339
Commercial and Heavy Vehicles

339.01 Oversize or overweight vehicle operation on State routes; State permit. 339.02 Use of local streets; local permit and conditions. 339.03 Maximum width, height and length. 339.04 Route and load information. 339.05 Wheel protectors. 339.06 Vehicles transporting explosives.	339.07 Towing requirements. 339.08 Loads dropping or leaking; removal required; tracking mud. 339.09 Shifting load; loose loads. 339.10 Vehicles with spikes, lugs and chains. 339.11 Use of studded tires and chains. 339.12 Inspection of loads. 339.13 Statement of gross vehicle weight. 339.99 Penalty.
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CROSS REFERENCES

See sectional histories for similar State law
 Weighing vehicle; removal of excess load - see Ohio R.C. 4513.33
 Arrest notice of driver - see Ohio R.C. 5577.14
 Slower moving vehicles to be driven in right-hand lane - see
 TRAF. 331.01(b)

339.01 OVERSIZE OR OVERWEIGHT VEHICLE OPERATION ON STATE ROUTES; STATE PERMIT.

(a) No person shall 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 to 5577.09, inclusive, or otherwise not in conformity with Ohio R.C. 4513.01 to 4513.37, inclusive, upon any State route within the Municipality, except pursuant to special written permit issued by the Ohio Director of Transportation, or upon any local truck route. 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.

No holder of a permit issued by the Ohio Director of Transportation shall be required to obtain any local permit or license or pay any local fee or charge for movement on any State route within the Municipality; however, it shall be unlawful to operate any such vehicle or combination of vehicles upon any roadway within the Municipality which is not a State route, except as provided in Section 339.02.

(b) 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.
 (ORC 4513.34)

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 Police Chief 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 Police Chief may grant a permit for a single or round trip, or for such period of time, not to exceed one year, as the Police Chief in his discretion deems advisable, or for the duration of any construction project. The Police Chief 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 Police Chief 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 Police Chief shall charge ten dollars (\$10.00), 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 the sum of twenty-five dollars (\$25.00) 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.

339.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) No vehicle shall be operated upon the public highways, streets, bridges and culverts within the Municipality, whose dimensions exceed those specified in this section.

- (b) No such vehicle shall have a width in excess of:
- (1) 104 inches for passenger bus type vehicles operated exclusively within municipal corporations;
 - (2) 102 inches, excluding such safety devices as are required by law, for passenger bus type vehicles operated over freeways, and such other State roads with minimum pavement widths of twenty-two feet, except those roads or portions thereof over which operation of 102-inch buses is prohibited by order of the Ohio Director of Transportation;
 - (3) 132 inches for traction engines;
 - (4) 102 inches for recreational vehicles, excluding safety devices and retracted awnings and other appurtenances of six inches or less in width and except that the Director may prohibit the operation of 102-inch recreational vehicles on designated State highways or portions of highways;
 - (5) 102 inches, including load, for all other vehicles, except that the Director may prohibit the operation of 102-inch vehicles on such State highways or portions thereof as the Director designates.
- (c) No such vehicle shall have a length in excess of:
- (1) 66 feet for passenger bus type vehicles and articulated passenger bus type vehicles operated by a regional transit authority pursuant to Ohio R.C. 306.30 to 306.54;
 - (2) 45 feet for all other passenger bus type vehicles;
 - (3) 53 feet for any semitrailer when operated in a commercial tractor-semitrailer combination, with or without load, except that the Director may, by journal entry, prohibit the operation of any such commercial tractor-semitrailer combination on such State routes or portions thereof as the Director designates;
 - (4) 28.5 feet for any semitrailer or trailer when operated in a commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination, except that the Director may prohibit the operation of any such commercial tractor-semitrailer-trailer or commercial tractor-semitrailer-semitrailer combination on such State routes or portions thereof as the Director designates;
 - (5) A. 97 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations when operated on any interstate, United States route, or State route, including reasonable access travel on all other roadways for a distance not to exceed one road mile from any interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
B. 75 feet for drive-away saddlemount vehicle transporter combinations and drive-away saddlemount with fullmount vehicle transporter combinations, when operated on any roadway not designated as an interstate, United States route, or State route, not to exceed three saddlemounted vehicles, but which may include one fullmount;
 - (6) 65 feet for any other combination of vehicles coupled together, with or without load, except as provided in subsections (c)(3) and (4) and in subsection (e) hereof;
 - (7) 45 feet for recreational vehicles.
 - (8) 40 feet for all other vehicles except trailers and semitrailers, with or without load.

(d) No such vehicle shall have a height in excess of thirteen feet six inches, with or without load.

(e) An automobile transporter or boat transporter shall be allowed a length of sixty-five feet and a stinger-steered automobile transporter or stinger-steered boat transporter shall be allowed a length of seventy-five feet, except that the load thereon may extend no more than four feet beyond the rear of such vehicles and may extend no more than three feet beyond the front of such vehicles, and except further that the Director may prohibit the operation of any stinger-steered automobile transporter or stinger-steered boat transporter or a B-train assembly on any State highway or portion thereof that the Director designates.

(f) The widths prescribed in subsection (b) shall not include side mirrors, turn signal lamps, marker lamps, handholds for cab entry and egress, flexible fender extensions, mud flaps, splash and spray suppressant devices, and load-induced tire bulge.

The width prescribed in subsection (b)(5) shall not include automatic covering devices, tarp and tarp hardware, and tiedown assemblies, provided these safety devices do not extend more than three inches from each side of the vehicle.

The lengths prescribed in subsections (c)(2) to (8) hereof shall not include safety devices, bumpers attached to the front or rear of such bus or combination, B-train assembly used between the first and second semitrailer of a commercial tractor-semitrailer-semitrailer combination, energy conservation devices as provided in any regulations adopted by the Secretary of the United States Department of Transportation, or any noncargo-carrying refrigeration equipment attached to the front of trailers and semitrailers. In special cases, vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules adopted by the Ohio Director of Transportation.

(g) This section does not apply to fire engines, fire trucks or other vehicles or apparatus belonging to any municipal corporation or to the volunteer fire department of any municipal corporation or used by such department in the discharge of its functions. This section does not apply to vehicles and pole trailers used in the transportation of wooden and metal poles, nor to the transportation of pipes or well-drilling equipment, nor to farm machinery and equipment. The owner or operator of any vehicle, machinery or equipment not specifically enumerated in this section but the dimensions of which exceed the dimensions provided by this section, when operating the same on the highways and streets of this State shall comply with the rules of the Director governing such movement, which the Director may adopt. Ohio R.C. 119.01 to 119.13 apply to any rules the Director adopts under this section, or the amendment or rescission thereof, and any person adversely affected shall have the same right of appeal as provided in those sections.

This section does not require the State, the Municipality, County, township or any railroad or other private corporation to provide sufficient vertical clearance to permit the operation of such vehicle, or to make any changes in or about existing structures now crossing streets, roads and other public thoroughfares in the Municipality.

(h) As used in this section, "recreational vehicle" has the same meaning as in Ohio R.C. 4501.01. (ORC 5577.05)

(i) Whoever violates this section is guilty of a minor misdemeanor on a first offense; on a second offense or subsequent offense, the person is guilty of a misdemeanor of the fourth degree. (ORC 5577.99)

339.04 ROUTE AND LOAD INFORMATION.

Drivers of vehicles described in this chapter shall be required, upon request by a police officer, to give full and true information as to the route they are following and the name of the consignor and consignee and place of delivery or removal and the location of any consignment being hauled or goods being removed, and upon a designation by such police officer of a route to be followed, shall immediately adopt and pursue such route.

339.05 WHEEL PROTECTORS.

(a) No person shall drive or operate, or cause to be driven or operated, any commercial car, trailer or semitrailer, used for the transportation of goods or property, the gross weight of which, with load, exceeds three tons, upon the streets, bridges and culverts within this Municipality unless such vehicle is equipped with suitable metal protectors or substantial flexible flaps on the rearmost wheels of such vehicle or combination of vehicles to prevent, as far as practicable, the wheels from throwing dirt, water or other materials on the windshields of following vehicles. Such protectors or flaps shall have a ground clearance of not more than one-third of the distance from the center of the rearmost axle to the center of the flaps under any conditions of loading of the vehicle, and they shall be at least as wide as the tires they are protecting. If the vehicle is so designed and constructed that such requirements are accomplished by means of fenders, body construction or other means of enclosure, then no such protectors or flaps are required. Rear wheels not covered at the top by fenders, bodies or other parts of the vehicle shall be covered at the top by protective means extending at least to the center line of the rearmost axle.
(ORC 5577.11)

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

339.06 VEHICLES TRANSPORTING EXPLOSIVES.

(a) Any person operating any vehicle transporting explosives upon a street or highway shall at all times comply with the following requirements:

- (1) Such vehicle shall be marked or placarded on each side and on the rear with the word "EXPLOSIVES" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "DANGER" in white letters six inches high, or shall be marked or placarded in accordance with Section 177.823 of the United States Department of Transportation Regulations.
- (2) Such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at convenient points on such vehicle.

(b) 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.
(ORC 4513.29)

339.07 TOWING REQUIREMENTS.

(a) When one vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby, and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists only of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.

(c) In addition to such drawbar or other connection, each trailer and each semitrailer which is not connected to a commercial tractor by means of a fifth wheel shall be coupled with stay chains or cables to the vehicle by which it is being drawn. The chains or cables shall be of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle in case the drawbar or other connection should break or become disengaged. In case of a loaded pole trailer, the connecting pole to the drawing vehicle shall be coupled to the drawing vehicle with stay chains or cables of sufficient size and strength to prevent the towed vehicle's parting from the drawing vehicle.

(d) Every trailer or semitrailer, except pole and cable trailers and pole and cable dollies operated by a public utility, as defined in Ohio R.C. 5727.01, shall be equipped with a coupling device which shall be so designed and constructed that the trailer will follow substantially in the path of the vehicle drawing it, without whipping or swerving from side to side. Vehicles used to transport agricultural produce or agricultural production materials between a local place of storage and supply and the farm, when drawn or towed on a street or highway at a speed of twenty-five miles per hour or less, and vehicles designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less shall have a drawbar or other connection, including the hitch mounted on the towing vehicle, which shall be of sufficient strength to pull all the weight towed thereby. Only one such vehicle used to transport agricultural produce or agricultural production materials as provided in this section may be towed or drawn at one time, except as follows:

- (1) An agricultural tractor may tow or draw more than one such vehicle;
- (2) A pickup truck or straight truck designed by the manufacturer to carry a load of not less than one-half ton and not more than two tons may tow or draw not more than two such vehicles that are being used to transport agricultural produce from the farm to a local place of storage. No vehicle being so towed by such a pickup truck or straight truck shall be considered to be a motor vehicle.

(e) 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.
(ORC 4513.32)

339.08 LOADS DROPPING OR LEAKING; REMOVAL REQUIRED; TRACKING MUD.

(a) No vehicle shall be driven or moved on any street, highway or other public place unless such 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 such roadway.

(b) 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, 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 street, highway or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street, highway or other public place.
(ORC 4513.31)

(c) No person shall operate any vehicle so as to track or drop mud, stones, gravel or other similar material on any street, highway or other public place.

(d) It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street, highway or other public place to immediately remove the same or cause it to be removed.

(e) 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.
(ORC 4513.31)

339.09 SHIFTING LOAD; LOOSE LOADS.

(a) In addition to any other lawful requirements of load distribution, no person shall operate any vehicle upon a street or highway unless such vehicle is so laden as to prevent its contents from shifting or otherwise unbalancing the vehicle to such an extent as to interfere with the safe operation of the same.

(b) No motor vehicle or trailer shall be driven unless the tailboard or tailgate, tarpaulins, chains (except ground or contact chains), ropes, stakes, poles, and the like, or any part of the load, are securely fastened to prevent dangling, flapping, swinging or falling from the side, end or top of the load or body. All projecting cargo shall be properly guarded by a red flag or cloth or a red light or lantern as required by Section 337.08.

(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.

339.10 VEHICLES WITH SPIKES, LUGS AND CHAINS.

(a) No person shall drive over the improved streets of this Municipality a traction engine or tractor with tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind extending beyond the cleats, or no person shall tow or in any way pull another vehicle over the improved streets of this Municipality, which towed or pulled vehicle has tires or wheels equipped with ice picks, spuds, spikes, chains or other projections of any kind. "Traction engine" or "tractor," as used in this section, applies to all self-propelling engines equipped with metal-tired wheels operated or propelled by any form of engine, motor or mechanical power. (ORC 5589.08)

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 5589.99)

339.11 USE OF STUDED TIRES AND CHAINS.

(a) For purposes of this section, "studded tire" means any tire designed for use on a vehicle, and equipped with metal studs or studs of wear-resisting material that project beyond the tread of the traction surface of the tire. "Motor vehicle," "street or highway," "public safety vehicle" and "school bus" have the same meaning as given those terms in Chapter 301.

(b) No person shall operate any motor vehicle, other than a public safety vehicle or bus, that is equipped with studded tires on any street or highway, except during the period extending from November 1 of each year through April 15 of the succeeding year.

(c) This section does not apply to the use of tire chains when there is snow or ice on the streets or highways where such chains are being used, or the immediate vicinity thereof.
(ORC 5589.081)

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 5589.99)

339.12 INSPECTION OF LOADS.

Any police officer having reason to believe that the gross weight of a vehicle and load is unlawful may require the driver to stop and submit to weighing of it and may require that such vehicle be driven to the nearest public scales, provided such scales are within three miles of the point where such vehicle is stopped. Whenever such officer, upon weighing a vehicle and load as provided herein, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted under State law.
(ORC 4513.33)

339.13 STATEMENT OF GROSS VEHICLE WEIGHT.

(a) No person shall issue or aid in issuing any bill of lading, or other document of like nature in lieu thereof, which bill or document is to accompany a shipment of goods or property by truck, trailer, semi-trailer, commercial tractor or any other commercial vehicle used for the transportation of property the gross weight of which, with load, exceeds three tons, with intent to defraud by misrepresenting thereon the weight of such goods or property to be so transported.

Any driver or operator of a commercial car, trailer or semi-trailer may obtain from any person, firm, partnership, corporation or association, including the owner, lessee or operator of such commercial car, trailer or semi-trailer, owning and operating sealed scales in this State, a written statement of gross vehicle weight showing the gross weight of the vehicle including the cargo on the vehicle, the name and address of the person issuing the statement, and the date and place where the vehicle and its cargo were weighed. The driver or operator of the commercial car, trailer or semi-trailer shall retain such statement of gross vehicle weight on his person and any law enforcement officer of this City may request that such driver or operator exhibit it to him.

If, upon examining the statement of gross vehicle weight, the law enforcement officer has reason to believe that the information contained therein is correct in every respect, he shall endorse it with his name and the date and place where it was exhibited to him. The law enforcement officer may then permit such driver or operator to proceed without weighing by a law officer of this City. No person shall willfully issue a written statement of gross vehicle weight and knowingly give any false information in such statement.
(ORC 5577.10)

(b) 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.

339.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for misdemeanor classifications and penalties.)

Whoever violates the weight provisions of this chapter shall be fined eighty dollars (\$80.00) for the first 2,000 pounds, or fraction thereof, of overload; for overloads in excess of 2,000 pounds, but not in excess of 5,000 pounds, such person shall be fined one hundred dollars (\$100.00) and in addition thereto one dollar (\$1.00) per one hundred pounds of overload; for overloads in excess of 5,000 pounds but not in excess of 10,000 pounds, such person shall be fined one hundred thirty dollars (\$130.00) and in addition thereto, two dollars (\$2.00) per one hundred pounds of overload, or imprisoned not more than thirty days or both. For all overloads in excess of 10,000 pounds such person shall be fined one hundred sixty dollars (\$160.00) and in addition thereto three dollars (\$3.00) per one hundred pounds of overload, or imprisoned not more than thirty days or both. Whoever violates the weight provisions of vehicles and load relating to gross load limits shall be fined not less than one hundred dollars (\$100.00). No penalty prescribed in this section shall be imposed on any vehicle combination if the overload on any axle does not exceed 1,000 pounds, and if the immediately preceding or following axle, excepting the front axle of the vehicle combination, is underloaded by the same or a greater amount. For purposes of this section, two axles on one vehicle less than eight feet apart, shall be considered as one axle.
(ORC 5577.99(A)).

CHAPTER 341
Commercial Drivers

341.01	Definitions.	341.04	Prohibitions.
341.02	Exemptions.	341.05	Criminal offenses.
341.03	Prerequisites to operation of a commercial motor vehicle.	341.06	Employment of drivers of commercial vehicles.

CROSS REFERENCES

See sectional histories for similar State law

Disqualification - see Ohio R.C. 4506.16

Suspension or revocation of license - see Ohio R.C. 4507.16

Warning devices when disabled on freeways - see Ohio R.C. 4513.28

Arrest notice of driver - see Ohio R.C. 5577.14

Load limits - see TRAF. Ch. 339

341.01 DEFINITIONS.

As used in this chapter:

- (a) "Alcohol concentration" means the concentration of alcohol in a person's blood, breath or urine. When expressed as a percentage, it means grams of alcohol per the following:
 - (1) One hundred milliliters of whole blood, blood serum, or blood plasma;
 - (2) Two hundred ten liters of breath;
 - (3) One hundred milliliters of urine.
- (b) "Commercial driver's license" means a license issued in accordance with Ohio R.C. Chapter 4506 that authorizes an individual to drive a commercial motor vehicle.
- (c) "Commercial motor vehicle" means any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:
 - (1) Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
 - (2) Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;
 - (3) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport sixteen or more passengers including the driver;

- (4) Any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;
 - (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended;
 - (6) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Motor Carrier Safety Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- (d) "Controlled substance" means all of the following:
- (1) Any substance classified as a controlled substance under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 U.S.C.A. 802(6), as amended;
 - (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended;
 - (3) Any drug of abuse.
- (e) "Disqualification" means any of the following:
- (1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;
 - (2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;
 - (3) A determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.
- (f) "Drive" means to drive, operate or be in physical control of a motor vehicle.
- (g) "Driver" means any person who drives, operates or is in physical control of a commercial motor vehicle or is required to have a commercial driver's license.
- (h) "Driver's license" means a license issued by the Ohio Bureau of Motor Vehicles that authorizes an individual to drive.
- (i) "Drug of abuse" means any controlled substance, dangerous drug as defined in Ohio R.C. 4729.01 or over-the-counter medication that, when taken in quantities exceeding the recommended dosage, can result in impairment of judgment or reflexes.
- (j) "Employer" means any person, including the Federal Government, any state and a political subdivision of any state, that owns or leases a commercial motor vehicle or assigns a person to drive such a motor vehicle.
- (k) "Endorsement" means an authorization on a person's commercial driver's license that is required to permit the person to operate a specified type of commercial motor vehicle.
- (l) "Farm truck" means a truck controlled and operated by a farmer for use in the transportation to or from a farm, for a distance of not more than one hundred fifty miles, of products of the farm, including livestock and its products, poultry and its products, floricultural and horticultural products, and in the transportation to the farm, from a distance of not more than one hundred fifty miles, of supplies for the farm, including tile, fence, and every other thing or commodity used in agricultural, floricultural, horticultural, livestock and poultry production, and livestock, poultry and other animals and things used for breeding, feeding, or other purposes connected with the operation of the farm, when the truck is operated in accordance with this subsection and is not used in the operations of a motor transportation company or private motor carrier.

- (m) "Fatality" means the death of a person as the result of a motor vehicle accident occurring not more than three hundred sixty-five days prior to the date of a death.
- (n) "Felony" means any offense under federal or state law that is punishable by death or specifically classified as a felony under the law of this State, regardless of the penalty that may be imposed.
- (o) "Foreign jurisdiction" means any jurisdiction other than a state.
- (p) "Gross vehicle weight rating" means the value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle. The gross vehicle weight rating of a combination vehicle is the gross vehicle weight rating of the power unit plus the gross vehicle weight rating of each towed unit.
- (q) "Hazardous materials" means any material that has been designated as hazardous under 49 U.S.C. 5103 and is required to be placarded under subpart F of 49 C.F.R. part 172 or any quantity of a material listed as a select agent or toxin in 42 C.F.R. part 73, as amended.
- (r) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer or semitrailer operated exclusively on a rail.
- (s) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian or Mexican jurisdiction declaring that a driver, commercial motor vehicle or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.
- (t) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of Ohio R.C. 4511.01.
- (u) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in Ohio R.C. 4501.01 and is used exclusively for purposes other than engaging in business for profit.
- (v) "School bus" has the same meaning as in Ohio R.C. 4511.01.
- (x) "State" means a state of the United States and includes the District of Columbia.
- (x) "Tester" means a person or entity acting pursuant to a valid agreement entered into pursuant to Ohio R.C. 4506.09.
- (y) "United States" means the fifty states and the District of Columbia.
- (z) "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
(ORC 4506.01)

341.02 EXEMPTIONS.

Section 341.02 has been deleted from the Codified Ordinances. Former Ohio R.C. 4506.02 from which Section 341.02 was derived was repealed by Am. Sub. H.B. No. 68, effective June 29, 2005. The exemptions are now contained in Section 341.03.

341.03 PREREQUISITES TO OPERATION OF A COMMERCIAL MOTOR VEHICLE.

- (a) Except as provided in subsections (b) and (c) of this section, the following shall apply:
 - (1) No person shall drive a commercial motor vehicle on a highway in this Municipality unless the person holds, and has in the person's possession, a valid commercial driver's license with proper endorsements for the motor vehicle being driven, issued by the Registrar of Motor Vehicles, a valid examiner's commercial driving permit issued under Ohio R.C. 4506.13, a valid restricted commercial driver's license and waiver for farm-related

service industries issued under Ohio R.C. 4506.24, or a valid commercial driver's license temporary instruction permit issued by the Registrar and is accompanied by an authorized state driver's license examiner or tester or a person who has been issued and has in the person's immediate possession a current, valid commercial driver's license with proper endorsements for the motor vehicle being driven.

- (2) No person who has been a resident of this State for thirty days or longer shall drive a commercial motor vehicle under the authority of a commercial driver's license issued by another jurisdiction.

(b) Nothing in subsection (a) of this section applies to any qualified person when engaged in the operation of any of the following:

- (1) A farm truck;
- (2) Fire equipment for a fire department, volunteer or nonvolunteer fire company, fire district, or joint fire district;
- (3) A public safety vehicle used to provide transportation or emergency medical service for ill or injured persons;
- (4) A recreational vehicle;
- (5) A commercial motor vehicle within the boundaries of an eligible unit of local government, if the person is employed by the eligible unit of local government and is operating the commercial motor vehicle for the purpose of removing snow or ice from a roadway by plowing, sanding, or salting, but only if either the employee who holds a commercial driver's license issued under Ohio R.C. Chapter 4506 and ordinarily operates a commercial motor vehicle for these purposes is unable to operate the vehicle, or the employing eligible unit of local government determines that a snow or ice emergency exists that requires additional assistance;
- (6) A vehicle operated for military purposes by any member or uniformed employee of the armed forces of the United States or their reserve components, including the Ohio national guard. This exception does not apply to United States reserved technicians.
- (7) A commercial motor vehicle that is operated for nonbusiness purposes. "Operated for nonbusiness purposes" means that the commercial motor vehicle is not used in commerce as "commerce" is defined in 49 C.F.R. 383.5, as amended, and is not regulated by the Public Utilities Commission pursuant to Ohio R.C. Chapter 4919, 4921, or 4923.
- (8) A motor vehicle that is designed primarily for the transportation of goods and not persons, while that motor vehicle is being used for the occasional transportation of personal property by individuals not for compensation and not in the furtherance of a commercial enterprise.
- (9) A police SWAT team vehicle.

(c) Nothing contained in subsection (b)(5) of this section shall be construed as preempting or superseding any law, rule, or regulation of this State concerning the safe operation of commercial motor vehicles.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4506.03)

341.04 PROHIBITIONS.

- (a) No person shall do any of the following:
- (1) Drive a commercial motor vehicle while having in the person's possession or otherwise under the person's control more than one valid driver's license issued by this State, any other state or by a foreign jurisdiction;
 - (2) Drive a commercial motor vehicle on a highway in this Municipality in violation of an out-of-service order, while the person's driving privilege is suspended, revoked or canceled, or while the person is subject to disqualification;
 - (3) Drive a motor vehicle on a highway in this Municipality under authority of a commercial driver's license issued by another state or a foreign jurisdiction, after having been a resident of this State for thirty days or longer.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4506.04)

341.05 CRIMINAL OFFENSES.

- (a) No person shall do any of the following:
- (1) Drive a commercial motor vehicle while having a measureable or detectable amount of alcohol or of a controlled substance in the person's blood, breath or urine;
 - (2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath;
 - (3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma;
 - (4) Drive a commercial motor vehicle while having an alcohol concentration of fifty-six-thousandths of one per cent or more by urine;
 - (5) Drive a motor vehicle while under the influence of a controlled substance;
 - (6) Use a motor vehicle in the commission of a felony;
 - (7) Refuse to submit to a test under Ohio R.C. 4506.17;
 - (8) Operate a commercial motor vehicle while the person's commercial driving privileges are revoked, suspended, canceled, or disqualified;
 - (9) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;
 - (10) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in Ohio R.C. 3719.01 or the possession with intent to manufacture, distribute, or dispense a controlled substance;
 - (11) Drive a commercial motor vehicle in violation of any provision of Ohio R.C. 4511.61 to 4511.63 or any federal or local law or ordinance pertaining to railroad-highway grade crossings;
 - (12) Violate any prohibition described in subsections (a)(2) to (11) of this section while transporting hazardous materials.

(b) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 4506.15)

341.06 EMPLOYMENT OF DRIVERS OF COMMERCIAL VEHICLES.

(a) Each employer shall require every applicant for employment as a driver of a commercial motor vehicle to provide the applicant's employment history for the ten years preceding the date the employment application is submitted to the prospective employer. The following information shall be submitted:

- (1) A list of the names and addresses of the applicant's previous employers for which the applicant was the operator of a commercial motor vehicle;
- (2) The dates the applicant was employed by these employers;
- (3) The reason for leaving each of these employers.

(b) No employer shall knowingly permit or authorize any driver employed by the employer to drive a commercial motor vehicle during any period in which any of the following apply:

- (1) The driver's commercial driver's license is suspended, revoked or canceled by any state or a foreign jurisdiction;
- (2) The driver has lost the privilege to drive, or currently is disqualified from driving, a commercial motor vehicle in any state or foreign jurisdiction;
- (3) The driver, the commercial motor vehicle the driver is driving, or the motor carrier operation is subject to an out-of-service order in any state or foreign jurisdiction;
- (4) The driver has more than one driver's license.

(c) No employer shall knowingly permit or authorize a driver to operate a commercial motor vehicle in violation of Section 341.05.

(d) Whoever violates subsection (c) of this section may be assessed a fine not to exceed ten thousand dollars. (ORC 4506.20)

CHAPTER 343
Transportation of Radioactive Materials and Hazardous Substances

343.01	Definitions.	343.04	Permit issuance; routes.
343.02	Permit required.	343.99	Penalty.
343.03	Notice.		

CROSS REFERENCES

Protection, radiation - see Ohio R.C. 3701.90 et seq.
 Definitions; regulations - see Ohio R.C. 3716.01 et seq.
 Hazardous waste - see Ohio R.C. 3734.01, 3734.02,
 3734.04 et seq.
 Atomic development activities - see Ohio R.C. 4163.03
 Commercial and heavy vehicle - see TRAF. Ch. 339

343.01 DEFINITIONS.

- (a) For the purposes of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein:
- (1) "Radioactive material" means any material or combination of materials, which spontaneously emits ionizing radiation. Materials in which estimated specific activity is not greater than 0.002 by microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not considered to be radioactive materials.
 - (2) "Large quantity radioactive materials" means a quantity the aggregate radioactivity of which exceeds that specified in 10 Code of Federal Regulations (C.F.R.) Part 71 entitled "Packaging of Radioactive Material for Transport", Section 71.4(f).
 - (3) "Curie" means an expression of the quantity of radiation in terms of the number of atoms which disintegrate per second; a curie is that quantity of radioactive materials which decays such that thirty-seven billion atoms disintegrate per second.
 - (4) "Millicurie" means one thousandth of a curie.
 - (5) "Motor vehicle" means any vehicle defined as a "motor vehicle" in Section 301.20.
 - (6) "Person" means any individual, partnership or corporation engaged in the transportation of passengers or property, as common, contract or private carrier, or freight forwarder, as those terms are used in the Interstate Commerce Act, as amended.

- (7) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable or which generates pressure through decomposition, heat or other means, if such substance or mixture of substances may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use.
- (8) "Toxic" applies to any substance which has the inherent capacity to produce bodily injury to man through ingestion, inhalation or absorption through any bond surface.
- (9) "Highly toxic" means any substance which falls within any of the following categories:
- A. Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between 200 and 300 grams, at a single dose of fifty milligrams or less per kilogram of body weight, when orally administered;
 - B. Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between 200 and 300 grams, when inhaled continuously for a period of one hour or less at an atmospheric concentration of 200 parts per million by volume or less of gas, vapor, mist or dust provided such concentration is likely to be encountered by man when the substance is used in any reasonably foreseeable manner;
 - C. Produces death within fourteen days in half or more of a group of ten or more rabbits tested in a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for twenty-four hours or less.
- If the available data on human experience with any substance indicates results different from those obtained on animals in the above named dosages or concentrations, the human data shall take precedence.
- (10) "Corrosive" means any substance which in contact with living tissue will cause destruction of tissue by chemical action; but shall not refer to action on inanimate surfaces.
- (11) "Irritant" means any substance not corrosive with the meaning of subsection (a)(10) hereof which on immediate, prolonged or repeated contact with normal living tissue will induce a local inflammatory reaction.
- (12) "Strong sensitizer" means any substance which will cause on normal living tissue, through an allergic or photodynamic process, a hypersensitivity which becomes evident on reapplication of the same substance.
- (13) "Extremely flammable" means any substance which has a flash point at or below 20 degrees Fahrenheit as determined by the tagliabue open cup tester.
- (14) "Flammable" applies to any substance which has a flash point above twenty degrees to and including eighty degrees Fahrenheit, as determined by the tagliabue open cup tester; except that the flammability of the contents of self-pressurized containers shall be determined by methods generally applicable to such container.
(Ord. 30-79. Passed 6-25-79.)

343.02 PERMIT REQUIRED.

(a) A permit issued by the Service-Safety Director or his designated representative shall be required for the shipping or transportation of the following radioactive materials or of hazardous substances by motor vehicle into, within, through or out of the City.

- (1) Plutonium isotopes in any quantity and form exceeding two grams or twenty curies, whichever is less;
- (2) Uranium enriched in the isotope U-235 exceeding twenty-five atomic percent of the total uranium content in quantities where the U-235 content exceeds one kilogram;
- (3) Any elements with atomic number eighty-nine or greater, the activity of which exceeds twenty curies;
- (4) Spent reactor fuel elements or mixed fission products associated with such fuel elements the activity of which exceeds twenty curies;
- (5) Large quantity radioactive materials;
- (6) Any quantity, arrangement and packaging combination of fissile material specified by the United States Nuclear Regulatory Commission as a "Fissile Class III" shipment in 10 CFR Part 71 entitled "Packaging of Radioactive Materials for Transport", Section 71.4(d)(3); or
- (7) Any shipment or transportation of radioactive material that is required by the appropriate regulating agency to be accompanied by an escort for safety reasons.

(b) This section shall not apply to radioactive materials or hazardous substances shipped or transported by or for the United States Government for military or security purposes or which are related to national defense.

(Ord. 30-79. Passed 6-25-79.)

343.03 NOTICE.

When those radioactive materials or hazardous substances requiring a permit as specified in this chapter are to be shipped or transported into, within, through or out of the City the shipper or carrier, or person otherwise responsible, shall first notify the Service-Safety Director or his designated representative, in a form provided, two weeks prior to the date of shipment. The form shall include the date of shipment, type and quantity of radioactive materials or hazardous substances involved, method of transportation, route, starting point, destination and such other information as the Director or his designated representative may reasonably require. Any information which cannot be supplied two weeks prior to shipment or transportation, shall be supplied promptly by the person responsible for such shipment or transportation when such information becomes available to him. Nothing herein shall be construed as requiring the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended. Notice is not required for transportation of propane, gasoline, diesel fuel, heating fuel, acetates to, through and/or from the City.

(Ord. 30-79. Passed 6-25-79.)

343.04 PERMIT ISSUANCE; ROUTES.

(a) The Service-Safety Director, or his designated representative, shall not issue a permit to any person for the shipment or transportation of those radioactive materials or hazardous substances specified in this chapter, unless:

- (1) There is a showing that the radioactive material or hazardous substance has been or will be containerized and packaged, and all warning labels affixed to the outer container holding the radioactive material or hazardous substance and the motor vehicle transporting such material, in conformity with the regulations of the United States Department of Transportation, United States Nuclear Regulatory Commission or other related Federal or State agencies regardless of whether the shipment is being made intracity, intrastate or interstate; and
- (2) There is a showing that the shipment or transportation of radioactive materials or hazardous substances is necessitated by urgent public policy or national security interests transcending public safety and health concerns of the City. For the purposes of this section:
 - A. An "urgent public policy" includes medical, educational and health interests.
 - B. An "urgent public policy" does not include interests other than medical, educational and health interests, unless expressly authorized in writing by the United States Department of Transportation, or by any other appropriate Federal or State agency which may be required by the Director or his designated representative. Such authorization shall state that the particular interest involved is, in the opinion of the agency, permitted by Federal or State regulations pertaining to the shipment or transportation of radioactive materials or hazardous substances, and that the interest involved justifies the apparent risks resulting from such shipment or transportation.

(b) Radioactive materials or hazardous substances which are permitted to be shipped or transferred through the City pursuant to this chapter shall be shipped or transported through the City over such route or routes, or at such time or times of the day, consistent with the public health, safety and welfare and the convenience of the shipper or carrier, as the Director or his designated representative may direct.

(Ord. 30-79. Passed 6-25-79.)

343.99 PENALTY.

Any person who violates any provision of this chapter is guilty of a misdemeanor of the first degree.

(Ord. 30-79. Passed 6-25-79.)

TITLE SEVEN - Parking

Chap. 351. Parking Generally.
 Chap. 353. Designated Parking Spaces.
 Chap. 355. Off-Street Parking.

CHAPTER 351
Parking Generally

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|----------------|--|---------------|--|
| 351.01 | Police may remove unattended vehicle which obstructs traffic. | 351.10 | Parking at curb. |
| 351.02 | Registered owner prima-facie liable for unlawful parking. | 351.11 | Regulation of parking in congested district. |
| 351.03 | Prohibited standing or parking places. | 351.12 | Parking within space. |
| 351.04 | Unattended vehicle: duty to stop engine, remove key, set brake and turn wheels. | 351.13 | Parking during parades. |
| 351.05 | Opening vehicle door on traffic side. | 351.14 | Parking on private parking lots. |
| 351.06 | Parking prohibited on certain streets. | 351.15 | Removal from private lot. |
| 351.061 | Parking prohibitions; Service Director granted authority to implement necessary traffic control measures. | 351.16 | Taxicab stands. |
| 351.07 | Parking prohibited during certain hours. | 351.17 | Manner of parallel parking. |
| 351.08 | Parking time limited on certain streets. | 351.18 | Parking places for handicapped persons. |
| 351.09 | Truck loading zones. | 351.19 | Parking on posted private property. |
| | | 351.20 | Residential parking prohibited for certain long vehicles. |
| | | 351.99 | Penalty. |

CROSS REFERENCES

See sectional histories for similar State law

Police may remove ignition key from unattended vehicle - see TRAF. 303.30

Willfully leaving vehicles on private or public property - see TRAF. 303.09, 303.10

Parking near stopped fire apparatus - see TRAF. 331.27

Lights on parked or stopped vehicles - see TRAF. 337.09

351.01 POLICE MAY REMOVE UNATTENDED VEHICLE WHICH OBSTRUCTS TRAFFIC.

(a) No vehicle shall be left standing in any street, alley, sidewalk or public ground in such manner as to obstruct the free use of the same, for the purpose of being repaired, or for any other purpose, except in case of unavoidable necessity, when the same shall be removed within a reasonable time. (Ord. 80. Passed 7-22-24.)

(b) Whenever any police officer finds a vehicle unattended upon any street, bridge or causeway, or in any tunnel, where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle to the nearest garage or other place of safety. (ORC 4511.67)

351.02 REGISTERED OWNER PRIMA-FACIE LIABLE FOR UNLAWFUL PARKING.

In any hearing on a charge of illegally parking a motor vehicle, testimony that a vehicle bearing a certain license plate was found unlawfully parked as prohibited by the provisions of this Traffic Code, and further testimony that the record of the Ohio Registrar of Motor Vehicles shows that the license plate was issued to the defendant, shall be prima-facie evidence that the vehicle which was unlawfully parked, was so parked by the defendant. A certified registration copy, showing such fact, from the Registrar shall be proof of such ownership.

351.03 PROHIBITED STANDING OR PARKING PLACES.

No person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or to comply with the provisions of this Traffic Code, or while obeying the directions of a police officer or a traffic control device, in any of the following places:

- (a) On a sidewalk, curb or street lawn area, except a bicycle;
- (b) In front of a public or private driveway;
- (c) Within an intersection;
- (d) Within ten feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection;
- (g) Within thirty feet of, and upon the approach to, any flashing beacon, stop sign or traffic control device;
- (h) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless a different length is indicated by a traffic control device;
- (i) Within fifty feet of the nearest rail of a railroad crossing;
- (j) Within twenty feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within seventy-five feet of the entrance when it is properly posted with signs;
- (k) Alongside or opposite any street excavation or obstruction when such standing or parking would obstruct traffic;
- (l) Alongside any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a street, or within a street tunnel;
- (n) At any place where signs prohibit stopping, standing or parking, or where the curbing or street is painted yellow, or at any place in excess of the maximum time limited by signs;
- (o) Within one foot of another parked vehicle;
- (p) On the roadway portion of a freeway, expressway or thruway.
(ORC 4511.68)
- (q) Within any space marked as a taxicab stand unless the vehicle is licensed as a taxicab. (Ord. 291. Passed 6-28-37.)

351.04 UNATTENDED VEHICLE: DUTY TO STOP ENGINE, REMOVE KEY, SET BRAKE AND TURN WHEELS.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the parking brake, and, when the motor vehicle is standing upon any grade, turning the front wheels to the curb or side of the highway.

The requirements of this section relating to the stopping of the engine, locking of the ignition and removing the key from the ignition of a motor vehicle shall not apply to an emergency vehicle or a public safety vehicle.

(ORC 4511.661)

351.05 OPENING VEHICLE DOOR ON TRAFFIC SIDE.

No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

(ORC 4511.70(C))

351.06 PARKING PROHIBITED ON CERTAIN STREETS.

When official signs are erected giving notice thereof, or when the curb is officially painted orange or yellow, no person shall park a vehicle at any time upon any of the following streets or sections of streets:

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Athens	Chillicothe Street easterly to east corporation line	
Athens	Chillicothe Street and C & O Railroad crossing	South
Bridge	Chillicothe Street and State Street	Northwest
Broadway	C & O Railroad crossing and end of Broadway Street	North
Chillicothe	City limits and Bridge Street	West
Chillicothe	Athens Street and Wood Avenue	East
Chillicothe	A point .25 mile north of junction with State Route 93 and point .13 mile south of such junction	Both
Clinton	Entire length	South
Columbia	Pearl Street and Main Street	West
Court	Columbia Street and Church Street	South
East Broadway	Main Street northeasterly and easterly to east corporation line	Both
Harding Avenue	Main Street one-half square to alley going northeast	Northwest
Morton	Corporation line and Chillicothe Street	West
Ohio	South Street and Oak Street	West

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Payne Pearl	Entire length Portsmouth Street and Bridge Street	West Southwest, (except for parking meter area)
Pearl	Columbia Street and Harding Avenue	Southwest
Pearl Pearl	Harding Avenue and South Street Alley beside firehouse to Columbia Street	Both South
Pearl	Columbia Street and H. Renshaw property line Lot 54	North
South	High Street and David Avenue	North
South	West Street and High Street	North
South	Main Street and Pearl Street	North
South	Church Street and Portsmouth	North
State	West Street and High Street	North
State	Bridge Street and West Street	Both
State	West corporation line and Ohio Street	Both
State	Ohio Street and High Street	North
Sycamore	Entire length	North
Trago Avenue	Entire length south of Tropic Street	East, school buses excepted
Vaughn Walnut	South Street and Huron Street Broadway Street and Portsmouth Street	Both North
Walnut	Portsmouth Street and Columbia Street	North
Walnut	Bridge Street and Portsmouth Street	Northeast
Water	Bridge Street and Broadway Street	Both
Water	Portsmouth Street and first alley east of Locust Street	South
West	Sycamore Street and State Street	East

(Ord. 4-62. Passed 2-12-62; Ord. 99-92. Passed 12-14-92.)

**351.061 PARKING PROHIBITIONS; SERVICE DIRECTOR GRANTED
AUTHORITY TO IMPLEMENT NECESSARY TRAFFIC
CONTROL MEASURES.**

The Service Director is hereby granted authority to take all such measures as he may deem appropriate to alleviate congestion, control the flow of traffic, and promote safety. The Service Director may place Stop Signs, rumble strips, reduce speed limits, install warning lights, or place parking limitations and restrictions as he may deem necessary.

When official signs are erected giving notice thereof, or when the curb is officially painted orange or yellow, no person shall park a vehicle upon the street or section of streets so designated.

Parking on Wood Avenue, Vine Street, Coffman Street, and Broad Street between Locust Street and Bridge Street, shall be limited to one side only. The Service Director is hereby granted authority to make any other parking restrictions and limitations he may feel are necessary or appropriate to alleviate congestion, control the flow of traffic, and promote safety.

The intersection of Oak Street, Locust Street, and Broad Street shall be controlled by a five-way stop sign. The Service Director is hereby granted authority to make any other intersection restrictions and limitations he may feel are necessary or appropriate to alleviate congestion, control the flow of traffic and promote safety.
(Ord. 41-04. Passed 4-12-04.)

351.07 PARKING PROHIBITED DURING CERTAIN HOURS.

When signs are erected giving notice thereof, no person shall park any vehicle between 7:30 a.m. and 8:00 a.m. and between 3:00 p.m. and 3:30 p.m. on days when school is in session upon the following streets or section of streets:

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Tropic	Trago Avenue and Vaughn Street	South

(Ord. 99-92. Passed 12-14-92.)

351.08 PARKING TIME LIMITED ON CERTAIN STREETS.

When signs are erected giving notice thereof on any street, no person shall park a vehicle upon such street for longer than the period designated upon the following streets or parts of streets:

- (a) Two-hour parking from 8:00 a.m. to 5:00 p.m. daily except on Saturdays when the two-hour limitation shall extend from 8:00 a.m. to 9:00 p.m. This limitation shall not apply on Sundays and the holidays designated in Section 353.05:

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Pearl	Church Street and Columbia Street	North

- (b) Fifteen minute parking:

<u>Street</u>	<u>Between</u>	<u>Side of Street</u>
Broadway	In front of Memorial Building between the alleys adjoining the building	West

(Ord. 99-92. Passed 12-14-92.)

351.09 TRUCK LOADING ZONES.

(a) The Service-Safety Director is hereby authorized to erect signs to establish truck loading and unloading zones and the hours during which the loading zones will be in effect within the commercial area of the City.

- (b) As used in this section:
- (1) "Truck" means any motor vehicle other than a passenger car.
 - (2) "Passenger car" means any motor vehicle designed and used for carrying not more than nine persons.

(c) No motor vehicle whose primary purpose is to load or unload merchandise and deliver merchandise to any merchant within the commercial area of the City shall be parked in any space other than those spaces authorized by the Director. Authorized space shall be denoted by sign setting forth that the space is a loading or unloading zone.

(d) No truck shall be parked for a period for more than thirty minutes in any loading or unloading zone.

(e) Any motor vehicle is permitted to be parked in the loading or unloading zones established by the Director during the hours that the loading or unloading zone restrictions are not in effect.

(f) No truck shall be double parked on any street.
(Ord. 3-66. Passed 1-24-66.)

351.10 PARKING AT CURB.

(a) In the following places all vehicles shall park head on at an angle of approximately forty-five degrees to the curb:

- (1) Main Street between Portsmouth Street and the point on Main Street just east of Church Street where Main Street narrows;
- (2) Broadway Street between Water Street and Walnut Street;
- (3) Portsmouth Street between Water Street and Broad Street, provided that on the west side of Portsmouth Street from Walnut Street and Broad Street; parallel parking only shall be permitted.
(Ord. 308. Passed 4-25-38; Ord. 13-61. Passed 6-26-61.)

(b) No truck or bus with an overall length in excess of sixteen and one-half feet shall park head on and at an angle to the curb of streets, or portions thereof, in areas which are marked for angle parking in accordance with subsection (a) hereof.
(Ord. 381. Passed 3-25-46.)

351.11 REGULATION OF PARKING IN CONGESTED DISTRICT.

Notwithstanding the provisions of Section 351.03 and 351.10, the following regulations shall apply to the parking of vehicles within the congested district as defined in Section 301.52:

- (a) Any vehicle standing at the curb in the congested district between 8:00 a.m. and 6:00 p.m. shall be moved away from the curb at the direction of a police officer or upon request of the owner of the abutting property or his agent for the purpose of loading or unloading merchandise.
(Ord. 80. Passed 7-22-24.)
- (b) No vehicle shall be double-parked in the congested district at any time if there is a parking space within reasonably close distance.
(Ord. 280. Passed 12-14-36.)
- (c) No school bus or motor truck, except light delivery trucks, shall be parked in the congested district for a longer period than one hour at any time.
- (d) No vehicle, excepting trucks, shall be double-parked in the congested district for a longer period than is reasonably necessary for the loading or unloading of passengers or merchandise, but in no event shall this time exceed five minutes.
- (e) No truck shall be double-parked in the congested district for a longer period than is reasonably necessary for the loading or unloading of merchandise or freight, but in no event shall this time exceed twenty minutes. The truck shall be moved immediately upon the request of the driver of any vehicle which is prevented from moving or backing out from the curb by reason of such double parking. (Ord. 309. Passed 4-11-38.)

351.12 PARKING WITHIN SPACE.

(a) No person shall park any vehicle across any line or marking designating a parking space, or park any vehicle in any way so that the vehicle is not wholly within the parking space as designated by the lines or markings.
(Ord. 622. Passed 2-14-55.)

(b) The Service-Safety Director is hereby authorized to paint or otherwise place upon the surface of streets lines indicating suitable places and spaces for parking in accordance with the provisions of this chapter.
(Ord. 308. Passed 4-25-38.)

351.13 PARKING DURING PARADES.

During the passage of any civic or military procession and for thirty minutes prior thereto, all vehicles of every description shall, after notice is given by the Service-Safety Director be taken off the street occupied by such procession.
(Ord. 80. Passed 7-22-24.)

351.14 PARKING ON PRIVATE PARKING LOTS.

No owner or operator of any motor vehicle shall park, or cause to be parked, upon any lot or tract of land which has been acquired and established as a private parking lot for the customers of one or more particular business establishments or for the employees of one or more business establishments, or for the vehicles of certain individuals for which specific parking spaces have been reserved, or upon any other lot or tract of land not set aside and used as a public parking lot, when the owner or operator of the motor vehicle is not a customer, employee or person having a space reserved on such lot, or authorized by the owner, operator or lessee of such lot, or reserved space to park such motor vehicle thereon. The presence of any legible sign on or about such lot or tract of land indicating that the lot is for use of certain individuals, or class of individuals, or is established as a private or restricted parking lot, shall be sufficient notice to the owners or operators of motor vehicles who are not such individuals, or a member of such class of individuals, for whom such parking lot is established that the parking is unlawful.
(Ord. 44-57. Passed 10-14-57.)

351.15 REMOVAL FROM PRIVATE LOT.

(a) Notwithstanding the provisions of Section 303.09, the owner, operator or lessee of any private parking lot, or of any reserved space on any such parking lot, as described in Section 351.14, may upon discovery of any motor vehicle illegally parked on any such lot, or in any such reserved space thereon, have a City patrolman issue a traffic violation ticket for the vehicle, or have the same removed to a place of safekeeping. If the removal requires the services of a wrecker, the operator of the wrecker shall be entitled to charge the owner of the motor vehicle not more than fifteen dollars (\$15.00) for such wrecker service plus a reasonable charge for the vehicle storage after the removal. For payment of these charges the owner of the wrecker operator is hereby given a lien on the motor vehicle, and is authorized to retain possession thereof until the charges are paid.
(Ord. 6-81. Passed 1-26-81.)

(b) Upon removal of the motor vehicle, the person ordering the same shall immediately notify the Police Department giving a description of the vehicle, including the license number, the place to which the vehicle was removed, and where it can be located by the owner.

(Ord. 44-57. Passed 10-14-57.)

351.16 TAXICAB STANDS.

The Service-Safety Director is hereby authorized and directed to establish such taxicab stands as he deems necessary and advisable. Such stands shall be reserved exclusively for the parking of taxicabs while awaiting passengers for hire. The Director shall designate taxicab stands by stanchions or signs. The Director shall have continuing authority to establish, enlarge, diminish or discontinue any taxicab stand.

(Ord. 291. Passed 6-28-37.)

351.17 MANNER OF PARALLEL PARKING.

(a) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the curb side wheels of such vehicle parallel with and not more than twelve inches from the curb, unless it is impossible to approach so close to the curb; in such case the stop shall be as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise.

(b) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a State Route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(c) No vehicle shall be stopped or parked on a road or street with the vehicle facing in a direction other than the direction of travel on that side of the road or street.

(d) Notwithstanding any provision of this Code or any rule, air compressors, tractors, trucks and other equipment, while being used in the construction, reconstruction, installation, repair or removal of facilities near, on, over or under a street, may stop, stand or park where necessary in order to perform such work, provided a flagman is on duty, or warning signs or lights are displayed as may be prescribed by the Ohio Director of Transportation. (ORC 4511.69)

351.18 PARKING PLACES FOR HANDICAPPED PERSONS.

(a) The Service-Safety Director may designate one or more parking places on the public street or in City-owned off-street parking areas to be only for handicapped persons.

(b) Each parking place for handicapped persons shall be prominently marked by a sign indicating the restricted use of the parking place.

(Ord. 144-82. Passed 10-25-82.)

(c) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces shall be provided and designated by the Municipality and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators and ramps. All elevated signs posted in accordance with this subsection and Ohio R.C. 3781.111 (C) shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after October 14, 1999, there also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

- (d) (1) No person shall stop, stand or park any motor vehicle at special parking locations provided under subsection (c) hereof, or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with subsection (c) hereof, unless one of the following applies:
- A. The motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;
 - B. The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.
- (2) Any motor vehicle that is parked in a special marked parking location in violation of subsection (d)(1) of this section may be towed or otherwise removed from the parking location by the Police Department. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by the Municipality for towing and storing motor vehicles.
- (3) If a person is charged with a violation of subsection (d)(1) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in Ohio R.C. 4503.44(A)(1).

(e) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(f) As used in this section:

- (1) "Handicapped person" means any person who has lost the use of one or both legs, or one or both arms, who is blind, deaf or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary or other handicapping condition.
- (2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in Ohio R.C. 4503.44.
- (3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under Ohio R.C. 4503.41 or 4503.44, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country or sovereignty. (ORC 4511.69)

(g) Any City police officer is authorized to arrange to have towed away any vehicle parked in violation of this section. (Ord. 144-82. Passed 10-25-82.)

351.19 PARKING ON POSTED PRIVATE PROPERTY.

If an owner of private property posts on the property in a conspicuous manner, prohibition against parking on the property or conditions and regulations under which parking is permitted, no person shall do either of the following:

- (a) Park a vehicle on the property without the owner's consent;
- (b) Park a vehicle on the property in violation of any condition or regulation posted by the owner. (ORC 4511.681)

351.20 RESIDENTIAL PARKING PROHIBITED FOR CERTAIN LONG VEHICLES.

No person shall park upon any public street along a curb which adjoins real property zoned R-1, R-2, R-3 or R-4 any motor vehicle exceeding twenty-five feet in length or any tractor-trailer combination exceeding twenty-five feet in length, except that the Service-Safety Director may by signs designate areas upon such streets where such vehicles may be parked. This section shall not prohibit furniture vans or moving vans from stopping upon any public street for the purpose of loading or unloading.
(Ord. 97-86. Passed 11-10-86.)

351.99 PENALTY.

(EDITOR'S NOTE: See Section 353.99 for parking penalties.)

CHAPTER 353
Designated Parking Spaces

353.01	Definitions.	353.04	Holidays excepted.
353.02	Parking within marked lines.	353.05	Special parking spaces.
353.03	Two-hour parking limit.	353.06	Special parking zones.
		353.99	Penalty.

CROSS REFERENCES

Impounding - see TRAF. 303.08 et seq.

Registered owner responsible for unlawful parking - see TRAF. 351.02

353.01 DEFINITIONS.

When used in this chapter, “designated parking spaces” means any and all parking spaces designated by the City for use as public parking and posted as such. Parking meters within the City are hereby eliminated, and there shall be no parking meters in the designated parking areas. (Ord. 41-99. Passed 5-10-99.)

353.02 PARKING WITHIN MARKED LINES.

No person shall park a vehicle in a designated parking area in such a way that the vehicle shall not be entirely within the limits of the space so designated by marked lines. (Ord. 41-99. Passed 5-10-99.)

353.03 TWO-HOUR PARKING LIMIT.

(a) Within the area designated by the Safety/Service Director as a designated parking space for the public, no person may park for longer than two hours at a time in any designated parking space.

(b) This two-hour restriction shall apply from 8:00 a.m. to 4:00 p.m. Monday through Saturday, except for holidays. The two-hour restriction shall not apply on Sundays, holidays, and time periods from 5:00 p.m. to the following 8:00 a.m. (Ord. 41-99. Passed 5-10-99.)

353.04 HOLIDAYS EXCEPTED.

The provisions of Section 353.03 shall not apply on days which are designated and recognized as holidays by the City. (Ord. 41-99. Passed 5-10-99.)

353.05 SPECIAL PARKING SPACES.

There shall be reserved three parking spaces on Portsmouth Street in front of the Jackson County Correctional Facility which shall be for the exclusive use of the Jackson County Sheriff's Department. These spaces shall be designated by the Service Director. (Ord. 91-01. Passed 9-10-01.)

353.06 SPECIAL PARKING ZONES.

(a) Church Street, from Water Street to Pearl Street, shall not be considered a restricted parking area, and this area is exempt and excluded from the requirements of Section 353.03 of the Jackson Codified Ordinances.

(b) Any and all parking spaces which have previously been reserved for the Southeast Emergency Medical Services (SEOEMS) on Court Street and across from the old EMS Station are hereby opened to the public. (Ord. 38-02. Passed 3-11-02.)

353.99 PENALTY.

(a) Penalties for parking violations shall be as follows:

- (1) Fifteen dollar (\$15.00) fine for parking in prohibited zone;
- (2) Fifteen dollar (\$15.00) fine for parking on yellow curb;
- (3) Fifteen dollar (\$15.00) fine for double parking;
- (4) Fifteen dollar (\$15.00) fine for parking over line;
- (5) Twenty-five dollar (\$25.00) fine for parking in handicap zone;
- (6) Fifteen dollar (\$15.00) fine for parking beyond two hour limit.

(b) Parking violation penalties may be paid as provided on the parking ticket, form of which shall be approved by the Service-Safety Director.

(c) Whoever has accumulated a total of five parking tickets not paid within twenty-four hours after the time of issuance is guilty of a minor misdemeanor, and shall be fined not more than one hundred dollars (\$100.00). In addition, any motor vehicle owned or owned in part by such person and parking on any public street may be seized and towed to a place of safekeeping. Such motor vehicle shall be released to the owner only after the owner's unpaid parking tickets, all towing charges, and vehicle storage charges, are paid. (Ord. 37-02. Passed 3-25-02.)

**CHAPTER 355
Off-Street Parking**

355.01 Municipal lots.

355.99 Penalty.

CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq.
Handicapped parking - see TRAF. 351.18

355.01 MUNICIPAL LOTS.

(a) One municipal parking lot is established in the City, being the lot between Broadway Street and Portsmouth Street behind the business formerly known as Wood Furniture, and prior to that G. C. Murphy.

(b) Each parking space in the municipal parking lot shall be available for the public to use. There shall be no charge for parking in the municipal parking lot, and the parking shall be limited to no more than 24 consecutive hours. Public parking shall be available to the public throughout the year, except for the week of the Jackson County Apple Festival, being the Saturday before the festival through the following Saturday. During the week of the Apple Festival the Jackson Fire Department shall have control of the municipal parking lot, and may lease the parking spaces on the lot to raise funds for the Fire Department.
(Ord. 38-08. Passed 3-25-08.)

355.99 PENALTY.

(a) Whoever parks in a municipal parking lot for longer than 24 consecutive hours, or whoever parks in the municipal parking lot during the week of the Jackson County Apple Festival without proper permission, shall be subject to the penalties as set forth in Section 303.99.

(b) Any vehicle found illegally parking in the municipal parking lot may be seized and towed to a place of safekeeping. Such motor vehicle shall be released to the owner only after all the owner's parking violation penalty and all towing charges, are paid.
(Ord. 38-08. Passed 3-25-08.)

TITLE NINE - Pedestrians, Bicycles and Motorcycles

Chap. 371. Pedestrians.

Chap. 373. Bicycles and Motorcycles.

Chap. 375. Snowmobiles, Off-Highway Motorcycles, and
All Purpose Vehicles.

Chap. 375. Skateboards, Roller Skates and Non-Motorized Scooters.

**CHAPTER 371
Pedestrians**

371.01	Right of way in crosswalk.	371.07	Right of way on sidewalk.
371.02	Right of way of blind person.	371.08	Yielding to public safety vehicle.
371.03	Crossing roadway outside crosswalk; diagonal crossings at intersections.	371.09	Walking on highway while under the influence.
371.04	Moving upon right half of crosswalk.	371.10	On bridges or railroad crossings.
371.05	Walking along highways.	371.11	Persons operating motorized wheelchairs.
371.06	Use of highway for soliciting; riding on outside of vehicles.	371.12	Electric personal assistive mobility devices.

CROSS REFERENCES

See sectional histories for similar State law

Pedestrian defined - see TRAF. 301.22

Pedestrian prohibited on freeways - see TRAF. 303.06

Obedience to traffic control devices - see TRAF.

313.01, 313.03

Pedestrian control signals - see TRAF. 313.05

371.01 RIGHT OF WAY IN CROSSWALK.

(a) When traffic control signals are not in place, not in operation or are not clearly assigning the right of way, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield or if required by Section 313.09, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.

(c) Subsection (a) hereof does not apply under the conditions stated in Section 371.03(b).

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(e) 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. (ORC 4511.46)

371.02 RIGHT OF WAY OF BLIND PERSON.

(a) As used in this section "blind person" or "blind pedestrian" means a person having not more than 20/200 visual acuity in the better eye with correcting lenses or visual acuity greater than 20/200 but with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees.

The driver of every vehicle shall yield the right of way to every blind pedestrian guided by a guide dog, or carrying a cane which is predominately white or metallic in color, with or without a red tip.

(b) No person, other than a blind person, while on any public highway, street, alley or other public thoroughfare shall carry a white metallic cane, with or without a red tip.

(c) 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. (ORC 4511.47)

371.03 CROSSING ROADWAY OUTSIDE CROSSWALK; DIAGONAL CROSSINGS AT INTERSECTIONS.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all traffic upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.

(e) This section does not relieve the operator of a vehicle from exercising due care to avoid colliding with any pedestrian upon any roadway.

(f) 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. (ORC 4511.48)

371.04 MOVING UPON RIGHT HALF OF CROSSWALK.

(a) Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(b) 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. (ORC 4511.49)

371.05 WALKING ALONG HIGHWAYS.

(a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.

(b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.

(c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) Except as otherwise provided in Section 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(e) 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. (ORC 4511.50)

371.06 USE OF HIGHWAY FOR SOLICITING; RIDING ON OUTSIDE OF VEHICLES.

(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 subsection (b)(2) hereof, no person shall stand on a highway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (2) Council, by ordinance, 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 Ohio R.C. 4511.051(A), that is under the jurisdiction of the Municipality. The permit shall be valid for only one period or time, which shall be specified in the permit, in any calendar year. Council also may specify the locations where contributions may be solicited and may impose any other restrictions on or requirements regarding the manner in which the solicitations are to be conducted that Council considers advisable.
- (3) As used herein, "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 Section 501(c)(3) of the "Internal Revenue Code."
- (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 sixteen years to ride in the unenclosed or unroofed cargo storage area of the driver's vehicle if the vehicle is traveling faster than twenty-five 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 Ohio 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;
- (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) (1) Except as otherwise provided in this subsection, whoever violates any provision of subsections (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 subsections (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 subsections (a) to (d) of this section is guilty of a misdemeanor of the third degree.
- (2) Whoever violates subsection (e) or (f) of this section is guilty of a minor misdemeanor. (ORC 4511.51)

371.07 RIGHT OF WAY ON SIDEWALK.

(a) The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.

(b) 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. (ORC 4511.441)

371.08 YIELDING TO PUBLIC SAFETY VEHICLE.

(a) Upon the immediate approach of a public safety vehicle as stated in Section 331.21, every pedestrian shall yield the right of way to the public safety vehicle.

(b) This section shall not relieve the driver of a public safety vehicle from the duty to exercise due care to avoid colliding with any pedestrian.

(c) 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. (ORC 4511.452)

371.09 WALKING ON HIGHWAY WHILE UNDER THE INFLUENCE.

(a) A pedestrian who is under the influence of alcohol, any drug of abuse, or any combination of them, to a degree that renders the pedestrian a hazard shall not walk or be upon a highway.

(b) 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. (ORC 4511.481)

371.10 ON BRIDGES OR RAILROAD CROSSINGS.

(a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) 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. (ORC 4511.511)

371.11 PERSONS OPERATING MOTORIZED WHEELCHAIRS.

(a) Every person operating a motorized wheelchair shall have all of the rights and duties applicable to a pedestrian that are contained in this Traffic Code, except those provisions which by their nature can have no application. (ORC 4511.491)

(b) 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. (ORC 4511.99)

371.12 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (a) (1) Electric personal assistive mobility devices may be operated on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles in accordance with this section.
- (2) Except as otherwise provided in this section, those sections of this Traffic Code that by their nature are applicable to an electric personal assistive mobility device apply to the device and the person operating it whenever it is operated upon any public street, highway, sidewalk, or path or upon any portion of a roadway set aside for the exclusive use of bicycles.
- (b) No operator of an electric personal assistive mobility device shall do any of the following:
- (1) Fail to yield the right-of-way to all pedestrians and human-powered vehicles at all times;
 - (2) Fail to give an audible signal before overtaking and passing a pedestrian;
 - (3) Operate the device at night unless the device or its operator is equipped with or wearing both of the following:
 - A. A lamp pointing to the front that emits a white light visible from a distance of not less than five hundred feet;

- B. A red reflector facing the rear that is visible from all distances from one hundred feet to six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Operate the device on any portion of a street or highway that has an established speed limit of fifty-five miles per hour or more;
 - (5) Operate the device upon any path set aside for the exclusive use of pedestrians or other specialized use when an appropriate sign giving notice of the specialized use is posted on the path;
 - (6) If under eighteen years of age, operate the device unless wearing a protective helmet on the person's head with the chin strap properly fastened;
 - (7) If under sixteen years of age, operate the device unless, during the operation, the person is under the direct visual and audible supervision of another person who is eighteen years of age or older and is responsible for the immediate care of the person under sixteen years of age.
- (c) No person who is under fourteen years of age shall operate an electric personal assistive mobility device.
- (d) No person shall distribute or sell an electric personal assistive mobility device unless the device is accompanied by a written statement that is substantially equivalent to the following: "WARNING: TO REDUCE THE RISK OF SERIOUS INJURY, USE ONLY WHILE WEARING FULL PROTECTIVE EQUIPMENT - HELMET, WRIST GUARDS, ELBOW PADS, AND KNEE PADS". (ORC 4511.512)
- (e) "Electric personal assistive mobility device" means a self-balancing two non-tandem wheeled device that is designed to transport only one person, has an electric propulsion system of an average of seven hundred fifty watts, and when ridden on a paved level surface by an operator who weighs one hundred seventy pounds has a maximum speed of less than twenty miles per hour. (ORC 4501.01)
- (f) Whoever violates subsection (b) or (c) hereof is guilty of a minor misdemeanor and shall be punished as follows:
- (1) The offender shall be fined ten dollars (\$10.00).
 - (2) If the offender previously has been convicted of or pleaded guilty to a violation of division (B) or (C) of Ohio R.C. 4511.512 or a substantially similar municipal ordinance, the court, in addition to imposing the fine required under subsection (f)(1) hereof, shall do one of the following:
 - A. Order the impoundment for not less than one day but not more than thirty days of the electric personal assistive mobility device that was involved in the current violation of that section. The court shall order the device to be impounded at a safe indoor location designated by the court and may assess storage fees of not more than five dollars (\$5.00) per day, provided the total storage, processing, and release fees assessed against the offender or the device in connection with the device's impoundment or subsequent release shall not exceed fifty dollars (\$50.00).

- B. If the court does not issue an impoundment order pursuant to subsection (f)(2)A. hereof, issue an order prohibiting the offender from operating any electric personal assistive mobility device on the public streets, highways, sidewalks, and paths and portions of roadways set aside for the exclusive use of bicycles for not less than one day but not more than thirty days.

(g) Whoever violates subsection (d) hereof is guilty of a minor misdemeanor.
(ORC 4511.512)

CHAPTER 373
Bicycles and Motorcycles

<p>373.01 Code application to bicycles.</p> <p>373.02 Riding upon seats; handle bars; helmets and glasses.</p> <p>373.03 Attaching bicycle or sled to vehicle.</p> <p>373.04 Riding bicycles and motorcycles abreast.</p> <p>373.05 Signal device on bicycle.</p> <p>373.06 Lights and reflector on bicycle; brakes.</p>	<p>373.07 Riding bicycle on right side of roadway; obedience to traffic rules; passing.</p> <p>373.08 Reckless operation; control, course and speed.</p> <p>373.09 Parking of bicycle.</p> <p>373.10 Motorized bicycle operation, equipment and license.</p> <p>373.11 Paths exclusively for bicycles.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Motorcycle protective equipment - see OAC Ch. 4501-17
 Motorized bicycle equipment - see OAC Ch. 4501-23
 Bicycle defined - see TRAF. 301.04
 Motorcycle defined - see TRAF. 301.19
 Bicycles prohibited on freeways - see TRAF. 303.06
 Hand and arm signals - see TRAF. 331.15
 Motorcycle operator's license required - see TRAF. 335.01(a)
 Motorcycle headlight - see TRAF. 337.03
 Motorcycle brakes - see TRAF. 337.18(b)

373.01 CODE APPLICATION TO BICYCLES.

(a) The provisions of this Traffic Code that are applicable to bicycles apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles.

(b) Except as provided in subsection (d) of this section, a bicycle operator who violates any section of this Traffic Code described in subsection (a) of this section that is applicable to bicycles may be issued a ticket, citation or summons by a law enforcement officer for the violation in the same manner as the operator of a motor vehicle would be cited for the same violation. A person who commits any such violation while operating a bicycle shall not have any points assessed against the person's driver's license, commercial driver's license, temporary instruction permit, or probationary license under Ohio R.C. 4510.036.

(c) Except as provided in subsection (d) of this section, in the case of a violation of any section of this Traffic Code described in subsection (a) of this section by a bicycle operator or by a motor vehicle operator when the trier of fact finds that the violation by the motor vehicle operator endangered the lives of bicycle riders at the time of the violation, the court, notwithstanding any provision of this Traffic Code to the contrary, may require the bicycle operator or motor vehicle operator to take and successfully complete a bicycling skills course approved by the court in addition to or in lieu of any penalty otherwise prescribed by the Traffic Code for that violation.

(d) Subsections (b) and (c) of this section do not apply to violations of Section 333.01 of this Traffic Code. (ORC 4511.52)

(e) The provisions of this Traffic Code shall apply to bicycles except those which by their nature are not applicable.

373.02 RIDING UPON SEATS; HANDLE BARS; HELMETS AND GLASSES.

(a) For purposes of this section "snowmobile" has the same meaning as given that term in Ohio R.C 4519.01.

(b) A person operating a bicycle shall not ride other than upon or astride the permanent and regular seat attached thereto, and a person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, nor carry any other person upon such bicycle or motorcycle other than upon a firmly attached and regular seat thereon, nor shall any person ride upon a bicycle or motorcycle other than upon such a firmly attached and regular seat.

(c) A person shall ride upon a motorcycle only while sitting astride the seat, facing forward, with one leg on each side of the motorcycle.

(d) No person operating a bicycle shall carry any package, bundle or article that prevents the driver from keeping at least one hand upon the handle bars.

(e) No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator.

(f) No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing "novice" designation that is currently in effect as provided in Ohio R.C. 4507.13, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses or other protective eye device shall conform with regulations prescribed and promulgated by the Ohio Director of Public Safety. The provisions of this subsection or a violation thereof shall not be used in the trial of any civil action.

(g) Nothing in this section shall be construed as prohibiting the carrying of a child in a seat or trailer that is designed for carrying children and is firmly attached to the bicycle.

(h) 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. (ORC 4511.53)

373.03 ATTACHING BICYCLE OR SLED TO VEHICLE.

(a) No person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or self to any vehicle upon a roadway.

No operator shall knowingly permit any person riding upon any motorcycle, bicycle, coaster, roller skates, sled or toy vehicle to attach the same or self to any vehicle while it is moving upon a roadway. This section does not apply to the towing of a disabled vehicle.

(b) 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. (ORC 4511.54)

373.04 RIDING BICYCLES AND MOTORCYCLES ABREAST.

(a) Persons riding bicycles or motorcycles upon a roadway shall ride not more than two abreast in a single lane, except on paths or parts of roadways set aside for the exclusive use of bicycles or motorcycles.

(b) 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. (ORC 4511.55(B))

373.05 SIGNAL DEVICE ON BICYCLE.

(a) A bicycle may be equipped with a device capable of giving an audible signal, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(b) 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. (ORC 4511.56)

373.06 LIGHTS AND REFLECTOR ON BICYCLE; BRAKES.

(a) Every bicycle when in use at the times specified in Section 337.02, shall be equipped with the following:

- (1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred feet to the front; and three hundred feet to the sides. A generator-powered lamp that emits light only when the bicycle is moving may be used to meet this requirement.
- (2) A red reflector on the rear that shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (3) A lamp emitting either flashing or steady red light visible from a distance of five hundred feet to the rear shall be used in addition to the red reflector;

If the red lamp performs as a reflector in that it is visible as specified in subsection (a)(2) of this section, the red lamp may serve as the reflector and a separate reflector is not required.

(b) Additional lamps and reflectors may be used in addition to those required under subsection (a) of this section, except that red lamps and red reflectors shall not be used on the front of the bicycle and white lamps and white reflectors shall not be used on the rear of the bicycle.

(c) Every bicycle shall be equipped with an adequate brake when used on a street or highway.

(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. (ORC 4511.56)

373.07 RIDING BICYCLE ON RIGHT SIDE OF ROADWAY; OBEDIENCE TO TRAFFIC RULES; PASSING.

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable obeying all traffic rules applicable to vehicles and exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) This section does not require a person operating a bicycle to ride at the edge of the roadway when it is unreasonable or unsafe to do so. Conditions that may require riding away from the edge of the roadway include when necessary to avoid fixed or moving objects, parked or moving vehicles, surface hazards, or if it otherwise is unsafe or impracticable to do so, including if the lane is too narrow for the bicycle and an overtaking vehicle to travel safely side by side within the lane.

(c) 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. (ORC 4511.55(A))

373.08 RECKLESS OPERATION; CONTROL, COURSE AND SPEED.

- (a) No person shall operate a bicycle:
- (1) Without due regard for the safety and rights of pedestrians and drivers and occupants of all other vehicles, and so as to endanger the life, limb or property of any person while in the lawful use of the streets or sidewalks or any other public or private property;
 - (2) Without exercising reasonable and ordinary control over such bicycle;
 - (3) In a weaving or zigzag course unless such irregular course is necessary for safe operation in compliance with law;
 - (4) Without both hands upon the handle grips except when necessary to give the required hand and arm signals, or as provided in Section 373.02(d);
 - (5) At a speed greater than is reasonable and prudent under the conditions then existing.

(b) 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.

373.09 PARKING OF BICYCLE.

(a) No person shall park a bicycle upon a sidewalk in such a manner so as to unduly interfere with pedestrian traffic or upon a roadway so as to unduly interfere with vehicular traffic.

(b) 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.

373.10 MOTORIZED BICYCLE OPERATION, EQUIPMENT AND LICENSE.

(a) No person shall operate a motorized bicycle upon any street or highway or any public or private property used by the public for purposes of vehicular travel or parking, unless all of the following conditions are met:

- (1) The person is fourteen or fifteen years of age and holds a valid probationary motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, or the person is sixteen years of age or older and holds either a valid commercial driver's license issued under Ohio R.C. Chapter 4506, or a driver's license issued under Ohio R.C. Chapter 4507, or a valid motorized bicycle license issued after the person has passed the test provided for in Ohio R.C. 4511.521, except that if a person is sixteen years of age, has a valid probationary motorized bicycle license and desires a motorized bicycle license, the person is not required to comply with the testing requirements provided for in Ohio R.C. 4511.521;
- (2) The motorized bicycle is equipped in accordance with rules adopted by the Ohio Director of Public Safety and is in proper working order;
- (3) The person, if under eighteen years of age, is wearing a protective helmet on the person's head with the chin strap properly fastened, and the motorized bicycle is equipped with a rear-view mirror;
- (4) The person operates the motorized bicycle when practicable within three feet of the right edge of the roadway obeying all traffic rules applicable to vehicles; and

- (5) The motorized bicycle displays on the rear of such bicycle the current license plate or validation sticker furnished by the Ohio Director of Public Safety under Ohio R.C. 4503.191.

(b) No person operating a motorized bicycle shall carry another person upon the motorized bicycle.

(c) Each probationary motorized bicycle license or motorized bicycle license shall be laminated with a transparent plastic material.

(d) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4511.521)

373.11 PATHS EXCLUSIVELY FOR BICYCLES.

(a) No person shall operate a motor vehicle, snowmobile, or all-purpose vehicle upon any path set aside for the exclusive use of bicycles, when an appropriate sign giving notice of such use is posted on the path.

Nothing in this section shall be construed to affect any rule of the Ohio Director of Natural Resources governing the operation of motor vehicles, snowmobiles, all-purpose vehicles, and bicycles on lands under the Director's jurisdiction.

(b) 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.
(ORC 4511.713)

CHAPTER 375
Snowmobiles, Off-Highway Motorcycles and All Purpose Vehicles

375.01	Definitions.	375.05	Licensing requirements of operator.
375.02	Equipment.	375.06	Registration of vehicles.
375.03	Code application; prohibited operation.	375.07	Accident reports.
375.04	Permitted operation.	375.08	Certificate of title.

CROSS REFERENCES

See sectional histories for similar State law
 Lights, brakes and muffler - see OAC Ch. 4501.29
 Power of trial court of record to impound registration certificate for certain violations - see Ohio R.C 4519.47
 Power to regulate; municipal licensing prohibited - see Ohio R.C. 4519.48
 Street or highway defined - see TRAF. 301.42
 Required usage of helmets and safety glasses - see TRAF. 373.02(f)

375.01 DEFINITIONS.

As used in this chapter:

- (a) "Snowmobile" means any self-propelled vehicle designed primarily for use on snow or ice, and steered by skis, runners or caterpillar treads. (ORC 4519.01(A))
- (b) "All purpose vehicle" means any self-propelled vehicle designed primarily for cross-country travel on land and water, or on more than one type of terrain, and steered by wheels or caterpillar treads, or any combination thereof, including vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all season vehicles, mini-bikes and trail bikes. "All-purpose vehicle" does not include a utility vehicle as defined in Ohio R.C. 4501.01 or any vehicle principally used in playing golf, any motor vehicle or aircraft required to be registered under Ohio R.C. Chapter 4503 or Chapter 4561, and any vehicle excepted from definition as a motor vehicle by Section 301.20 of this Traffic Code. (ORC 4519.01(B))
- (c) "Owner" means any person, firm or corporation, other than a lienholder or dealer, having title to a snowmobile, off-highway motorcycle, or all purpose vehicle, or other right to the possession thereof. (ORC 4519.01(C))

- (d) "Operator" means any person who operates or is in actual physical control of a snowmobile, off-highway motorcycle or all purpose vehicle.
- (e) "Limited access highway" or "freeway" means a highway especially designed for through traffic and over which abutting property owners have no easement or right of access by reason of the fact that their property abuts upon such highway, and access to which may be allowed only at highway intersections designated by the Ohio Director of Transportation. (ORC 5511.02)
- (f) "Interstate highway" means any part of the interstate system of highways as defined in subsection (e), 90 Stat. 431 (1976), 23 U.S.C.A. 103, and amendments thereof.
- (g) "Off-highway motorcycle" means every motorcycle, as defined in Ohio R.C. 4511.01, that is designed to be operated primarily on lands other than a street or highway. (ORC 4519.01)

375.02 EQUIPMENT.

- (a) Equipment of snowmobiles, off-highway motorcycles, and all purpose vehicles shall include, but not necessarily be limited to requirements for the following items:
 - (1) At least one headlight having a minimum candlepower of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead under normal atmospheric conditions during hours of darkness;
 - (2) At least one red taillight having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear under normal atmospheric conditions during hours of darkness;
 - (3) Adequate brakes. Every snowmobile, while traveling on packed snow, shall be capable of carrying a driver who weighs 175 pounds or more, and, while carrying such driver, be capable of stopping in not more than forty feet from an initial steady speed of twenty miles per hour, or locking its traction belt.
 - (4) A muffler system capable of precluding the emission of excessive smoke or exhaust fumes, and of limiting the engine noise of vehicles. On snowmobiles manufactured after January 1, 1973, such requirement shall include sound dampening equipment such that noise does not exceed eighty-two decibels on the "A" scale at fifty feet as measured according to SAE J192 (September 1970).
- (b) No person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle in violation of this section, except that equipment specified in subsections (a)(1) and (2) hereof shall not be required on snowmobiles, off-highway motorcycles, or all purpose vehicles operated during the daylight hours.
- (c) Except as otherwise provided in this subsection, whoever violates subsection (b) of this section shall be fined not more than fifty dollars (\$50.00). If the offender within the preceding year previously has committed a violation of subsection (b) of this section, whoever violates subsection (b) of this section shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00), imprisoned not more than three days, or both. (ORC 4519.20)

375.03 CODE APPLICATION; PROHIBITED OPERATION.

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all purpose vehicles; except that no snowmobile, off-highway motorcycle, or all purpose vehicle shall be operated as follows:

- (1) On any street or highway except for emergency travel only during such time and in such manner as the State or local authority having jurisdiction over such street or highway shall designate, and except as provided in Section 375.04;
- (2) Upon any property owned or leased by the Municipality except in areas designated for such purposes;
- (3) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;
- (4) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;
- (5) On tracks or right of way of any operating railroad;
- (6) While transporting any firearm, bow or other implement for hunting, that is not unloaded and securely encased;
- (7) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl;
- (8) During the time from sunset to sunrise, unless displaying lighted lights as required by Section 375.02.

(b) Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.40)

375.04 PERMITTED OPERATION.

Snowmobiles, off-highway motorcycles, and all purpose vehicles may be operated as follows:

- (a) To make a crossing of a highway, other than a freeway or limited access highway, whenever the crossing can be made in safety and will not interfere with the movement of vehicular traffic approaching from any direction on the highway, and provided that the operator yields the right of way to any approaching traffic that presents an immediate hazard;
- (b) On highways in the County or Township road systems whenever the local authority having jurisdiction over such highway so permits;
- (c) Off and alongside a street or highway for limited distances from the point of unloading from a conveyance to the point at which the snowmobile, off-highway motorcycle, or all purpose vehicle is intended and authorized to be operated.
- (d) On the berm or shoulder of a highway, other than a highway as designated in Ohio R.C. 4519.40(A), when the terrain permits such operation to be undertaken safely and without the necessity of entering any traffic lane;
- (e) On the berm or shoulder of a county or township road, while traveling from one area of operation of the snowmobile, off-highway motorcycle, or all-purpose vehicle to another such area. (ORC 4519.41)

375.05 LICENSING REQUIREMENTS OF OPERATOR.

(a) No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, motorcycle operator's endorsement or probationary license issued under Ohio R.C. Chapter 4506 or 4507, shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any street or highway, on any portion of the right of way thereof, or on any public land or waters. This subsection shall not be construed to permit the holder of such a license to operate a snowmobile, off-highway motorcycle, or all purpose vehicle in violation of Section 375.03.

(b) No person who is less than sixteen years of age shall operate a snowmobile, off-highway motorcycle, or all purpose vehicle on any land or waters other than private property or waters owned by or leased to such person's parent or guardian, unless accompanied by another person who is eighteen years of age, or older, and who holds a license as provided in subsection (a) hereof, except that the Ohio Department of Natural Resources may permit such operation on State controlled land under its jurisdiction when such person is less than sixteen years of age but is twelve years of age or older and is accompanied by a parent or guardian who is a licensed driver eighteen years of age or older.

(c) Whoever violates this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), imprisoned not less than three nor more than thirty days, or both. (ORC 4519.44)

375.06 REGISTRATION OF VEHICLES.

(a) Except as provided in Ohio R.C. 4519.02(B), (C) and (D), no person shall operate any snowmobile, off-highway motorcycle, or all purpose vehicle unless the snowmobile, off-highway motorcycle, or all purpose vehicle is registered and numbered in accordance with Ohio R.C. 4519.03 and 4519.04.

(b) Except as otherwise provided in this subsection, whoever violates subsection (a) of this section shall be fined not more than twenty-five dollars (\$25.00). If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, whoever violates subsection (a) of this section shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00). (ORC 4519.02)

375.07 ACCIDENT REPORTS.

(a) The operator of a snowmobile, off-highway motorcycle, or all purpose vehicle involved in any accident resulting in bodily injury to or death of any person or damage to the property of any person in excess of one hundred dollars (\$100.00) shall report the accident within forty-eight hours to the Chief of Police, and, within thirty days, shall forward a written report of the accident to the Ohio Registrar of Motor Vehicles on a form prescribed by the Registrar. If the operator is physically incapable of making the reports and there is another participant in the accident not so incapacitated, the participant shall make the reports. In the event that there is no other participant, and the operator is other than the owner, the owner, within the prescribed periods of time, shall make the reports.

Any law enforcement officer or other person authorized by Ohio R.C. 4519.42 and 4519.43, who investigates or receives information of an accident involving a snowmobile, off-highway motorcycle, or all purpose vehicle shall forward to the Registrar a written report of the accident within forty-eight hours. (ORC 4519.46)

(b) 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.

375.08 CERTIFICATE OF TITLE.

(a) No person shall do any of the following:

- (1) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle without having a certificate of title for the off-highway motorcycle or all-purpose vehicle, if such a certificate is required by Ohio R.C. Chapter 4519 to be issued for the off-highway motorcycle or all-purpose vehicle, or, if a physical certificate of title has not been issued for it, operate an off-highway motorcycle or all-purpose vehicle knowing that the ownership information relating to the motorcycle or vehicle has not been entered into the automated title processing system by a clerk of a court of common pleas;
- (2) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle if a certificate of title to the off-highway motorcycle or all-purpose vehicle has been issued and then has been canceled;
- (3) Fail to surrender any certificate of title upon cancellation of it by the Registrar of Motor Vehicles and notice of the cancellation as prescribed in Ohio R.C. Chapter 4519;
- (4) Fail to surrender the certificate of title to a clerk of the court of common pleas as provided in Ohio R.C. Chapter 4519, in case of the destruction or dismantling of, or change in, the off-highway motorcycle or all-purpose vehicle described in the certificate of title;
- (5) Violate any provision of Ohio R.C. 4519.51 to 4519.70 or any lawful rules adopted pursuant to those sections;
- (6) Operate in this Municipality an off-highway motorcycle or all-purpose vehicle knowing that the certificate of title to or ownership of the motorcycle or vehicle as otherwise reflected in the automated title processing system has been canceled.

(b) Whoever violates this section shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both.
(ORC 4519.66)

CHAPTER 377
Skateboards, Roller Skates and Non-Motorized Scooters

377.01 Skateboards, roller blades, roller skates, non-motorized scooters, and like instruments.

CROSS REFERENCES
Toy vehicles - see TRAF. 311.03

**377.01 SKATEBOARDS, ROLLER BLADES, ROLLER SKATES,
NON-MOTORIZED SCOOTERS, AND LIKE INSTRUMENTS.**

(a) No person shall ride a skateboard, transport themselves by roller blades, or roller skates, ride a non-motorized scooter, or ride or operate a like instrument, on any City streets.

(b) The use of skateboards, roller blades, roller skates, non-motorized scooters, or like instruments, is strictly prohibited in the City's business district, which is hereby designated as the area of Main Street between Portsmouth Street and Harding Avenue, Broadway Street between Water Street and Broad Street, and Pearl Street between Portsmouth Street and Church Street. All public streets, alleys, and sidewalks in this area shall constitute the City business district.

(c) No person shall ride a skateboard, transport themselves by roller blades or roller skates, ride a non-motorized scooter, or ride or operate a like instrument, in public areas known as the Jackson City Memorial Building, the Jackson City Police Department, the Jackson City Fire Department, and all public school facilities located in the City of Jackson, Ohio.

(d) Any person who is riding a skateboard, riding a non-motorized scooter, or riding or operating a like instrument, shall dismount such instrument at all public intersections and walk across such intersection.

(e) No person shall ride a skateboard, transport themselves by roller blades or roller skates, ride a non-motorized scooter, or ride or operate a like instrument, after sunset or before sunrise.

(f) Bicycles and tricycles obeying the current traffic law are specifically excluded and exempt from the provisions of this section.

(Ord. 54-02. Passed 6-10-02.)

(g) Whoever violates any provision of this section shall be guilty of a minor misdemeanor. A second violation of any provision of this section shall be a fourth degree misdemeanor.

(Ord. 54-02. Passed 6-10-02.)

CODIFIED ORDINANCES OF JACKSON
PART FIVE - GENERAL OFFENSES CODE

- Chap. 501. General Provisions and Penalty.
- Chap. 505. Animals and Fowl.
- Chap. 509. Disorderly Conduct and Peace Disturbance.
- Chap. 513. Drug Abuse Control.
- Chap. 517. Gambling.
- Chap. 521. Health, Safety and Sanitation.
- Chap. 525. Law Enforcement and Public Office.
- Chap. 529. Liquor Control.
- Chap. 533. Obscenity and Sex Offenses.
- Chap. 537. Offenses Against Persons.
- Chap. 541. Property Offenses.
- Chap. 545. Theft and Fraud.
- Chap. 549. Weapons and Explosives.
- Chap. 553. Railroads.
- Chap. 557. Weed Control.
- Chap. 558. Noise Control.
- Chap. 559. Litter Control.
- Chap. 561. Cigarettes and Other Tobacco Products.

CODIFIED ORDINANCES OF JACKSON
PART FIVE - GENERAL OFFENSES CODE

CHAPTER 501
General Provisions and Penalty

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CROSS REFERENCES

See sectional histories for similar State law
Limitation of prosecution for income tax violations - see
Ohio R.C. 718.06
Modification of sentence - see Ohio R.C. 2929.10(C), (D)
Penalty considerations - see Ohio R.C. 2929.22
Citation issuance for minor misdemeanors - see Ohio
R.C. 2935.26 et seq.

501.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Force" means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) "Deadly force" means any force that carries a substantial risk that it will proximately result in the death of any person.
- (c) "Physical harm to persons" means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) "Physical harm to property" means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. "Physical harm to property" does not include wear and tear occasioned by normal use.
- (e) "Serious physical harm to persons" means any of the following:
 - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm that carries a substantial risk of death;
 - (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;

- (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
- (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.
- (f) "Serious physical harm to property" means any physical harm to property that does either of the following:
 - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use and enjoyment for an extended period of time.
- (g) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) "Offense of violence" means any of the following:
 - (1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, 2923.161, 2911.12(A)(1) to (3) or 2919.22(B)(1) to (4), or felonious sexual penetration in violation of former Ohio R.C. 2907.12;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section listed in subsection (i)(1) hereof;
 - (3) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed, purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;
 - (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (i)(1), (2) or (3) hereof.
- (j) (1) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.
 - (2) As used in this section, "trade secret" has the same meaning as in Ohio R.C. 1333.61, and "telecommunications service" and "information service" have the same meanings as in Ohio R.C. 2913.01.
 - (3) As used in this section, "cable television service", "computer", "computer software", "computer system", "computer network", "data", and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

- (k) "Law enforcement officer" means any of the following:
- (1) A sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or State highway patrol trooper;
 - (2) An officer, agent or employee of the State or any of its agencies, instrumentalities or political subdivisions, upon whom, by statute, Charter or ordinance, a duty to conserve the peace or to enforce all or certain laws is imposed and the authority to arrest violators is conferred, within the limits of that statutory duty and authority;
 - (3) A mayor or manager in the mayor's or manager's capacity as chief conservator of the peace within the mayor's or manager's municipal corporation;
 - (4) A member of an auxiliary police force organized by county, township or municipal law enforcement authorities, within the scope of the member's appointment or commission;
 - (5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;
 - (6) A person appointed by a mayor pursuant to Ohio R.C. 737.01 as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;
 - (7) A member of the organized militia of this State or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
 - (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer or municipal prosecutor.
 - (9) An Ohio veterans' home police officer appointed under Ohio R.C. 5907.02.
 - (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y).
- (l) "Privilege" means an immunity, license or right conferred by law, or bestowed by express or implied grant, or arising out of status, position, office or relationship, or growing out of necessity.

- (m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:
 - (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device, or paraphernalia;
 - (2) Any unlawful gambling device, or paraphernalia;
 - (3) Any dangerous ordnance or obscene material.
- (n) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.
- (o) "School", "school building" and "school premises" have the same meaning as in Ohio R.C. 2925.01.
- (p) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district, a governing body of an educational service center, or the governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.
- (q) "School bus" has the same meaning as in Ohio R.C. 4511.01. (ORC 2901.01)

501.02 CLASSIFICATION OF OFFENSES.

As used in the Codified Ordinances:

- (a) Offenses include misdemeanors of the first, second, third and fourth degree, minor misdemeanors and offenses not specifically classified.
- (b) Regardless of the penalty that may be imposed, any offense specifically classified as a misdemeanor is a misdemeanor.
- (c) Any offense not specifically classified is a misdemeanor if imprisonment for not more than one year may be imposed as a penalty.
- (d) Any offense not specifically classified is a minor misdemeanor if the only penalty that may be imposed is one of the following:
 - (1) For an offense committed prior to the effective date of this amendment, a fine not exceeding one hundred dollars (\$100.00);
 - (2) For an offense committed on or after the effective date of this amendment, a fine not exceeding one hundred fifty dollars (\$150.00), community service under division (C) of Ohio R.C. 2929.27, or a financial sanction other than a fine under Ohio R.C. 2929.28. (ORC 2901.02)

501.03 COMMON LAW OFFENSES ABROGATED.

(a) No conduct constitutes a criminal offense against the Municipality unless it is defined as an offense in the Codified Ordinances or any other Municipal ordinance.

(b) An offense is defined when one or more sections of the Codified Ordinances state a positive prohibition or enjoin a specific duty, and provide a penalty for violation of such prohibition or failure to meet such duty.

(c) This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law to enforce an order, civil judgment or decree. (ORC 2901.03)

501.04 RULES OF CONSTRUCTION.

(a) Except as otherwise provided in subsection (c) hereof, sections of the Codified Ordinances defining offenses or penalties shall be strictly construed against the Municipality and liberally construed in favor of the accused.

(b) Rules of criminal procedure and sections of the Ohio Revised Code providing for criminal procedure shall be construed so as to effect the fair, impartial, speedy and sure administration of justice.

(c) Any provision of a section of the Codified Ordinances that refers to a previous conviction of or plea of guilty to a violation of a section of the Codified Ordinances or Ohio Revised Code or of a division of a section of the Codified Ordinances or Ohio Revised Code shall be construed to also refer to a previous conviction of or plea of guilty to a substantially equivalent offense under an existing or former law of this State, another state, or the United States or under an existing or former municipal ordinance.

(d) Any provision of the Codified Ordinances that refers to a section, or to a division of a section, of the Codified Ordinances that defines or specifies a criminal offense shall be construed to also refer to an existing or former law of this State, another state, or the United States, to an existing or former municipal ordinance, or to an existing or former division of any such existing or former law or ordinance that defines or specifies, or that defined or specified, a substantially equivalent offense. (ORC 2901.04)

501.05 CRIMINAL LAW JURISDICTION.

(a) A person is subject to misdemeanor prosecution and punishment in this Municipality if any of the following occur:

- (1) The person commits an offense under the laws of this Municipality, any element of which takes place in this Municipality.
- (2) While in this Municipality, the person attempts to commit, or is guilty of complicity in the commission of, an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality or this State and the other jurisdiction, or, while in this Municipality, the person conspires to commit an offense in another jurisdiction, which offense is an offense under both the laws of this Municipality or this State and the other jurisdiction, and a substantial overt act in furtherance of the conspiracy is undertaken in this Municipality by the person or another person involved in the conspiracy, subsequent to the person's entrance into the conspiracy. In any case in which a person attempts to commit, is guilty of complicity in the commission of, or conspires to commit an offense in another jurisdiction as described in this subsection, the person is subject to criminal prosecution and punishment in this Municipality for the attempt, complicity, or conspiracy, and for any resulting offense that is committed or completed in the other jurisdiction.
- (3) While out of this Municipality, the person conspires or attempts to commit, or is guilty of complicity in the commission of, an offense in this Municipality.
- (4) While out of this Municipality, the person omits to perform a legal duty imposed by the laws of this Municipality, which omission affects a legitimate interest of the Municipality in protecting, governing or regulating any person, property, thing, transaction or activity in this Municipality.
- (5) While out of this Municipality, the person unlawfully takes or retains property and subsequently brings any of the unlawfully taken or retained property into this Municipality.

- (6) While out of this Municipality, the person unlawfully takes or entices another and subsequently brings the other person into this Municipality.
- (7) The person, by means of a computer, computer system, computer network, telecommunication, telecommunications device, telecommunications service, or information service, causes or knowingly permits any writing, data, image, or other telecommunication to be disseminated or transmitted into this Municipality in violation of the law of this Municipality.

(b) This Municipality includes the land and water within its boundaries and the air space above such land and water, and real property outside the corporate limits, with respect to which this Municipality has either exclusive or concurrent legislative jurisdiction. Where the boundary between this Municipality and another jurisdiction is disputed, the disputed territory is conclusively presumed to be within this Municipality for purposes of this section.

(c) When an offense is committed under the laws of this Municipality, and it appears beyond a reasonable doubt that the offense or any element of the offense took place either in this Municipality or in another jurisdiction or jurisdictions, but it cannot reasonably be determined in which it took place, the offense or element is conclusively presumed to have taken place in this Municipality for purposes of this section.

(d) When a person is subject to criminal prosecution and punishment in this Municipality for an offense committed or completed outside of this Municipality, the person is subject to all specifications for that offense that would be applicable if the offense had been committed within this Municipality.

(e) Any act, conduct, or element that is a basis of a person being subject under this section to criminal prosecution and punishment in this Municipality need not be committed personally by the person as long as it is committed by another person who is in complicity or conspiracy with the person.

(f) This section shall be liberally construed, consistent with constitutional limitations, to allow this Municipality the broadest possible jurisdiction over offenses and persons committing offenses in, or affecting, this Municipality.

(g) For purposes of subsection (a)(2) of this section, an overt act is substantial when it is of a character that manifests a purpose on the part of the actor that the object of the conspiracy should be completed.

(h) As used in this section, “computer”, “computer system”, “computer network”, “information service”, “telecommunication”, “telecommunications device”, “telecommunications service”, “data”, and “writing” have the same meaning as in Ohio R.C. 2913.01. (ORC 2901.11)

501.06 LIMITATION OF CRIMINAL PROSECUTION.

(a) Except as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:

- (1) For misdemeanor other than a minor misdemeanor, two years;
- (2) For a minor misdemeanor, six months.

(b) If the period of limitation provided in subsection (a) hereof has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of a fiduciary duty, within one year after discovery of the offense either by an aggrieved person, or by his legal representative who is not himself a party to the offense.

(c) (1) If the period of limitation provided in this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

- A. For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;
- B. For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

(2) As used in this subsection:

- A. An "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of Ohio R.C. 101.71, 101.91, 121.61 or 2921.13, division (F) or (H) of Ohio R.C. 102.03, division (A) of Ohio R.C. 2921.02, division (A) or (B) of Ohio R.C. 2921.43, or division (F) or (G) of Ohio R.C. 3517.13, that is directly related to an offense involving misconduct in office of a public servant.
- B. "Public servant" has the same meaning as in Section 525.01.

(d) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

(e) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.

(f) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(g) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused absented himself from this Municipality or concealed his identity or whereabouts is prima-facie evidence of his purpose to avoid prosecution.

(h) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information or process that commenced the prosecution is quashed or the proceedings on the indictment, information or process are set aside or reversed on appeal.

(i) The period of limitation for a violation of any provision of this General Offenses Code that involves a physical or mental wound, injury, disability or condition of a nature that reasonably indicates abuse or neglect of a child under eighteen years of age or of a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age shall not begin to run until either of the following occurs:

- (1) The victim of the offense reaches the age of majority.
- (2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred. (ORC 2901.13)

(j) This section shall not apply to prosecutions commenced within the period of limitations set forth in Ohio R.C. 718.12(B) for violations of the Municipal income tax ordinance.

501.07 REQUIREMENTS FOR CRIMINAL LIABILITY.

(a) Except as provided in subsection (b) hereof, a person is not guilty of an offense unless both of the following apply:

- (1) The person's liability is based on conduct that includes either a voluntary act, or an omission to perform an act or duty that the person is capable of performing;
- (2) The person has the requisite degree of culpability for each element as to which a culpable mental state is specified by the section defining the offense.

(b) When the section defining an offense does not specify any degree of culpability, and plainly indicates a purpose to impose strict criminal liability for the conduct described in the section, then culpability is not required for a person to be guilty of the offense. When the section neither specifies culpability nor plainly indicates a purpose to impose strict liability, recklessness is sufficient culpability to commit the offense.

(c) Voluntary intoxication may not be taken into consideration in determining the existence of a mental state that is an element of a criminal offense. Voluntary intoxication does not relieve a person of a duty to act if failure to act constitutes a criminal offense. Evidence that a person was voluntarily intoxicated may be admissible to show whether or not the person was physically capable of performing the act with which the person is charged.

(d) As used in this section:

- (1) Possession is a voluntary act if the possessor knowingly procured or received the thing possessed, or was aware of the possessor's control of the thing possessed for a sufficient time to have ended possession.
- (2) Reflexes, convulsions, body movements during unconsciousness or sleep, and body movements that are not otherwise a product of the actor's volition, are involuntary acts.
- (3) "Culpability" means purpose, knowledge, recklessness or negligence, as defined in Section 501.08.
- (4) "Intoxication" includes, but is not limited to, intoxication resulting from the ingestion of alcohol, a drug, or alcohol and a drug. (ORC 2901.21)

501.08 CULPABLE MENTAL STATES.

(a) A person acts purposely when it is his specific intention to cause a certain result, or when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.

(b) A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.

(c) A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

(d) A person acts negligently when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that his conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a substantial lapse from due care, he fails to perceive or avoid a risk that such circumstances may exist.

(e) When the section defining an offense provides that negligence suffices to establish an element thereof, then recklessness, knowledge or purpose is also sufficient culpability for such element. When recklessness suffices to establish an element of an offense, then knowledge or purpose is also sufficient culpability for such element. When knowledge suffices to establish an element of an offense, then purpose is also sufficient culpability for such element. (ORC 2901.22)

501.09 ATTEMPT.

(a) No person, purposely or knowingly, and when purpose or knowledge is sufficient culpability for the commission of an offense, shall engage in conduct that, if successful, would constitute or result in the offense.

(b) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the attempt was either factually or legally impossible under the attendant circumstances, if that offense could have been committed had the attendant circumstances been as the actor believed them to be.

(c) No person who is convicted of committing a specific offense or of complicity in the commission of an offense, shall be convicted of an attempt to commit the same offense in violation of this section.

(d) It is an affirmative defense to a charge under this section that the actor abandoned the actor's effort to commit the offense or otherwise prevented its commission, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purpose.

(e) Whoever violates this section is guilty of an attempt to commit an offense. An attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense is an offense of the same degree as the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt. An attempt to commit any other misdemeanor is a misdemeanor of the next lesser degree than the misdemeanor attempted. In the case of an attempt to commit an offense other than a

violation of Ohio R.C. Chapter 3734 that is not specifically classified, an attempt is a misdemeanor of the first degree if the offense attempted is a felony under the Ohio Revised Code, and a misdemeanor of the fourth degree if the offense attempted is a misdemeanor. An attempt to commit a minor misdemeanor is not an offense under this section.

(f) As used in this section, "drug abuse offense" has the same meaning as in Ohio R.C. 2925.01. (ORC 2923.02)

501.10 COMPLICITY.

(a) No person, acting with the kind of culpability required for the commission of an offense, shall do any of the following:

- (1) Solicit or procure another to commit the offense;
- (2) Aid or abet another in committing the offense;
- (3) Cause an innocent or irresponsible person to commit the offense.

(b) It is no defense to a charge under this section that no person with whom the accused was in complicity has been convicted as a principal offender.

(c) No person shall be convicted of complicity under this section unless an offense is actually committed, but a person may be convicted of complicity in an attempt to commit an offense in violation of Section 501.09.

(d) If an alleged accomplice of the defendant testifies against the defendant in a case in which the defendant is charged with complicity in the commission of or an attempt to commit an offense, an attempt to commit an offense or an offense, the court when it charges the jury, shall state substantially the following:

"The testimony of an accomplice does not become inadmissible because of his complicity, moral turpitude or self-interest, but the admitted or claimed complicity of a witness may affect his credibility and make his testimony subject to grave suspicion, and require that it be weighed with great caution.

"It is for you, as jurors, in the light of all the facts presented to you from the witness stand, to evaluate such testimony and to determine its quality and worth or its lack of quality and worth."

(e) It is an affirmative defense to a charge under this section that, prior to the commission of or attempt to commit the offense, the actor terminated his complicity, under circumstances manifesting a complete and voluntary renunciation of his criminal purpose.

(f) Whoever violates this section is guilty of complicity in the commission of an offense, and shall be prosecuted and punished as if he were a principal offender. A charge of complicity may be stated in terms of this section, or in terms of the principal offense. (ORC 2923.03)

501.11 ORGANIZATIONAL CRIMINAL LIABILITY.

(a) An organization may be convicted of an offense under any of the following circumstances:

- (1) The offense is a minor misdemeanor committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.

- (2) A purpose to impose organizational liability plainly appears in the section defining the offense, and the offense is committed by an officer, agent or employee of the organization acting in its behalf and within the scope of his office or employment, except that if the section defining the offense designates the officers, agents or employees for whose conduct the organization is accountable or the circumstances under which it is accountable, such provisions shall apply.
- (3) The offense consists of an omission to discharge a specific duty imposed by law on the organization.
- (4) If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of directors, trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of his office or employment.

(b) When strict liability is imposed for the commission of an offense, a purpose to impose organizational liability shall be presumed, unless the contrary plainly appears.

(c) In a prosecution of an organization for an offense other than one for which strict liability is imposed, it is a defense that the high managerial officer, agent or employee having supervisory responsibility over the subject matter of the offense exercised due diligence to prevent its commission. This defense is not available if it plainly appears inconsistent with the purpose of the section defining the offense.

(d) As used in this section, "organization" means a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust or other commercial or legal entity. "Organization" does not include an entity organized as or by a governmental agency for the execution of a governmental program. (ORC 2901.23)

501.12 PERSONAL ACCOUNTABILITY FOR ORGANIZATIONAL CONDUCT.

(a) An officer, agent or employee of an organization as defined in Section 501.11 may be prosecuted for an offense committed by such organization, if he acts with the kind of culpability required for the commission of the offense, and any of the following apply:

- (1) In the name of the organization or in its behalf, he engages in conduct constituting the offense, or causes another to engage in such conduct, or tolerates such conduct when it is of a type for which he has direct responsibility;
- (2) He has primary responsibility to discharge a duty imposed on the organization by law, and such duty is not discharged.

(b) When a person is convicted of an offense by reason of this section, he is subject to the same penalty as if he had acted in his own behalf. (ORC 2901.24)

501.13 JAIL EXPENSES; REIMBURSEMENT.

(a) Use of County Jail. Each person who is convicted of an offense for violating a provision of the Codified Ordinances other than minor misdemeanor, and who is required to be confined in jail, shall be confined at the Jackson County Jail at the City's expense. The expenses of confinement shall be established by contract between the City and the Board of County Commissioners of Jackson County. The amounts paid by the City for jail expenses shall be based upon the actual costs of confinement.

(b) Reimbursement Required. As permitted by Ohio R.C. 753.02(B), every person who is convicted of an offense for violating a provision of the Codified Ordinances other than a minor misdemeanor, and who is confined in the Jackson County Jail, shall reimburse the City for its expenses incurred by reason of his or her confinement, including but not limited to, the expenses relating to the provision of food, clothing, medical care and shelter. The amount of reimbursement shall be determined by a court at a hearing held pursuant to Ohio R.C. 2929.15.

(c) Collection of Reimbursement. The attorney for the City is authorized to institute appropriate civil actions in the name of the municipal corporation, in the Court of Common Pleas of Jackson County, to recover from convicts the reimbursement for the expenses of confinement in the County Jail, as determined by a court pursuant to Ohio R.C. 2929.15. More than one defendant may be joined in one suit for collection.
(Ord. 57-85. Passed 5-13-85.)

501.99 PENALTIES FOR MISDEMEANORS.

(a) Financial Sanctions. In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor committed under the Codified Ordinances, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section. If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

- (1) Restitution. Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. The court may not impose restitution as a sanction pursuant to this section if the offense is a minor misdemeanor or could be disposed of by the traffic violations bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the clerk of the court on behalf of the victim.

If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. If the court imposes restitution, the court may base the amount of restitution it orders on an amount recommended by the victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of the economic loss suffered by the victim as a direct and proximate result of the commission of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden

to prove by a preponderance of the evidence the amount of restitution sought from the offender.

All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender.

If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

- (2) Fines. A fine in the following amount:
- A. For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000);
 - B. For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
 - C. For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
 - D. For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
 - E. For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).
- (3) Reimbursement of costs of sanctions.
- A. Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:
 - 1. All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;
 - 2. All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined.
 - B. The amount of reimbursement ordered under subsection (a)(3)A. of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that subsection. If the court does not order reimbursement under that subsection, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.
(ORC 2929.28)

(b) Jail Terms.

- (1) Except as provided in Ohio R.C. 2929.22 or 2929.23 of the Revised Code, and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this General Offenses Code, the court shall impose a definite jail term that shall be one of the following:
 - A. For a misdemeanor of the first degree, not more than one hundred eighty days;
 - B. For a misdemeanor of the second degree, not more than ninety days;
 - C. For a misdemeanor of the third degree, not more than sixty days;
 - D. For a misdemeanor of the fourth degree, not more than thirty days.
- (2) A court that sentences an offender to a jail term under this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in division (B) of Ohio R.C. 2929.26.
- (3) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program.
- (4) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to Ohio R.C. 2929.28 a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
 - A. The court shall specify both of the following as part of the sentence:
 1. If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 2. If the person does not dispute the bill described in subsection (b)(4)A.1. of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the clerk of the court may issue a certificate of judgment against the person as described in that section.
 - B. The sentence automatically includes any certificate of judgment issued as described in subsection (b)(4)A.2. of this section.
(ORC 2929.24)

(c) Organizations. Regardless of the penalties provided in subsections (a) and (b) hereof, an organization convicted of an offense pursuant to Section 501.11 shall be fined, in accordance with this section. The court shall fix the fine as follows:

Type of <u>Misdemeanor</u>	Maximum <u>Fine</u>
First degree	\$5000.00
Second degree	4000.00
Third degree	3000.00
Fourth degree	2000.00
Minor	1000.00
Misdemeanor not specifically classified	2000.00
Minor misdemeanor not specifically classified	1000.00

- (1) When an organization is convicted of an offense that is not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then the penalty so provided shall be imposed in lieu of the penalty provided in this subsection (c).
- (2) When an organization is convicted of an offense that is not specifically classified, and the penalty provided includes a higher fine than the fine that is provided in this subsection (c), then the penalty imposed shall be pursuant to the penalty provided for the violation of the section defining the offense.
- (3) This subsection (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to this subsection (c).
(ORC 2929.31)

(d) For any violation of Section 509.14 or 509.15, the Court may impose as a penalty, in addition to those penalties set forth herein, the penalties as set forth in Section 509.14 and 509.15. (Ord. 51-97. Passed 7-14-97.)

CHAPTER 505
Animals and Fowl

<p>505.01 Dogs and other animals running at large.</p> <p>505.02 Impounding and disposition; records.</p> <p>505.03 Annual registration of dogs; tags required.</p> <p>505.04 Abandoning animals.</p> <p>505.05 Killing or injuring animals.</p> <p>505.06 Poisoning animals.</p> <p>505.07 Cruelty to animals generally.</p> <p>505.071 Cruelty to companion animals.</p> <p>505.08 Nuisance conditions prohibited.</p> <p>505.09 Barking or howling dogs.</p>	<p>505.10 Animals bites; reports and quarantines.</p> <p>505.11 Hunting prohibited.</p> <p>505.12 Coloring rabbits or baby poultry; sale or display of poultry.</p> <p>505.13 Bird sanctuary; protection afforded nongame birds.</p> <p>505.14 Rabies control.</p> <p>505.15 Dogs or cats in City Parks.</p> <p>505.16 Report of escape of exotic or dangerous animal.</p> <p>505.99 Penalty.</p>
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CROSS REFERENCES

Owner or keeper liable for damages - see Ohio R.C. 951.10
Dog registration - see Ohio R.C. 955.01

505.01 DOGS AND OTHER ANIMALS RUNNING AT LARGE.

(a) No person being the owner or having charge of cattle, sheep, geese, ducks, turkeys, chickens or other fowl or animals shall permit them to run at large upon any public place, or upon any unenclosed lands, or upon the premises of another.

(b) No person being the owner of or having charge of any dog or cat, whether wearing a registration tag or not, shall permit it to run at large upon any public place or upon the premises of another. No owner, keeper or harbinger of any female dog or cat shall permit such dog or cat to go beyond the premises of such owner or keeper at any time such dog or cat is in heat, unless such dog or cat is properly in leash. The owner or keeper of every dog or cat shall at all times keep such dog or cat either confined upon the premises of the owner or keeper, or under reasonable control of some person.

(c) Any animal which defecates in any public way or land or private property without permission of the owner of such private property is hereby declared a nuisance and prima facie evidence that such owners and keepers are in violation of this section. When the owner or keeper of any animal immediately removes all feces deposited by any animal, and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(d) The running at large of any such animal in or upon any of the places mentioned in this section is prima-facie evidence that it is running at large in violation of this section.

(e) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.02 IMPOUNDING AND DISPOSITION; RECORDS.

(a) A police officer or animal warden may impound every animal or dog or cat found in violation of Section 505.01. If the dog or cat is not wearing a valid registration tag and the owner is not otherwise reasonable determined, notice shall be posted in the pound or animal shelter both describing the dog or cat and place where seized and advising the unknown owner that unless the dog or cat is redeemed within three days, it may thereafter be sold or destroyed according to law.

If the dog or cat is wearing a valid registration tag or the identity of the owner, keeper or harbinger is otherwise reasonable determined, notice shall be given by certified mail to such owner, keeper or harbinger that the dog or cat has been impounded and unless redeemed within fourteen days of the date of notice, it may thereafter be sold or destroyed according to law. Any dog or cat seized and impounded may be redeemed by its owner, keeper or harbinger at any time prior to the applicable redemption period upon payment of all lawful costs assessed against the animal and upon providing the dog or cat with a valid registration tag if it has none.

(b) A record of all dogs and cats impounded, the disposition of the same, the owner's name and address where known, and a statement of any costs assessed against the dogs or cats shall be kept by any poundkeeper.
(Ord. 76-93. Passed 9-13-93.)

505.03 ANNUAL REGISTRATION OF DOGS; TAGS REQUIRED.

(a) Except for guide dogs registered under Ohio R.C. 955.011 and dogs kept by an institution or organization for teaching and research purposes under Ohio R.C. 955.16, no person shall own, keep or harbor a dog more than three months of age without annually registering such dog with the County Auditor. Failure of any dog at any time to wear a valid registration tag shall be prima-facie evidence of lack of registration and subject such dog to impounding and disposition as provided by Ohio R.C. 955.16.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.04 ABANDONING ANIMALS.

(a) No owner or keeper of a dog, cat or other domestic animal shall abandon such animal. (ORC 959.01)

(b) Whoever violates this section is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
(ORC 959.99)

505.05 KILLING OR INJURING ANIMALS.

(a) No person shall maliciously, or willfully, and without the consent of the owner, kill or injure a farm animal, dog, cat or other domestic animal that is the property of another. This section does not apply to a licensed veterinarian acting in an official capacity.

(b) Whoever violates this section, if the value of the animal killed or the injury done amounts to less than three hundred dollars (\$300.00), is guilty of a misdemeanor of the second degree; if the value of the animal killed or the injury done amounts to three hundred dollars (\$300.00) or more, such person is guilty of a misdemeanor of the first degree. (Ord. 76-93. Passed 9-13-93.)

505.06 POISONING ANIMALS.

(a) No person shall maliciously, or willfully and without the consent of the owner, administer poison, except a licensed veterinarian acting in such capacity, to a farm animal, dog, cat, poultry or other domestic animal that is the property of another; and no person shall, willfully and without the consent of the owner, place any, poisoned food where it may be easily found and eaten by any of such animals, either upon his own lands or the lands of another.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 76-93. Passed 9-13-93.)

505.07 CRUELTY TO ANIMALS GENERALLY.

(a) No person shall overwork, overdrive, overload or torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during such confinement with a sufficient quantity of good wholesome food and water. No person shall carry or convey an animal in a cruel or inhuman manner, or keep animals in an enclosure without wholesome exercise and change of air, or feed animals food that is adulterated or unwholesome, or work or abandon to die an old, maimed, sick, infirm or diseased animal.

(b) Whoever violates this section is guilty of a misdemeanor of the second degree. (Ord. 76-93. Passed 9-13-93.)

505.071 CRUELTY TO COMPANION ANIMALS.

(a) As used in this section:

- (1) "Companion animal" means any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept. "Companion animal" does not include livestock or any wild animal.
- (2) "Cruelty", "torment" and "torture" have the same meanings as in Ohio R.C. 1717.01.
- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.
- (4) "Practice of veterinary medicine" has the same meaning as in Ohio R.C. 4741.01.
- (5) "Wild animal" has the same meaning as in Ohio R.C. 1531.01.
- (6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966", Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970", Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976", Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985", Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(b) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.

- (c) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:
- (1) Torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against the companion animal;
 - (2) Deprive the companion animal of necessary sustenance, confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment in any of those specified manners.
- (d) Subsections (b) and (c) of this section do not apply to any of the following:
- (1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations;
 - (2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under Ohio R.C. Chapter 4741;
 - (3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs;
 - (4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals;
 - (5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Ohio R.C. Chapter 4741.
(ORC 959.131)
- (e)
- (1) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree on a first offense. On each subsequent offense such person is guilty of a felony and shall be prosecuted under appropriate State law.
 - (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.
 - (3)
 - A. A court may order a person who is convicted of or pleads guilty to a violation of this section to forfeit to an impounding agency, as defined in Ohio R.C. 959.132, any or all of the companion animals in that person's ownership or care. The court also may prohibit or place limitations on the person's ability to own or care for any companion animals for a specified or indefinite period of time.
 - B. A court may order a person who is convicted of or pleads guilty to a violation of this section to reimburse an impounding agency for the reasonably necessary costs incurred by the agency for the care of a companion animal that the agency impounded as a result of the investigation or prosecution of the violation, provided that the costs were not otherwise paid under Ohio R.C. 959.132.

- (4) If a court has reason to believe that a person who is convicted of or pleads guilty to a violation of this section suffers from a mental or emotional disorder that contributed to the violation, the court may impose as a community control sanction or as a condition of probation a requirement that the offender undergo psychological evaluation or counseling. The court shall order the offender to pay the costs of the evaluation or counseling. (ORC 959.99)

505.08 NUISANCE CONDITIONS PROHIBITED.

(a) No person shall keep or harbor any animal or fowl in the Municipality so as to create noxious, or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.09 BARKING OR HOWLING DOGS.

(a) No person shall keep or harbor any dog within the Municipality which, by frequent and habitual barking, howling or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb the peace, quiet and good order of the Municipality. Any person who shall allow any dog habitually to remain, be lodged or fed within any dwelling, building, yard or enclosure, which he occupies or owns, shall be considered as harboring such dog.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.10 ANIMAL BITES, REPORTS AND QUARANTINE.

(a) Whenever any person is bitten by a dog or other animal, report of such bite shall be made to the District Health Commissioner within twenty-four hours. The dog or other animal inflicting a bite shall immediately be examined by a qualified veterinarian and results of such examination shall be reported to the District Health Commissioner within twenty-four hours. The dog or other animal shall either be confined by its owner or harborer to his premises away from the public at large, or be placed under supervision of a veterinarian at the owner's or harborer's expense. The isolation or observation period shall not be less than ten days from the date the person was bitten, at which time report of the condition of the animal shall be made to the District Health Commissioner.

No person shall fail to comply with the requirement of this section or with any order of the District Health Commissioner made pursuant thereto, nor fail to immediately report to the District Health Commissioner any symptom or behavior suggestive of rabies.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.11 HUNTING PROHIBITED.

(a) The hunting of animals or fowl within the Municipality is prohibited. No person shall hunt, kill or attempt to kill any animal or fowl by the use of firearms or any other means.

(b) The Hammertown Lake Region of the City, as that region is designated by the City, shall be excepted from the provisions of subsection (a) hereof.

(c) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 132-93. Passed 12-30-93.)

505.12 COLORING RABBITS OR BABY POULTRY; SALE OR DISPLAY OF POULTRY.

(a) No person shall dye or otherwise color any rabbit or baby poultry, including, but not limited, to chicks and ducklings. No person shall sell offer for sale, expose for sale, raffle or give away any rabbit or baby poultry which has been dyed or otherwise colored. No poultry younger than four weeks or age may be sold, given away or otherwise distributed to any person in lots of less than six. Stores, shops, vendors and others offering young poultry for sale or other distribution shall provide and operate brooders or other heating devices that may be necessary to maintain poultry in good health, and shall keep adequate food and water available to the poultry at all times.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.13 BIRD SANCTUARY; PROTECTION AFFORDED NONGAME BIRDS.

(a) The entire area within the City limits is hereby declared and designated as a bird sanctuary, with the exception of the common pigeon.

(b) No person shall catch, kill, injure, pursue, or have in the person's possession, either dead or alive, or purchase, expose for sale, transport, or ship to a point within or without this Municipality, or receive or deliver for transportation any bird other than a game bird, or have in the person's possession any part of the plumage, skin or body of any bird other than a game bird, except as permitted in Ohio R.C. Chapter 1531, or disturb or destroy the eggs, nest, or young of such a bird.

(c) Common pigeons, other than homing pigeons, may be killed at any time, except as provided in Ohio R.C. 1531.021, and their nests or eggs may be destroyed at any time.

(d) Willfully setting out, scattering or exposing poison or poisoned food for the purpose of killing birds is hereby prohibited.

(e) Each bird or any part thereof taken or had in possession contrary to the provisions of this section constitutes a separate offense.

(f) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 94-05. Passed 7-27-05.)

505.14 RABIES CONTROL.

(a) Whenever the Mayor deems it necessary for the protection of the public, he shall issue an order prohibiting for a certain time any dog from being at large in any public street or place, unless muzzled and on leash, so as effectually to prevent it from biting any person or animal. Such order shall be posted in three conspicuous places in the City, for such time as the Mayor deems necessary, and any dog found at large during the existence of such quarantine order shall be impounded and may be destroyed by the City authority without notice to the owner.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(Ord. 76-93. Passed 9-13-93.)

505.15 DOGS OR CATS IN CITY PARKS.

(a) No person who is the owner of a dog or cat shall permit the dog to run at large within any municipal park in the City, including Hillcrest Park, the Edwin A. Jones Park and the Edwin A. Jones Field. The running at large of any such dog or cat in or upon any municipal park in the City shall be prima-facie evidence that it is running at large in violation of this subsection.

(b) No person who is the owner of a dog or cat shall walk the dog, whether under restraint by leash or not, within any part of a municipal park in the City used primarily for athletic activities or for children's playgrounds.

(c) No person who is the owner of a dog or cat shall permit the animal to defecate in any municipal park in the City.

(d) Whoever violates any provision of this section is guilty of a minor misdemeanor, and shall be fined not less than twenty-five dollars (\$25.00).
(Ord. 76-93. Passed 9-13-93.)

505.16 REPORT OF ESCAPE OF EXOTIC OR DANGEROUS ANIMAL.

(a) The owner or keeper of any member of a species of the animal kingdom that escapes from his custody or control and that is not indigenous to this State or presents a risk of serious physical harm to persons or property, or both, shall, within one hour after he discovers or reasonably should have discovered the escape, report it to:

- (1) A law enforcement officer of the Municipality and the sheriff of the county where the escape occurred; and
- (2) The Clerk of the Municipal Legislative Authority.

(b) If the office of the Clerk of the Legislative Authority is closed to the public at the time a report is required by subsection (a) hereof, then it is sufficient compliance with subsection (a) hereof if the owner or keeper makes the report within one hour after the office is next open to the public.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 76-93. Passed 9-13-93.)

505.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 509
Disorderly Conduct and Peace Disturbance

509.01	Riot.	509.09	Pedestrian loitering prohibited in bridge areas.
509.011	Inciting to violence.	509.10	Curfew.
509.02	Failure to disperse.	509.11	Misconduct involving a public transportation system.
509.03	Disorderly conduct.	509.12	Curfew hours defined.
509.04	Disturbing a lawful meeting.	509.13	Disturbing peace of neighborhood.
509.05	Misconduct at an emergency.	509.14	Playing of radios, boom boxes and the like.
509.06	Inducing panic.	509.15	Playing of radios, boom boxes and the like in motor vehicles.
509.07	Making false alarms.	509.99	Penalty.
509.08	Loitering.		

CROSS REFERENCES

See sectional histories for similar State law
 Use of force to suppress riot - see Ohio R.C. 2917.05
 Cordoning off riot areas, prohibiting sales of firearms and explosives - see Ohio R.C. 3761.16
 Emergency suspension of permits and sales by Director of Liquor Control - see Ohio R.C. 4301.251
 Criminal trespass - see GEN. OFF. 541.05

509.01 RIOT.

- (a) No person shall participate with four or more others in a course of disorderly conduct in violation of Section 509.03:
- (1) With purpose to commit or facilitate the commission of a misdemeanor, other than disorderly conduct;
 - (2) With purpose to intimidate a public official or employee into taking or refraining from official action, or with purpose to hinder, impede or obstruct a function of government;
 - (3) With purpose to hinder, impede or obstruct the orderly process of administration or instruction at an educational institution or to interfere with or disrupt lawful activities carried on at such institution.
- (b) No person shall participate with four or more others with purpose to do an act with unlawful force or violence, even though such act might otherwise be lawful.
- (c) Whoever violates this section is guilty of riot, a misdemeanor of the first degree. (ORC 2917.03; Ord. 42-94. Passed 7-11-94.)

509.011 INCITING TO VIOLENCE.

(a) No person shall knowingly engage in conduct designed to urge or incite another to commit any offense of violence, when either of the following apply:

- (1) The conduct takes place under circumstances that create a clear and present danger that any offense of violence will be committed;
- (2) The conduct proximately results in the commission of any offense of violence.

(b) Whoever violates this section is guilty of inciting to violence. If the offense of violence that the other person is being urged or incited to commit is a misdemeanor, inciting to violence is a misdemeanor of the first degree. (ORC 2917.01)

509.02 FAILURE TO DISPERSE.

(a) Where five or more persons are participating in a course of disorderly conduct in violation of Section 509.03, and there are other persons in the vicinity whose presence creates the likelihood of physical harm to persons or property or of serious public inconvenience, annoyance or alarm, a law enforcement officer or other public official may order the participants and such other persons to disperse. No person shall knowingly fail to obey such order.

(b) Nothing in this section requires persons to disperse who are peaceably assembled for a lawful purpose.

- (c) (1) Whoever violates this section is guilty of failure to disperse.
- (2) Except as otherwise provided in subsection (c)(3) hereof, failure to disperse is a minor misdemeanor.
- (3) Failure to disperse is a misdemeanor of the fourth degree if the failure to obey the order described in subsection (a) hereof, creates the likelihood of physical harm to persons or is committed at the scene of a fire, accident, disaster, riot, or emergency of any kind. (ORC 2917.04)

509.03 DISORDERLY CONDUCT.

(a) No person shall recklessly cause inconvenience, annoyance or alarm to another, by doing any of the following:

- (1) Engaging in fighting, in threatening harm to persons or property, or in violent or turbulent behavior;
- (2) Making unreasonable noise or offensively coarse utterance, gesture or display, or communicating unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace;
- (3) Insulting, taunting or challenging another, under circumstances in which such conduct is likely to provoke a violent response;
- (4) Hindering or preventing the movement of persons on a public street, road, highway or right of way, or to, from, within or upon public or private property, so as to interfere with the rights of others, and by any act which serves no lawful and reasonable purpose of the offender;
- (5) Creating a condition which is physically offensive to persons or which presents a risk of physical harm to persons or property, by any act which serves no lawful and reasonable purpose of the offender.

- (b) No person, while voluntarily intoxicated, shall do either of the following:
- (1) In a public place or in the presence of two or more persons, engage in conduct likely to be offensive or to cause inconvenience, annoyance or alarm to persons of ordinary sensibilities, which conduct the offender, if he were not intoxicated, should know is likely to have such effect on others;
 - (2) Engage in conduct or create a condition which presents a risk of physical harm to himself or another, or to the property of another.
- (c) Violation of any statute or ordinance of which an element is operating a motor vehicle, locomotive, watercraft, aircraft or other vehicle while under the influence of alcohol or any drug of abuse, is not a violation of subsection (b) hereof.
- (d) If a person appears to an ordinary observer to be intoxicated, it is probable cause to believe that person is voluntarily intoxicated for purposes of subsection (b) hereof.
- (e)
- (1) Whoever violates this section is guilty of disorderly conduct.
 - (2) Except as otherwise provided in this subsection (e)(3), disorderly conduct is a minor misdemeanor.
 - (3) Disorderly conduct is a misdemeanor of the fourth degree if any of the following applies:
 - A. The offender persists in disorderly conduct after reasonable warning or request to desist.
 - B. The offense is committed in the vicinity of a school or in a school safety zone.
 - C. The offense is committed in the presence of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person who is engaged in the person's duties at the scene of a fire, accident, disaster, riot or emergency of any kind.
 - D. The offense is committed in the presence of any emergency facility person who is engaged in the person's duties in an emergency facility.
- (f) As used in this section:
- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
 - (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
 - (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04.
 - (4) "Committed in the vicinity of a school" has the same meaning as in Ohio R.C. 2925.01. (ORC 2917.11)

509.04 DISTURBING A LAWFUL MEETING.

- (a) No person with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:
- (1) Any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;
 - (2) Any utterance, gesture or display which outrages the sensibilities of the group.
- (b) Whoever violates this section is guilty of disturbing a lawful meeting, a misdemeanor of the fourth degree. (ORC 2917.12; Ord. 42-94. Passed 7-11-94.)

509.05 MISCONDUCT AT AN EMERGENCY.

(a) No person shall knowingly do any of the following:

- (1) Hamper the lawful operations of any law enforcement officer, firefighter, rescuer, medical person, emergency medical services person, or other authorized person, engaged in the person's duties at the scene of a fire, accident, disaster, riot, or emergency of any kind;
- (2) Hamper the lawful activities of any emergency facility person who is engaged in the person's duties in an emergency facility;
- (3) Fail to obey the lawful order of any law enforcement officer engaged in the law enforcement officer's duties at the scene of or in connection with a fire, accident, disaster, riot, or emergency of any kind.

(b) Nothing in this section shall be construed to limit access or deny information to any news media representative in the lawful exercise of the news media representative's duties.

(c) Whoever violates this section is guilty of misconduct at an emergency. Except as otherwise provided in this subsection, misconduct at an emergency is a misdemeanor of the fourth degree. If a violation of this section creates a risk of physical harm to persons or property, misconduct at an emergency is a misdemeanor of the first degree.

(d) As used in this section:

- (1) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
- (2) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
- (3) "Emergency facility" has the same meaning as in Ohio R.C. 2909.04. (ORC 2917.13)

509.06 INDUCING PANIC.

(a) No person shall cause the evacuation of any public place, or otherwise cause serious public inconvenience or alarm, by doing any of the following:

- (1) Initiating or circulating a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that such report or warning is false;
- (2) Threatening to commit any offense of violence;
- (3) Committing any offense, with reckless disregard of the likelihood that its commission will cause serious public inconvenience or alarm.

(b) Division (a) hereof does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of inducing panic, a misdemeanor of the first degree. If inducing panic results in physical harm to any person, economic harm of five hundred dollars (\$500.00) or more, if the public place involved in a violation of this section is a school or an institution of higher education, or if the violation pertains to a purported, threatened or actual use of a weapon of mass destruction, inducing panic is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section:

- (1) “Economic harm” means any of the following:
 - A. All direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. “Economic harm” as described in this division includes, but is not limited to, all of the following:
 1. All wages, salaries, or other compensation lost as a result of the criminal conduct;
 2. The cost of all wages, salaries, or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 3. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 4. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
 - B. All costs incurred by the Municipality as a result of, or in making any response to, the criminal conduct that constituted the violation of this section or Section 509.07, including, but not limited to, all costs so incurred by any law enforcement officers, firefighters, rescue personnel, or emergency medical services personnel of the state or the political subdivision.
- (2) “School” means any school operated by a board of education or any school for which the state board of education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a violation of this section is committed.
- (3) “Weapon of mass destruction” means any of the following:
 - A. Any weapon that is designed or intended to cause death or serious physical harm through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors;
 - B. Any weapon involving a disease organism or biological agent;
 - C. Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life;
 - D. Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of “destructive device” pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section:
 1. Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 2. Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (e)(3)D.1. of this section and from which an item or device described in that division may be readily assembled.
- (4) “Biological agent” has the same meaning as in Ohio R.C. 2917.33.
- (5) “Emergency medical services personnel” has the same meaning as in Ohio R.C. 2133.21.
- (6) “Institution of higher education” means any of the following:
 - A. A state university or college as defined in Ohio R.C. 3345.12(A)(1), community college, state community college, university branch, or technical college;

- B. A private, nonprofit college, university or other post-secondary institution located in this State that possesses a certificate of authorization issued by the Ohio Board of Regents pursuant to Ohio R.C. Chapter 1713.
- C. A post-secondary institution with a certificate of registration issued by the State Board of Career Colleges and Schools under Ohio R.C. Chapter 3332. (ORC 2917.31)

509.07 MAKING FALSE ALARMS.

(a) No person shall do any of the following:

- (1) Initiate or circulate a report or warning of an alleged or impending fire, explosion, crime or other catastrophe, knowing that the report or warning is false and likely to cause public inconvenience or alarm;
- (2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any organization, public or private, for dealing with emergencies involving a risk of physical harm to persons or property;
- (3) Report to any law enforcement agency an alleged offense or other incident within its concern, knowing that such offense did not occur.

(b) This section does not apply to any person conducting an authorized fire or emergency drill.

(c) Whoever violates this section is guilty of making false alarms, a misdemeanor of the first degree. If a violation of this section results in economic harm of five hundred dollars (\$500.00) or more, or if a violation of this section pertains to a purported, threatened, or actual use of a weapon of mass destruction, making false alarms is a felony and shall be prosecuted under appropriate State law.

(d) Any act that is a violation of this section and any other section of the Codified Ordinances may be prosecuted under this section, the other section, or both sections.

(e) As used in this section, "economic harm" and "weapon of mass destruction" have the same meanings as in Section 509.06. (ORC 2917.32)

509.08 LOITERING.

(a) Definition. "Loitering" means remaining idle in essentially one location and includes the colloquial expression "hanging around".

(b) Certain Types of Loitering Prohibited. No person shall loiter in a public place and do any of the following:

- (1) Breach the peace; or create a disturbance or unreasonable annoyance to the comfort and repose of any person;
- (2) Obstruct the free passage of pedestrians or vehicles;
- (3) Obstruct, molest or physically interfere with any person;
- (4) Engage in conduct which creates an unreasonable risk of physical harm, including making remarks of an offensive, disgusting or insulting nature to another person;
- (5) Solicit others for the purpose of engaging in illicit sexual conduct.

(c) Penalty. Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(d) Order and Refusal to Leave.

- (1) Whenever any police officer has reasonable grounds to believe that any person loitering in any public place is likely to cause any of the conditions enumerated in subsection (b) hereof, the police officer may order that person to leave that place in order to preserve the public peace and safety.
- (2) Any person who refuses to leave a public place after being ordered to do so by a police officer under subsection (d)(1) hereof, is guilty of a minor misdemeanor. (Ord. 42-94. Passed 7-11-94.)

509.09 PEDESTRIAN LOITERING PROHIBITED IN BRIDGE AREAS.

(a) The Director of Public Service and Safety is hereby authorized to designate, by rule, those portions of the streets and highways in the vicinity of any bridge, trestle or viaduct in the City and also those bridges, trestles and viaducts in the City on or upon which loitering by pedestrians and other persons is prohibited. The Director is also authorized to erect and maintain appropriate signs along the portions of such bridges, trestles and viaducts and the approaches thereto as hereinabove authorized, prohibiting loitering.

(b) "Loitering" as herein used means loitering as that term is used and defined in Section 509.08.

(c) Any person who violates any rule promulgated in accordance with this section is guilty of a misdemeanor of the fourth degree.
(Ord. 42-94. Passed 7-11-94.)

509.10 CURFEW.

(a) In the event that the Mayor finds it necessary in order to preserve the public safety and good order of the community in times of public crises, riots or civil disturbances, he may declare and establish a curfew prohibiting the physical presence of anyone upon the public streets, parks and public places of the City.

(b) In the event the Mayor deems it necessary to issue a curfew order, he shall do so by issuing a proclamation setting forth the time, and the circumstances of such curfew order, the ages of persons to be subject thereto, and shall publish the proclamation by use of the newspapers, radio and television facilities of the community to the residents of the City.

(c) In the event the Mayor deems it necessary to issue a curfew, any police officer of the City, or any other peace officer acting under the direction of the Mayor or any other duly authorized agent, shall have the right to stop any person subject to the curfew found upon the streets or public places of the City within the hours of curfew and to inquire of such persons proof of their age, their destination and purpose for being upon the public streets and public ways of the City, to determine if such persons are subject to the curfew.

(d) Whoever violates this section is guilty of a misdemeanor of the first degree.
(Ord. 42-94. Passed 7-11-94.)

509.11 MISCONDUCT INVOLVING A PUBLIC TRANSPORTATION SYSTEM.

(a) No person shall evade the payment of the known fares of a public transportation system.

(b) No person shall alter any transfer, pass, ticket or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(c) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

- (1) Play sound equipment without the proper use of a private earphone.
- (2) Smoke, eat or drink in any area where the activity is clearly marked as being prohibited.
- (3) Expectorate upon a facility or vehicle.

(d) No person shall write, deface, draw or otherwise mark on any facility or vehicle of a public transportation system.

(e) Whoever violates this section is guilty of misconduct involving a public transportation system, a minor misdemeanor. (Ord. 42-94. Passed 7-11-94.)

509.12 CURFEW HOURS DEFINED.

(a) The following persons shall not enter or remain upon, either on foot, bicycle, motorcycle or in a motor vehicle, any public streets, alley, park, sidewalk or any other public place during the following times unless accompanied by a parent, lawful guardian or other adult person having care or control of the minor with consent of the parent or lawful guardian.

- (1) Persons under the age of eleven between the hours of 10:00 p.m. and 5:00 a.m.
- (2) Persons the age of eleven and over, but under the age of sixteen between the hours of 11:00 p.m. and 5:00 a.m.
- (3) Persons the age of sixteen and over, but under the age of eighteen between the hours of 12:00 midnight and 5:00 a.m.

(b) It is an affirmative defense to a charge of violation of subsection (a)(1), (a)(2) or (a)(3) hereof that the person was returning directly home from a school activity or employment; or, that the person was responding to a life-threatening emergency at the direction of his or her parent, lawful guardian or other adult person having care or control of the minor with the consent of the parent or lawful guardian.

(c) No parent, lawful guardian or other adult person having care or control of the minor with the consent of the parent or lawful guardian shall permit, or by insufficient control shall allow such minor to be in or upon the public streets or any other places listed in subsection (a) hereof during the above restricted hours.

- (d)
- (1) Police officers may stop and question a person they reasonably believe to be a minor in order to obtain the name and address of his or her parent, lawful guardian or other adult person having care or control of the minor with the consent of the parent or lawful guardian, and such person shall give such information to the police officer. Any police officer, upon finding a minor in violation of this section, shall warn the minor that he or she is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the Police Department, which in turn shall warn the parent, lawful guardian or other adult person having care or control of the minor with the consent of the parent or lawful guardian that the minor was found to be in violation of this section.
 - (2) If such minor refuses to heed such warning or direction by any police officer, or refuses to give such police officer the correct information required by subsection (a) hereof, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be subject to the penalties set forth in subsection (f) hereof, or, alternatively,

he or she may be taken to the Police Department and the parent, lawful guardian or other adult person having care or control of such minor shall be notified to come and taken charge of the minor. If the parent, lawful guardian or other adult person above cannot be located or fails to come and take charge of the minor, the minor and the parent, lawful guardian or other adult person above shall be subject to the penalties set forth in subsection (f) hereof.

(e) No person operating or in charge of any place of amusement, entertainment, refreshment or other place of business shall recklessly allow or permit minors, unless accompanied by parent, lawful guardian or other adult person having care and control of the minor with the consent of the parent or the lawful guardian to be present in such places in violation of subsections (a)(1), (a)(2) or (a)(3) hereof. Whenever the person operating or in charge of any such place of amusement, entertainment, refreshment or other place of business shall find a minor present in violation of subsections (a)(1), (a)(2) or (a)(3), he shall immediately order them to leave such place, and upon their failure to do so, shall immediately notify the Division of Police of such violation.

- (f) (1) The first violation of this section after a warning as described in subsection (d) hereof by any person is a minor misdemeanor. If an offender has previously been convicted of a violation of any subsection hereof any subsequent violation is a misdemeanor of the fourth degree.
- (2) The court may in its discretion waive, reduce or suspend the monetary penalty prescribed for the infraction, and may impose such conditions on any suspension as it deems just. The court may order performance of a number of hours of community service in lieu of a monetary penalty. The court may order attendance at counseling or educational programs in lieu of a monetary penalty or community service.
(Ord. 42-94. Passed 7-11-94.)

509.13 DISTURBING PEACE OF NEIGHBORHOOD.

(a) No person shall disturb the peace and quiet of the City to the annoyance of citizens by the blowing of horns or by unnecessary outcry in the day or night season, upon the streets, alleys or public grounds in the City, or upon any private premises, or permit to be made any loud, unnecessary outcry or noise in conducting any kind of business in the streets, alleys, public or private grounds of the premises.

(b) Whoever violates this section is guilty of a minor misdemeanor, punishable in accordance with the penalties as set forth in Section 501.99.
(Ord. 50-97. Passed 7-14-97.)

509.14 PLAYING OF RADIOS, BOOM BOXES, AND THE LIKE.

(a) No person shall play any radio, music player such as a "boom box", tape cassette, disc player or television, audio system or musical instrument or any other type of sound service upon any public road, street, highway, or private property in this Municipality in a manner or at a volume as to disturb the quiet, comfort or repose of other persons. An exception is made for organized and recognized public events.

(b) No person shall play any radio, music player such as a "boom box", tape cassette, disc player or television, audio system or musical instrument or any other type of sound service in a manner or at a volume as to disturb the quiet, comfort or repose of neighboring inhabitants or at a volume which is plainly audible to persons other than those who are in the dwelling unit in which such device or instrument is played and who are voluntary listeners thereto.

(c) In addition to the penalty as set forth in Section 501.99, the following additional penalty applies for:

1st offense:	a fine of up to one hundred dollars (\$100.00),
2nd offense:	a fine of up to two hundred dollars (\$200.00),
3rd offense and thereafter:	a fine of up to three hundred dollars (\$300.00) and three days in jail.

(d) Upon conviction for a violation of this section, the sound device used during the commission of the offense shall be subject to seizure and payment of a judgment.
(Ord. 50-97. Passed 7-14-97.)

509.15 PLAYING OF RADIOS, BOOM BOXES, AND THE LIKE IN MOTOR VEHICLES.

(a) No person shall play any radio, music player or audio system in a motor vehicle at such volume as to disturb the quiet, comfort or repose of other persons or at a volume which is plainly audible at a distance of fifty feet from said vehicle.

(b) In addition to the penalty as set forth in Section 501.99, the following additional penalty applies for:

1st offense:	a fine of up to two hundred dollars (\$200.00),
2nd offense:	a fine of up to four hundred dollars (\$400.00),
3rd offense and thereafter:	a fine of up to six hundred dollars (\$600.00).

(c) Upon conviction for a violation of this section, the sound device used during the commission of the offense shall be subject to seizure and payment of a judgment.
(Ord. 50-97. Passed 7-14-97.)

509.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 513
Drug Abuse Control

513.01	Definitions.	513.08	Illegally dispensing drug samples.
513.02	Gift of marihuana.	513.09	Controlled substance or prescription labels.
513.03	Drug abuse; controlled substance possession or use.	513.10	Hypodermic possession, display and dispensing.
513.04	Possessing drug abuse instruments.	513.11	Harmful intoxicants; possessing nitrous oxide in motor vehicle.
513.05	Permitting drug abuse.	513.12	Drug paraphernalia.
513.06	Illegal cultivation of marihuana.	513.13	Counterfeit controlled substances.
513.07	Possessing or using harmful intoxicants.	513.14	Offender may be required to pay for controlled substance tests.
		513.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Federal prosecution bar to local prosecution - see Ohio R.C. 2925.50, 3719.19
 Analysis report and notarized statement as evidence - see Ohio R.C 2925.51
 Criteria for granting probation - see Ohio R.C 3719.70(B)
 Adulterating food with drug of abuse - see GEN. OFF. 537.13
 Using weapons while under the influence - see GEN. OFF. 549.03.

513.01 DEFINITIONS.

As used in this chapter, certain terms are defined as follows:

- (a) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion or any other means to a person or an animal.
- (b) "Controlled substance" means a drug, compound, mixture, preparation or substance included in Schedule I, II, III, IV, or V.
- (c) "Dispense" means sell, leave with, give away, dispose of or deliver.
- (d) "Distribute" means to deal in, ship, transport or deliver but does not include administering or dispensing a drug.
- (e) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication.

- (f) "Manufacturer" means a person who manufactures a controlled substance as "manufacture" is defined in Ohio R.C. 3715.01.
- (g) Except as provided in subsection (g)(2) hereof:
 - (1) "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination. (ORC 3719.01)
 - (2) "Marihuana" does not include hashish. (ORC 2925.01)
- (h) (Reserved)
- (i) "Official written order" means an order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.
- (j) "Pharmacist" means a person licensed under Ohio R.C. Chapter 4729 to engage in the practice of pharmacy.
- (k) "Pharmacy" has the same meaning as in Ohio R.C. 4729.01.
- (l) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.
- (m) "Licensed health professional authorized to prescribe drugs", "prescriber" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (n) "Sale" includes delivery, barter, exchange, transfer or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.

- (o) "Schedule I", "Schedule II", "Schedule III", "Schedule IV" and "Schedule V" mean controlled substance Schedules I, II, III, IV, and V respectively, established pursuant to Ohio R.C. 3719.41, as amended pursuant to Ohio R.C. 3719.43 or 3719.44.
- (p) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in Ohio R.C. 4729.01. (ORC 3719.01)
- (q) "Drug of abuse" means any controlled substance as defined in subsection (b) hereof, any harmful intoxicant as defined in subsection (x) hereof and any dangerous drug as defined in subsection (r) hereof. (ORC 3719.011)
- (r) "Dangerous drug" means any of the following:
- (1) Any drug to which either of the following applies:
 - A. Under the "Federal Food, Drug, and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;
 - B. Under Ohio R.C. Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.
 - (2) Any drug that contains a Schedule V narcotic drug and that is exempt from Ohio R.C. Chapter 3719 or to which that chapter does not apply;
 - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body. (ORC 4729.02)
- (s) "Bulk amount" of a controlled substance means any of the following:
- (1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in subsection (s)(2) or (5) hereof, whichever of the following is applicable:
 - A. An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I opiate or opium derivative;
 - B. An amount equal to or exceeding ten grams of a compound, mixture, preparation or substance that is or contains any amount of raw or gum opium;

- C. An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol, or lysergic acid amide, or a Schedule I stimulant or depressant;
 - D. An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II opiate or opium derivative;
 - E. An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation or substance that is or contains any amount of phencyclidine;
 - F. An amount equal to or exceeding 120 grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the Federal Drug Abuse Control laws as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;
 - G. An amount equal to or exceeding three grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the Federal Drug Abuse Control laws;
- (2) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;
 - (3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;
 - (4) An amount equal to or exceeding 250 milliliters or 250 grams of a compound, mixture, preparation or substance that is or contains any amount of a Schedule V substance.
 - (5) An amount equal to or exceeding 200 solid dosage units, sixteen grams or sixteen milliliters of a compound, mixture, preparation or substance that is or contains any amount of a Schedule III anabolic steroid.
- (t) "Unit dose" means an amount or unit of a compound, mixture or preparation containing a controlled substance, that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

- (u) "Cultivate" includes planting, watering, fertilizing or tilling.
- (v) "Drug abuse offense" means any of the following:
 - (1) A violation of Ohio R.C. 2925.02, 2925.03, 2925.04 to 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36 or 2925.37; or a violation of Ohio R.C. 2913.02(A) that constitutes theft of drugs;
 - (2) A violation of an existing or former law of this or any other state or of the United States, that is substantially equivalent to any section listed in subsection (v)(1) hereof;
 - (3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using or otherwise dealing with a controlled substance is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing or attempting to commit any offense under subsection (v)(1), (2) or (3) hereof.
- (w) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this State, any other state or the United States.
- (x) "Harmful intoxicant" does not include beer or intoxicating liquor, but means any of the following:
 - (1) Any compound, mixture, preparation or substance the gas, fumes or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation or other harmful physiological effects, and includes, but is not limited to, any of the following:
 - A. Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;
 - B. Any aerosol propellant;
 - C. Any fluorocarbon refrigerant;
 - D. Any anesthetic gas.
 - (2) Gamma Butyrolactone;
 - (3) 1,4 Butanediol.
- (y) "Manufacture" means to plant, cultivate, harvest, process, make, prepare or otherwise engage in any part of the production of a drug by propagation, extraction, chemical synthesis or compounding, or any combination of the same, and includes packaging, repackaging, labeling and other activities incident to production.
- (z) "Possess" or "possession" means having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
- (aa) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

- (bb) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of any of the following reference works:
- (1) "The National Formulary";
 - (2) "The United States Pharmacopeia", prepared by authority of the United States Pharmacopeial Convention, Inc.;
 - (3) Other standard references that are approved by the State Board of Pharmacy.
- (cc) "Juvenile" means a person under eighteen years of age.
- (dd) "School" means any school operated by a board of education or any school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, whether or not any instruction, extracurricular activities or training provided by the school is being conducted at the time a criminal offense is committed.
- (ee) "School premises" means either of the following:
- (1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the premises at the time a criminal offense is committed;
 - (2) Any other parcel of real property that is owned or leased by a board of education of a school or the governing body of a school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and on which some of the instruction, extracurricular activities or training of the school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.
- (ff) "School building" means any building in which any of the instruction, extracurricular activities or training provided by a school is conducted, whether or not any instruction, extracurricular activities or training provided by the school is being conducted in the school building at the time a criminal offense is committed.
- (gg) "Counterfeit controlled substance" means:
- (1) Any drug that bears, or whose container or label bears, a trademark, trade name or other identifying mark used without authorization of the owner of rights to that trademark, trade name or identifying mark; or
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed or distributed by a person other than the person that manufactured, processed, packed or distributed it; or
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; or
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size and color, or its marking, labeling, packaging, distribution or the price for which it is sold or offered for sale.
- (hh) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

- (ii) An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (jj) “Hashish” means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.
- (kk) “Public premises” means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.
(ORC 2925.01)

513.02 GIFT OF MARIHUANA.

(a) No person shall knowingly give or offer to make a gift of twenty grams or less of marihuana.

(b) Whoever violates this section is guilty of trafficking in marihuana. Trafficking in marihuana is a minor misdemeanor for the first offense and, for any subsequent offense, it is a misdemeanor of the third degree. If the offense was committed in the vicinity of a school or the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.

(c) The court may suspend for not less than six months or more than five years the driver’s or commercial driver’s license or permit of any person who is convicted of or pleads guilty to any violation of this section. If an offender’s driver’s or commercial driver’s license or permit is suspended pursuant to this subsection, the offender, at any time after the expiration of two years from the day on which the offender’s sentence was imposed, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court’s finding of good cause for the termination, the court may terminate the suspension.
(ORC 2925.03)

513.03 DRUG ABUSE; CONTROLLED SUBSTANCE POSSESSION OR USE.

- (a) No person shall knowingly obtain, possess or use a controlled substance.
- (b) This section does not apply to the following:
 - (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.
 - (2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;
 - (3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act", 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act;

- (4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs.
- (c) Whoever violates subsection (a) hereof is guilty of one of the following:
- (1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in Schedule III, IV, or V, whoever violates subsection (a) hereof is guilty of possession of drugs. Possession of drugs is a misdemeanor if the amount of the drug involved does not exceed the bulk amount. The penalty for the offense shall be determined as follows: possession of drugs is a misdemeanor of the third degree or, if the offender previously has been convicted of a drug abuse offense, a misdemeanor of the second degree. If the drug involved in the violation is an anabolic steroid included in Schedule III and if the offense is a misdemeanor of the third degree under this subsection, in lieu of sentencing the offender to a term of imprisonment in a detention facility, the court may place the offender under a community control sanction, as defined in Ohio R.C. 2929.01, that requires the offender to perform supervised community service work pursuant to division (B) of Ohio R.C. 2951.02.
- (2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. Possession of marihuana is a misdemeanor if the amount of the drug involved does not exceed 200 grams. The penalty for the offense shall be determined as follows:
- A. Except as otherwise provided in subsection (c)(2)B. hereof, possession of marihuana is a minor misdemeanor.
- B. If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.
- (3) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. Possession of hashish is a misdemeanor if the amount of the drug involved does not exceed the maximum amount specified in subsection (c)(3)B. hereof. The penalty for the offense shall be determined as follows:
- A. Except as otherwise provided in subsection (c)(3)B. hereof, possession of hashish is a minor misdemeanor.
- B. If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.
- (d) In addition to any other sanction that is imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.
(ORC 2925.11)

513.04 POSSESSING DRUG ABUSE INSTRUMENTS.

(a) No person shall knowingly make, obtain, possess or use any instrument, article or thing the customary and primary purpose of which is for the administration or use of a dangerous drug, other than marihuana, when the instrument involved is a hypodermic or syringe, whether or not of crude or extemporized manufacture or assembly, and the instrument, article or thing involved has been used by the offender to unlawfully administer or use a dangerous drug, other than marihuana, or to prepare a dangerous drug, other than marihuana, for unlawful administration or use.

(b) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731 and 4741.

(c) Whoever violates this section is guilty of possessing drug abuse instruments, a misdemeanor of the second degree. If the offender previously has been convicted of a drug abuse offense, violation of this section is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.12)

513.05 PERMITTING DRUG ABUSE.

(a) No person, who is the owner, operator or person in charge of a locomotive, watercraft, aircraft or other vehicle as defined in Ohio R.C. 4501.01(A), shall knowingly permit the vehicle to be used for the commission of a felony drug abuse offense.

(b) No person, who is the owner, lessee or occupant, or who has custody, control or supervision of premises, or real estate, including vacant land, shall knowingly permit the premises, or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

(c) Whoever violates this section is guilty of permitting drug abuse, a misdemeanor of the first degree. If the felony drug abuse offense in question is a violation of Ohio R.C. 2925.02 or 2925.03, permitting drug abuse is a felony and shall be prosecuted under appropriate State law.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences a person who is convicted of or pleads guilty to a violation of this section may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit.

(e) Any premises or real estate that is permitted to be used in violation of subsection (b) hereof constitutes a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767.
(ORC 2925.13)

513.06 ILLEGAL CULTIVATION OF MARIHUANA.

- (a) No person shall knowingly cultivate marihuana.
- (b) This section does not apply to any person listed in Ohio R.C. 2925.03(B)(1) to (3) to the extent and under the circumstances described in those divisions.
- (c) Whoever commits a violation of subsection (a) hereof is guilty of illegal cultivation of marihuana. Illegal cultivation of marihuana is a misdemeanor if the amount of marihuana involved does not exceed 200 grams.
- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal cultivation of marihuana is a minor misdemeanor, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.
- (2) If the amount of marihuana involved equals or exceeds 100 grams but is less than 200 grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree, or if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.
- (d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of Ohio R.C. 2925.03. If an offender's driver's or commercial driver's license or permit is suspended in accordance with that division, the offender may request termination of, and the court may terminate, the suspension in accordance with that division.
- (e) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in an application for employment, a license, or any other right or privilege or made in connection with the person's appearance as a witness. (ORC 2925.04)

513.07 POSSESSING OR USING HARMFUL INTOXICANTS.

- (a) Except for lawful research, clinical, medical, dental or veterinary purposes, no person, with purpose to induce intoxication or similar physiological effects, shall obtain, possess or use a harmful intoxicant.
- (b) Whoever violates this section is guilty of abusing harmful intoxicants, a misdemeanor of the first degree. If the offender previously has been convicted of a drug abuse offense, abusing harmful intoxicants is a felony and shall be prosecuted under appropriate State law.
- (c) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.31)

513.08 ILLEGALLY DISPENSING DRUG SAMPLES.

- (a) No person shall knowingly furnish another a sample drug.
- (b) Subsection (a) hereof does not apply to manufacturers, wholesalers, pharmacists, owners of pharmacies, licensed health professionals authorized to prescribe drugs, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741.

(c) Whoever violates this section is guilty of illegal dispensing of drug samples. If the drug involved in the offense is a dangerous drug or a compound, mixture, preparation, or substance included in Schedule III, IV, or V, or is marihuana, the penalty for the offense shall be determined as follows:

- (1) Except as otherwise provided in subsection (c)(2) hereof, illegal dispensing of drug samples is a misdemeanor of the second degree.
- (2) If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal dispensing of drug samples is a misdemeanor of the first degree.

(d) In addition to any other sanction imposed for an offense under this section, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.36)

513.09 CONTROLLED SUBSTANCE OR PRESCRIPTION LABELS.

(a) No person shall alter, deface or remove any label affixed by a manufacturer, wholesaler, pharmacist or licensed health professional authorized to prescribe drugs who dispenses a controlled substance in a package or container, as long as any of the original contents remain, except when lawfully filling a prescription. (ORC 3719.08)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.07 or 3719.08 or a drug abuse offense, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 3719.99(C))

513.10 HYPODERMIC POSSESSION, DISPLAY AND DISPENSING.

(a) Possession of a hypodermic is authorized for the following:

- (1) A manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, and any authorized agent or employee of that manufacturer, distributor or dealer, in the regular course of business;
- (2) Terminal distributor of dangerous drugs, in the regular course of business;
- (3) A person authorized to administer injections, in the regular course of the person's profession or employment;
- (4) A person, when the hypodermic was lawfully obtained and is kept and used for the purpose of self-administration of insulin or other drug prescribed for the treatment of disease by a licensed health professional authorized to prescribe drugs;
- (5) A person whose use of a hypodermic is for legal research, clinical, educational or medicinal purposes;
- (6) A farmer, for the lawful administration of a drug to an animal;
- (7) A person whose use of a hypodermic is for lawful professional, mechanical, trade or craft purposes.

(b) No manufacturer or distributor of, or dealer in, hypodermics or medication packaged in hypodermics, or their authorized agents or employees, and no terminal distributor of dangerous drugs, shall display any hypodermic for sale. No person authorized to possess a hypodermic pursuant to division (a) of this section shall negligently fail to take reasonable precautions to prevent any hypodermic in the person's possession from theft or acquisition by any unauthorized person.

(ORC 3719.172)

(c) Whoever violates this section is guilty of a misdemeanor of the third degree. If the offender has previously been convicted of a violation of this section, Ohio R.C. 3719.05, 3719.06, 3719.13, 3719.172(B) or (E), or 3719.31 or a drug abuse offense, a violation is a misdemeanor of the first degree. (ORC 3719.99(D))

513.11 HARMFUL INTOXICANTS; POSSESSING NITROUS OXIDE IN MOTOR VEHICLE.

(a) As used in this section, "motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.

(b) Unless authorized under Ohio R.C. Chapter 3719, 4715, 4729, 4731, 4741 or 4765, no person shall possess an open cartridge of nitrous oxide in either of the following circumstances:

- (1) While operating or being a passenger in or on a motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking;
- (2) While being in or on a stationary motor vehicle on a street, highway, or other public or private property open to the public for purposes of vehicular traffic or parking.

(c) Whoever violates this section is guilty of possessing nitrous oxide in a motor vehicle, a misdemeanor of the fourth degree.
(ORC 2925.33)

513.12 DRUG PARAPHERNALIA.

(a) As used in this section, "drug paraphernalia" means any equipment, product or material of any kind that is used by the offender, intended by the offender for use or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body, a controlled substance in violation of this chapter or Ohio R.C. Chapter 2925. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products or materials that are used by the offender, intended by the offender for use or designated by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine or any salt, isomer, or sale of an isomer of methamphetamine;
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness or purity of, a controlled substance;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;

- (9) A blender, bowl, container, spoon or mixing device for compounding a controlled substance;
- (10) A capsule, balloon, envelope or container for packaging small quantities of a controlled substance;
- (11) A container or device for storing or concealing a controlled substance;
- (12) A hypodermic syringe, needle or instrument for parenterally injecting a controlled substance into the human body;
- (13) An object, instrument or device for ingesting, inhaling or otherwise introducing into the human body, marihuana, cocaine, hashish or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic or ceramic pipe, with or without a screen, permanent screen, hashish head or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.

(b) In determining if any equipment, product or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:

- (1) Any statement by the owner, or by anyone in control, of the equipment, product or material, concerning its use;
- (2) The proximity in time or space of the equipment, product or material, or of the act relating to the equipment, product or material, to a violation of any provision of this chapter or Ohio R.C. Chapter 2925;
- (3) The proximity of the equipment, product or material to any controlled substance;
- (4) The existence of any residue of a controlled substance on the equipment, product or material;
- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product or material, to deliver it to any person whom the owner or person in control of the equipment, product or material knows intends to use the object to facilitate a violation of any provision of this chapter or Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product or material, is not guilty of a violation of any other provision of this chapter or Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product or material was intended or designed by the offender for use as drug paraphernalia;
- (6) Any oral or written instruction provided with the equipment, product or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product or material;
- (9) The manner and circumstances in which the equipment, product or material is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product or material to the total sales of the business enterprise;

- (11) The existence and scope of legitimate uses of the equipment, product or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product or material.
- (c)
- (1) No person shall knowingly use, or possess with purpose to use, drug paraphernalia.
 - (2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product or material will be used as drug paraphernalia.
 - (3) No person shall place an advertisement in any newspaper, magazine, handbill or other publication that is published and printed and circulates primarily within this State, if the person knows that the purpose of the advertisement is to promote the illegal sale in the State of the equipment, product or material that the offender intended or designed for use as drug paraphernalia.
- (d) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4730, 4731, and 4741. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Section 513.10.
- (e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold or manufactured in violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12.
- (f)
- (1) Whoever violates subsection (c)(1) hereof is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.
 - (2) Except as provided in subsection (f)(3) hereof, whoever violates subsection (c)(2) hereof is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.
 - (3) Whoever violates subsection (c)(2) hereof by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.
 - (4) Whoever violates subsection (c)(3) hereof is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.
- (g) In addition to any other sanction imposed upon an offender for a violation of this section, the court shall suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. (ORC 2925.14)

513.13 COUNTERFEIT CONTROLLED SUBSTANCES.

- (a) No person shall knowingly possess any counterfeit controlled substance.
- (b) Whoever violates this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree. (ORC 2925.37)

513.14 OFFENDER MAY BE REQUIRED TO PAY FOR CONTROLLED
SUBSTANCE TESTS.

In addition to the financial sanctions authorized or required under Ohio R.C. 2929.18 and 2929.28 and to any costs otherwise authorized or required under any provision of law, the court imposing sentence upon an offender who is convicted of or pleads guilty to a drug abuse offense may order the offender to pay to the state, municipal, or county law enforcement agencies that handled the investigation and prosecution all of the costs that the state, municipal corporation, or county reasonably incurred in having tests performed under Ohio R.C. 2925.51, or in any other manner on any substance that was the basis of, or involved in, the offense to determine whether the substance contained any amount of a controlled substance if the results of the tests indicate that the substance tested contained any controlled substance. No court shall order an offender under this section to pay the costs of tests performed on a substance if the results of the tests do not indicate that the substance tested contained any controlled substance.

The court shall hold a hearing to determine the amount of costs to be imposed under this section. The court may hold the hearing as part of the sentencing hearing for the offender. (ORC 2925.511)

513.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 517
Gambling

517.01	Definitions.	517.10	Location of instant bingo.
517.02	Gambling.	517.11	Bingo or game of chance records.
517.03	Operating a gambling house.	517.12	Bingo operator prohibitions.
517.04	Public gaming.	517.13	Bingo exceptions.
517.05	Cheating.	517.14	Instant bingo conduct by a veteran's or fraternal organization.
517.06	Methods of conducting a bingo game; prohibitions.	517.15	Skill-based amusement machines.
517.07	Instant bingo conduct.	517.99	Penalty.
517.08	Raffles.		
517.09	Charitable instant bingo organizations.		

CROSS REFERENCES

See sectional histories for similar State law
 Lotteries prohibited; exception - see Ohio Const., Art. XV,
 Sec. 6
 Contributing to delinquency of minors - see Ohio R.C. 2151.41
 Search warrants - see Ohio R.C. 2933.21(E)
 Licensing charitable bingo games - see Ohio R.C. 2915.08

517.01 DEFINITIONS.

As used in this chapter:

- (a) "Bookmaking" means the business of receiving or paying off bets.
- (b) "Bet" means the hazarding of anything of value upon the result of an event, undertaking or contingency, but does not include a bona fide business risk.
- (c) "Scheme of chance" means a slot machine, lottery, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit.
- (d) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.
- (e) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.

- (f) "Gambling device" means any of the following:
- (1) A book, totalizer or other equipment for recording bets;
 - (2) A ticket, token or other device representing a chance, share or interest in a scheme of chance or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
 - (4) Any equipment, device, apparatus or paraphernalia specially designed for gambling purposes;
 - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.
- (g) "Gambling offense" means the following:
- (1) A violation of Ohio R.C. 2915.02 to 2915.092, 2915.10 or 2915.11;
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (g)(1) hereof or a violation of Ohio R.C. 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
 - (4) A conspiracy or attempt to commit, or complicity in committing an offense under subsection (g)(1), (2) or (3) hereof.
- (h) Except as otherwise provided in this chapter, "charitable organization" means any tax exempt religious, educational, veteran's, fraternal, sporting, service, nonprofit medical, volunteer rescue service, volunteer firefighter's, senior citizen's, historic railroad educational, youth athletic, amateur athletic, or youth athletic park organization. An organization is tax exempt if the organization is, and has received from the Internal Revenue Service a determination letter that currently is in effect stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3), 501(c)(4), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, or if the organization is a sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(7) of the Internal Revenue Code. To qualify as a charitable organization, an organization, except a volunteer rescue service or volunteer firefighter's organization, shall have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided in division (D) of Ohio R.C. 2915.02. A charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization does not have to have been in continuous existence as such in this State for a period of two years immediately preceding either the making of an application for a bingo license under Ohio R.C. 2915.08 or the conducting of any game of chance as provided in division (D) of Ohio R.C. 2915.02.
- (i) "Religious organization" means any church, body of communicants or group that is not organized or operated for profit, that gathers in common membership for regular worship and religious observances.
- (j) "Educational organization" means any organization within this State that is not organized for profit, the primary purpose of which is to educate and develop the capabilities of individuals through instruction, by means of operating or contributing to the support of a school, academy, college or university.

(k) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit has been in continuous existence in this State for at least two years and incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this subsection, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.

(l) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in Ohio R.C. 146.01, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.

(m) "Fraternal organization" means any society, order, state headquarters, or association within this State, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge or chapter of a national or state organization, that exists exclusively for the common business of sodality of its members and that has been in continuous existence in this State for a period of five years.

(n) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization as defined in Ohio R.C. 4765.01.

(o) "Service organization" means either of the following:

(1) Any organization, not organized for profit, that is organized and operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, medical and therapeutic services for persons who are crippled, born with birth defects or have any other mental or physical defect or those organized and operated exclusively to protect, or to contribute to the support of organizations or institutions organized and operated exclusively to protect, animals from inhumane treatment or provide immediate shelter to victims of domestic violence;

(2) Any organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is an organization, not organized for profit, that is organized and operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, medical and therapeutic services for persons who are crippled, born with birth defects, or have any other mental or physical defect.

- (p) "Nonprofit medical organization" means either of the following:
- (1) Any organization, that has been incorporated as a nonprofit corporation for at least five years and that has continuously operated and will be operated exclusively to provide, or to contribute to the support of organizations or institutions organized and operated exclusively to provide, hospital, medical, research or therapeutic services for the public;
 - (2) Any organization that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code, that has been incorporated as a nonprofit corporation for at least five years, and that has continuously operated and will be operated primarily to provide, or to contribute to the support of organizations or institutions organized and operated primarily to provide, hospital, medical, research, or therapeutic services for the public.
- (q) "Senior citizen's organization" means any private organization, not organized for profit, that is organized and operated exclusively to provide recreational or social services for persons who are fifty-five years of age or older and that is described and qualified under subsection 501(c)(3) of the Internal Revenue Code.
- (r) "Charitable bingo game" means any bingo game described in subsection (s)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to Ohio R.C. 2915.08 and the proceeds of which are used for a charitable purpose.
- (s) "Bingo" means either of the following:
- (1) A game with all of the following characteristics:
 - A. The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
 - B. The participants cover the space on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.
 - C. A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.
 - D. The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in subsection (s)(1)C. hereof, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by a participant.
 - (2) Instant bingo, punch boards and raffles.
- (t) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance.

- (u) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages.
- (v) "Participant" means any person who plays bingo.
- (w) "Bingo session" means a period that includes both of the following:
 - (1) Not to exceed five continuous hours for the conduct of one or more games described in subsection (s)(1) of this section, instant bingo, and seal cards;
 - (2) A period for the conduct of instant bingo and seal cards for not more than two hours before and not more than two hours after the period described in subsection (w)(1) of this section.
- (x) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:
 - (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.
 - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
 - (3) The food and beverages are sold at customary and reasonable prices.
- (y) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or a police officer of a municipal corporation or has successfully completed a peace officer's training course pursuant to Ohio R.C. 109.71 to 109.79 and who is hired to provide security for the premises on which bingo is conducted.
- (z) "Charitable purpose" means that the net profit of bingo, other than instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
 - (1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
 - (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post,

- chapter, or organization for the charitable purposes set forth in division (B)(12) of Ohio R.C. 5739.02, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of Ohio R.C. 5739.02, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;
- (3) A fraternal organization that has been in continuous existence in this State for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;
- (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in subsection (1) of this section.
- (aa) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.
- (bb) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association.
- (cc) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
- (1) It owns, operates and maintains playing fields that satisfy both of the following:
- A. The playing fields are used at least one hundred days per year for athletic activities by one or more organizations not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating or contributing to the support of an athletic team, club, league or association;
- B. The playing fields are not used for any profit-making activity at any time during the year,
- (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance and improvement of its playing fields of the type described in paragraph (1) hereof.
- (dd) "Amateur athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are training for amateur athletic competition that is sanctioned by a national governing body as defined in the "Amateur Sports Act of 1978", 90 Stat. 3045, 36 U.S.C.A. 373.
- (ee) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.

- (ff) "Instant bingo" means a form of bingo that uses folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners. "Instant bingo" includes seal cards. "Instant bingo" does not include any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (gg) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (hh) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle.
- (ii) "Punch board" means a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle when used in conjunction with instant bingo. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.
- (jj) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.
- (kk) "Net profit" means gross profit minus expenses.
- (ll) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:
 - (1) The purchase or lease of bingo supplies;
 - (2) The annual license fee required under Ohio R.C. 2915.08;
 - (3) Bank fees and service charges for a bingo session or game account described in Ohio R.C. 2915.10;
 - (4) Audits and accounting services;
 - (5) Safes;
 - (6) Cash registers;
 - (7) Hiring security personnel;
 - (8) Advertising bingo;
 - (9) Renting premises in which to conduct a bingo session;
 - (10) Tables and chairs;
 - (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
 - (12) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the Attorney General under division (B)(1) of Ohio R.C. 2915.08.
- (mm) "Person" has the same meaning as in Ohio R.C. 1.59 and includes any firm or any other legal entity, however organized.
- (nn) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.

- (oo) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under Ohio R.C. 2915.08, 2915.081, or 2915.082 or a charitable gaming license issued by another jurisdiction.
- (pp) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
- (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this State;
 - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this State.
- (qq) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (rr) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in subsection (s)(1) of this section plus the annual net profit derived from the conduct of bingo described in subsection (s)(2) of this section.
- (ss) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
- (1) It is activated upon the insertion of United States currency.
 - (2) It performs no gaming functions.
 - (3) It does not contain a video display monitor or generate noise.
 - (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
 - (5) It does not simulate or display rolling or spinning reels.
 - (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
 - (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
 - (8) It is not part of an electronic network and is not interactive.
- (tt) (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
- A. It provides a means for a participant to input numbers and letters announced by a bingo caller.
 - B. It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
 - C. It identifies a winning bingo pattern.
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.
- (uu) "Deal of instant bingo tickets" means a single game of instant bingo tickets all with the same serial number.
- (vv) (1) "Slot machine" means either of the following:
- A. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
 - B. Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct or dispense bingo or a scheme or game of chance.

- (2) "Slot machine" does not include a skill-based amusement machine.
- (ww) "Net profit from the proceeds of the sale of instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies.
- (xx) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to Ohio R.C. 2915.13.
- (yy) "Game flare" means the board or placard that accompanies each deal of instant bingo tickets and that has printed on or affixed to it the following information for the game:
- (1) The name of the game;
 - (2) The manufacturer's name or distinctive logo;
 - (3) The form number;
 - (4) The ticket count;
 - (5) The prize structure, including the number of winning instant bingo tickets by denomination and the respective winning symbol or number combinations for the winning instant bingo tickets;
 - (6) The cost per play;
 - (7) The serial number of the game.
- (zz) "Historic railroad educational organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that owns in fee simple the tracks and the right of way of a historic railroad that the organization restores or maintains and on which the organization provides excursions as part of a program to promote tourism and educate visitors regarding the role of railroad transportation in Ohio history, and that receives as donations from a charitable organization that holds a license to conduct bingo under this chapter an amount equal to at least fifty per cent of that licensed charitable organization's net proceeds from the conduct of bingo during each of the five years preceding June 30, 2003. "Historic railroad" means all or a portion of the tracks and right of way of a railroad that was owned and operated by a for profit common carrier in this state at any time prior to January 1, 1950.
- (aaa) (1) "Skill-based amusement machine" means mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
- A. The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;
 - B. Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
 - C. Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and

- D. Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.
- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
 - A. The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.
 - B. Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
 - C. The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
 - D. The success of any player is or may be determined by a chance event that cannot be altered by player actions.
 - E. The ability of any player to succeed at the game is determined by game features not visible or known to the player.
 - F. The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in subsection (aaa)(1) of this section:
 - A. As used in this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.
 - B. Advance play for a single game, play, contest, competition or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition or tournament play.
 - C. To the extent that the machine is used in a contest, competition or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition or tournament.
- (4) For purposes of subsection (aaa)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.
- (bbb) "Merchandise prize" means any item of value, but shall not include any of the following:
 - (1) Cash, gift cards, or any equivalent thereof;
 - (2) Plays on games of chance, state lottery tickets, bingo, or instant bingo;
 - (3) Firearms, tobacco, or alcoholic beverages; or
 - (4) A redeemable voucher that is redeemable for any of the items listed in subsection (bbb)(1), (2) or (3) of this section.
- (ccc) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

- (ddd) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.
- (eee) "Sporting organization" means a hunting, fishing or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the Ohio league of sportsmen, and that has been in continuous existence in this State for a period of three years.
- (fff) "Community action agency" has the same meaning as in Ohio R.C. 122.66. (ORC 2915.01)

517.02 GAMBLING.

- (a) No person shall do any of the following:

- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
- (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
- (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
- (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
- (5) With purpose to violate subsection (a)(1), (2), (3), or (4) of this section, acquire, possess, control, or operate any gambling device.

(b) For purposes of subsection (a)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of subsection (a)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.

(c) This section does not prohibit conduct in connection with gambling expressly permitted by law.

- (d) This section does not apply to any of the following:

- (1) Games of chance, if all of the following apply:
 - A. The games of chance are not craps for money or roulette for money.
 - B. The games of chance are conducted by a charitable organization that is, and has received from the Internal Revenue Service a determination letter that is currently in effect, stating that the organization is, exempt from Federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
 - C. The games of chance are conducted at festivals of the charitable organization that are conducted either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a year, and are conducted on premises owned by the charitable organization for a

period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof if the veteran's or fraternal organization has already leased the premises four times during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in subsection (d)(1)C. hereof, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under Section 517.06(b)(1) when it leases premises from another charitable organization to conduct bingo games.

- D. All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated or otherwise transferred to, any organization that is described in subsection 509(a)(1), (2) or (3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- E. The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to Section 517.13.

No person shall receive any commission, wage, salary, reward, tip, donations, gratuity or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

- (2) Any tag fishing tournament operated under a permit issued under Ohio R.C. 1533.92, as "tag fishing tournament" is defined in Ohio R.C. 1531.01.
- (3) Bingo conducted by a charitable organization that holds a license issued under Ohio R.C. 2915.08.

(e) Subsection (d) hereof shall not be construed to authorize the sale, lease or other temporary or permanent transfer of the right to conduct games of chance, as granted by subsection (d) hereof, by any charitable organization that is granted that right.

(f) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, gambling is a felony and shall be prosecuted under appropriate State law. (ORC 2915.02)

517.03 OPERATING A GAMBLING HOUSE.

(a) No person, being the owner or lessee, or having custody, control or supervision of premises, shall:

- (1) Use or occupy such premises for gambling in violation of Section 517.02;
- (2) Recklessly permit such premises to be used or occupied for gambling in violation of Section 517.02.

(b) Whoever violates this section is guilty of operating a gambling house, a misdemeanor of the first degree. If the offender previously has been convicted of a gambling offense, operating a gambling house is a felony and shall be prosecuted under appropriate State law.

(c) Premises used or occupied in violation of this section constitute a nuisance subject to abatement pursuant to Ohio R.C. Chapter 3767. (ORC 2915.03)

517.04 PUBLIC GAMING.

(a) No person, while at a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall make a bet or play any game of chance or scheme of chance.

(b) No person, being the owner or lessee, or having custody, control, or supervision, of a hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort shall recklessly permit those premises to be used or occupied in violation of subsection (a) of this section.

(c) Subsections (a) and (b) of this section do not prohibit conduct in connection with gambling expressly permitted by law.

(d) Whoever violates this section is guilty of public gaming. Except as otherwise provided in this subsection, public gaming is a minor misdemeanor. If the offender previously has been convicted of any gambling offense, public gaming is a misdemeanor of the fourth degree.

(e) Premises used or occupied in violation of subsection (b) of this section constitute a nuisance subject to abatement under Ohio R.C. Chapter 3767. (ORC 2915.04)

517.05 CHEATING.

(a) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:

- (1) The subject of a bet;
- (2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
- (3) A scheme or game of chance;
- (4) Bingo.

(b) Whoever violates this section is guilty of cheating. Except as otherwise provided in this subsection cheating is a misdemeanor of the first degree. If the potential gain from the cheating is five hundred dollars (\$500.00) or more, or if the offender previously has been convicted of any gambling offense or of any theft offense as defined in Ohio R.C. 2913.01, cheating is a felony and shall be prosecuted under appropriate State law. (ORC 2915.05)

517.06 METHODS OF CONDUCTING A BINGO GAME; PROHIBITIONS.

(a) No charitable organization that conducts bingo shall fail to do any of the following:

- (1) Own all of the equipment used to conduct bingo or lease that equipment from a charitable organization that is licensed to conduct bingo for a rental rate that is not more than is customary and reasonable for that equipment;
- (2) Use, or give, donate, or otherwise transfer, all of the net profit derived from bingo, other than instant bingo, for a charitable purpose listed in its license application and described in Section 517.01(z), or distribute all of the net profit from the proceeds of the sale of instant bingo as stated in its license application and in accordance with Ohio R.C. 2915.101.

(b) No charitable organization that conducts a bingo game described in Section 517.01(s)(1) shall fail to do any of the following:

- (1) Conduct the bingo game on premises that are owned by the charitable organization, on premises that are owned by another charitable organization and leased from that charitable organization for a rental rate not in excess of the lesser of six hundred dollars (\$600.00) per bingo session or forty-five per cent of the gross receipts of the bingo session, on premises that are leased from a person other than a charitable organization for a rental rate that is not more than is customary and reasonable for premises that are similar in location, size, and quality but not in excess of four hundred fifty dollars (\$450.00) per bingo session, or on premises that are owned by a person other than a charitable organization, that are leased from that person by another charitable organization, and that are subleased from that other charitable organization by the charitable organization for a rental rate not in excess of four hundred fifty dollars (\$450.00) per bingo session. If the charitable organization leases from a person other than a charitable organization the premises on which it conducts bingo sessions, the lessor of the premises shall provide only the premises to the organization and shall not provide the organization with bingo game operators, security personnel, concessions or concession operators, bingo supplies, or any other type of service or equipment. A charitable organization shall not lease or sublease premises that it owns or leases to more than one other charitable organization per calendar week for the purpose of conducting bingo sessions on the premises. A person that is not a charitable organization shall not lease premises that it owns, leases, or otherwise is empowered to lease to more than one charitable organization per calendar week for conducting bingo sessions on the premises. In no case shall more than two bingo sessions be conducted on any premises in any calendar week.
- (2) Display its license conspicuously at the premises where the bingo session is conducted;
- (3) Conduct the bingo session in accordance with the definition of bingo set forth in Section 517.01(s)(1).

(c) No charitable organization that conducts a bingo game described in Section 517.01(s)(1) shall do any of the following:

- (1) Pay any compensation to a bingo game operator for operating a bingo session that is conducted by the charitable organization or for preparing, selling, or serving food or beverages at the site of the bingo session, permit any auxiliary unit or society of the charitable organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at a bingo session conducted by the charitable organization, or permit any auxiliary unit or society of the charitable organization to prepare, sell, or serve food or beverages at a bingo session conducted by the charitable organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (2) Pay consulting fees to any person for any services performed in relation to the bingo session;
- (3) Pay concession fees to any person who provides refreshments to the participants in the bingo session;

- (4) Except as otherwise provided in subsection (c)(4) of this section, conduct more than two bingo sessions in any seven-day period. A volunteer firefighter's organization or a volunteer rescue service organization that conducts not more than five bingo sessions in a calendar year may conduct more than two bingo sessions in a seven-day period after notifying the Attorney General when it will conduct the sessions;
- (5) Pay out more than three thousand five hundred dollars (\$3,500) in prizes for bingo games described in Section 517.01(s)(1) during any bingo session that is conducted by the charitable organization. "Prizes" does not include awards from the conduct of instant bingo;
- (6) Conduct a bingo session at any time during the ten-hour period between midnight and ten a.m., at any time during, or within ten hours of, a bingo game conducted for amusement only pursuant to Ohio R.C. 2915.12, at any premises not specified on its license, or on any day of the week or during any time period not specified on its license. Subsection (c)(6) of this section does not prohibit the sale of instant bingo tickets beginning at nine a.m. for a bingo session that begins at ten a.m. If circumstances make it impractical for the charitable organization to conduct a bingo session at the premises, or on the day of the week or at the time, specified on its license or if a charitable organization wants to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license, the charitable organization may apply in writing to the Attorney General for an amended license, pursuant to division (F) of Ohio R.C. 2915.08. A charitable organization may apply twice in each calendar year for an amended license to conduct bingo sessions on a day of the week or at a time other than the day or time specified on its license. If the amended license is granted, the organization may conduct bingo sessions at the premises, on the day of the week, and at the time specified on its amended license;
- (7) Permit any person whom the charitable organization knows, or should have known, is under the age of eighteen to work as a bingo game operator;
- (8) Permit any person whom the charitable organization knows, or should have known, has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator;
- (9) Permit the lessor of the premises on which the bingo session is conducted, if the lessor is not a charitable organization, to provide the charitable organization with bingo game operators, security personnel, concessions, bingo supplies, or any other type of service or equipment;
- (10) Purchase or lease bingo supplies from any person except a distributor issued a license under Ohio R.C. 2915.081;
- (11) A. Use or permit the use of electronic bingo aids except under the following circumstances:
 1. For any single participant, not more than ninety bingo faces can be played using an electronic bingo aid or aids.
 2. The charitable organization shall provide a participant using an electronic bingo aid with corresponding paper bingo cards or sheets.
 3. The total price of bingo faces played with an electronic bingo aid shall be equal to the total price of the same number of bingo faces played with a paper bingo card or sheet sold at the same bingo session but without an electronic bingo aid.

4. An electronic bingo aid cannot be part of an electronic network other than a network that includes only bingo aids and devices that are located on the premises at which the bingo is being conducted or be interactive with any device not located on the premises at which the bingo is being conducted.
 5. An electronic bingo aid cannot be used to participate in bingo that is conducted at a location other than the location at which the bingo session is conducted and at which the electronic bingo aid is used.
 6. An electronic bingo aid cannot be used to provide for the input of numbers and letters announced by a bingo caller other than the bingo caller who physically calls the numbers and letters at the location at which the bingo session is conducted and at which the electronic bingo aid is used.
- B. The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that govern the use of electronic bingo aids. The rules may include a requirement that an electronic bingo aid be capable of being audited by the Attorney General to verify the number of bingo cards or sheets played during each bingo session.
- (12) Permit any person the charitable organization knows, or should have known, to be under eighteen years of age to play bingo described in Section 517.01(s)(1).
- (d)
- (1) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator, and no bingo game operator shall receive or accept, any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting bingo or providing other work or labor at the site of bingo during a bingo session.
 - (2) Except as otherwise provided in subsection (d)(3) hereof, no charitable organization shall provide to a bingo game operator any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, regardless of the source, for conducting instant bingo other than at a bingo session at the site of instant bingo other than at a bingo session.
 - (3) Nothing in subsection (d) hereof prohibits an employee of a fraternal organization, veteran's organization, or sporting organization from selling instant bingo tickets or cards to the organization's members or invited guests, as long as no portion of the employee's compensation is paid from any receipts of bingo.
- (e) Notwithstanding subsection (b)(1) of this section, a charitable organization that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to another charitable organization or other charitable organizations for the conducting of bingo sessions so that more than two bingo sessions are conducted per calendar week on the premises, and a person that is not a charitable organization and that, prior to December 6, 1977, has entered into written agreements for the lease of premises it owns to charitable organizations for the conducting of more than two bingo sessions per calendar week on the premises, may continue to lease the premises to those charitable organizations, provided that no more than four sessions are conducted per calendar week, that the lessor organization or person has notified the Attorney General in writing of the organizations that will conduct the sessions and the days of the week and

the times of the day on which the sessions will be conducted, that the initial lease entered into with each organization that will conduct the sessions was filed with the Attorney General prior to December 6, 1977, and that each organization that will conduct the sessions was issued a license to conduct bingo games by the Attorney General prior to December 6, 1977.

(f) This section does not prohibit a bingo licensed charitable organization or a game operator from giving any person an instant bingo ticket as a prize.

(g) Except as otherwise provided in this subsection, whoever violates subsection (a)(1) or (2), (b)(1), (2), or (3), (c)(1) to (11) or (d) of this section is guilty of a minor misdemeanor. If the offender previously has been convicted of a violation of subsection (a)(1) or (2), (b)(1), (2) or (3), (c)(1) to (11), or (d) of this section, a violation of subsection (a)(1) or (2), (b)(1), (2) or (3) or (c)(1) to (11) or (d) of this section is a misdemeanor of the first degree. Whoever violates subsection (c)(12) of this section is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c)(12) of this section, a violation of subsection (c)(12) is a felony and shall be prosecuted under appropriate State law. (ORC 2915.09)

517.07 INSTANT BINGO CONDUCT.

(a) No charitable organization that conducts instant bingo shall do any of the following:

- (1) Fail to comply with the requirements of divisions (A)(1), (2), and (3) of Ohio R.C. 2915.09;
- (2) Conduct instant bingo unless either of the following apply:
 - A. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(3) of the Internal Revenue Code, is a charitable organization as defined in Section 517.01, is in good standing in the State pursuant to Ohio R.C. 2915.08, and is in compliance with Ohio R.C. Chapter 1716;
 - B. That organization is, and has received from the Internal Revenue Service a determination letter that is currently in effect stating that the organization is, exempt from federal income taxation under subsection 501(a), is described in subsection 501(c)(8), 501(c)(10), or 501(c)(19) or is a veteran's organization described in subsection 501(c)(4) of the Internal Revenue Code, and conducts instant bingo under Section 517.14.
- (3) Conduct instant bingo on any day, at any time, or at any premises not specified on the organization's license issued pursuant to Ohio R.C. 2915.08;
- (4) Permit any person whom the organization knows or should have known has been convicted of a felony or gambling offense in any jurisdiction to be a bingo game operator in the conduct of instant bingo;
- (5) Purchase or lease supplies used to conduct instant bingo or punch board games from any person except a distributor licensed under Ohio R.C. 2915.081;
- (6) Sell or provide any instant bingo ticket or card for a price different from the price printed on it by the manufacturer on either the instant bingo ticket or card or on the game flare;
- (7) Sell an instant bingo ticket or card to a person under eighteen years of age;
- (8) Fail to keep unsold instant bingo tickets or cards for less than three years;

- (9) Pay any compensation to a bingo game operator for conducting instant bingo that is conducted by the organization or for preparing, selling, or serving food or beverages at the site of the instant bingo game, permit any auxiliary unit or society of the organization to pay compensation to any bingo game operator who prepares, sells, or serves food or beverages at an instant bingo game conducted by the organization, or permit any auxiliary unit or society of the organization to prepare, sell, or serve food or beverages at an instant bingo game conducted by the organization, if the auxiliary unit or society pays any compensation to the bingo game operators who prepare, sell, or serve the food or beverages;
- (10) Pay fees to any person for any services performed in relation to an instant bingo game;
- (11) Pay fees to any person who provides refreshments to the participants in an instant bingo game;
- (12)
 - A. Allow instant bingo tickets or cards to be sold to bingo game operators at a premises at which the organization sells instant bingo tickets or cards or to be sold to employees of a D permit holder who are working at a premises at which instant bingo tickets or cards are sold;
 - B. Subsection (a)(12)A. of this section does not prohibit a licensed charitable organization or a bingo game operator from giving any person an instant bingo ticket as a prize.
- (13) Fail to display its bingo license, and the serial numbers of the deal of instant bingo tickets or cards to be sold, conspicuously at each premises at which it sells instant bingo tickets or cards;
- (14) Possess a deal of instant bingo tickets or cards that was not purchased from a distributor licensed under Ohio R.C. 2915.081 as reflected on an invoice issued by the distributor that contains all of the information required by Section 517.11(e);
- (15) Fail, once it opens a deal of instant bingo tickets or cards, to continue to sell the tickets or cards in that deal until the tickets or cards with the top two highest tiers of prizes in that deal are sold;
- (16) Purchase, lease, or use instant bingo ticket dispensers to sell instant bingo tickets or cards;
- (17) Possess bingo supplies that were not obtained in accordance with Ohio R.C. 2915.01 to 2915.13.

(b) A charitable organization may conduct instant bingo other than at a bingo session at not more than five separate locations. A charitable organization that is exempt from federal taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization or a fraternal organization is not limited in the number of separate locations the charitable organization may conduct instant bingo other than at a bingo session.

(c) Whoever violates subsection (a) of this section or a rule adopted under Ohio R.C. 2915.091(C) is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (a) of this section or of such a rule, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law. (ORC 2915.091)

517.08 RAFFLES.

- (a) (1) Subject to subsection (a)(2) of this section, a charitable organization, a public school, a chartered nonpublic school, a community school, or a veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(a) and is described in subsection 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code may conduct a raffle to raise money for the organization or school and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit.
- (2) If a charitable organization that is described in subsection (a)(1) of this section, but that is not also described in subsection 501(c)(3) of the Internal Revenue Code, conducts a raffle, the charitable organization shall distribute at least fifty per cent of the net profit from the raffle to a charitable purpose described in Section 517.01(z) or to a department or agency of the federal government, the state, or any political subdivision.
- (b) Except as provided in subsection (a) of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.
- (c) Whoever violates subsection (b) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this subsection, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (b) of this section, illegal conduct of a raffle is a felony and shall be prosecuted under appropriate State law. (ORC 2915.092)

517.09 CHARITABLE INSTANT BINGO ORGANIZATIONS.

- (a) As used in this section, "retail income from all commercial activity" means the income that a person receives from the provision of goods, services, or activities that are provided at the location where instant bingo other than at a bingo session is conducted, including the sale of instant bingo tickets. A religious organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, at not more than one location at which it conducts its charitable programs, may include donations from its members and guests as retail income.
- (b) A charitable instant bingo organization may conduct instant bingo other than at a bingo session at not more than five separate locations.
- (c) (1) If a charitable instant bingo organization conducts instant bingo other than at a bingo session, the charitable instant bingo organization shall enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted to allow the owner or lessor to assist in the conduct of instant bingo other than at a bingo session, identify each location where the instant bingo other than at a bingo session is being conducted, and identify the owner or lessor of each location.

- (2) A charitable instant bingo organization that conducts instant bingo other than at a bingo session is not required to enter into a written contract with the owner or lessor of the location at which the instant bingo is conducted provided that the owner or lessor is not assisting in the conduct of the instant bingo other than at a bingo session and provided that the conduct of the instant bingo other than at a bingo session at that location is not more than five days per calendar year and not more than ten hours per day.

(d) Except as provided in subsection (g) of this section, no charitable instant bingo organization shall conduct instant bingo other than at a bingo session at a location where the primary source of retail income from all commercial activity at that location is the sale of instant bingo tickets.

(e) The owner or lessor of a location that enters into a contract pursuant to subsection (c) of this section shall pay the full gross profit to the charitable instant bingo organization, in return for the deal of instant bingo tickets. The owner or lessor may retain the money that the owner or lessor receives for selling the instant bingo tickets, provided, however, that after the deal has been sold, the owner or lessor shall pay to the charitable instant bingo organization the value of any unredeemed instant bingo prizes remaining in the deal of instant bingo tickets.

As used in this subsection, "full gross profit" means the amount by which the total receipts of all instant bingo tickets, if the deal had been sold in full, exceeds the amount that would be paid out if all prizes were redeemed.

(f) A charitable instant bingo organization shall provide the Attorney General with all of the following information:

- (1) That the charitable instant bingo organization has terminated a contract entered into pursuant to subsection (c) of this section with an owner or lessor of a location;
- (2) That the charitable instant bingo organization has entered into a written contract pursuant to subsection (c) of this section with a new owner or lessor of a location;
- (3) That the charitable instant bingo organization is aware of conduct by the owner or lessor of a location at which instant bingo is conducted that is in violation of this chapter or Ohio R.C. Chapter 2915.

(g) Subsection (d) of this section does not apply to a volunteer firefighter's organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, that conducts instant bingo other than at a bingo session on the premises where the organization conducts firefighter training, that has conducted instant bingo continuously for at least five years prior to July 1, 2003, and that, during each of those five years, had gross receipts of at least one million five hundred thousand dollars. (ORC 2915.093)

517.10 LOCATION OF INSTANT BINGO.

(a) No owner or lessor of a location shall assist a charitable instant bingo organization in the conduct of instant bingo other than at a bingo session at that location unless the owner or lessor has entered into a written contract, as described in Section 517.09(c), with the charitable instant bingo organization to assist in the conduct of instant bingo other than at a bingo session.

(b) The location of the lessor or owner shall be designated as a location where the charitable instant bingo organization conducts instant bingo other than at a bingo session.

(c) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate any provision of Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of Ohio R.C. Chapter 2915.

(d) No owner or lessor of a location that enters into a written contract as prescribed in subsection (a) of this section shall violate the terms of the contract.

- (e) (1) Whoever violates subsection (c) or (d) of this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of subsection (c) or (d) of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
- (2) If an owner or lessor of a location knowingly, intentionally, or recklessly violates subsection (c) or (d) of this section, any license that the owner or lessor holds for the retail sale of any goods on the owner's or lessor's premises that is issued by the State or a political subdivision is subject to suspension, revocation, or payment of a monetary penalty at the request of the Attorney General. (ORC 2915.094)

517.11 BINGO OR GAME OF CHANCE RECORDS.

(a) No charitable organization that conducts bingo or a game of chance pursuant to Section 517.02(d), shall fail to maintain the following records for at least three years from the date on which the bingo or game of chance is conducted:

- (1) An itemized list of the gross receipts of each bingo session, each game of instant bingo by serial number, each raffle, each punch board game, and each game of chance, and an itemized list of the gross profits of each game of instant bingo by serial number;
- (2) An itemized list of all expenses, other than prizes, that are incurred in conducting bingo or instant bingo, the name of each person to whom the expenses are paid, and a receipt for all of the expenses;
- (3) A list of all prizes awarded during each bingo session, each raffle, each punch board game, and each game of chance conducted by the charitable organization, the total prizes awarded from each game of instant bingo by serial number, and the name, address, and social security number of all persons who are winners of prizes of six hundred dollars (\$600.00) or more in value;
- (4) An itemized list of the recipients of the net profit of the bingo or game of chance, including the name and address of each recipient to whom the money is distributed, and if the organization uses the net profit of bingo, or the money or assets received from a game of chance, for any charitable or other purpose set forth in Section 517.01(z), Section 517.02(d), or Ohio R.C. 2915.101, a list of each purpose and an itemized list of each expenditure for each purpose;
- (5) The number of persons who participate in any bingo session or game of chance that is conducted by the charitable organization;
- (6) A list of receipts from the sale of food and beverages by the charitable organization or one of its auxiliary units or societies, if the receipts were excluded from "gross receipts" Section 517.01(x);

- (7) An itemized list of all expenses incurred at each bingo session, each raffle, each punch board game, or each game of instant bingo conducted by the charitable organization in the sale of food and beverages by the charitable organization or by an auxiliary unit or society of the charitable organization, the name of each person to whom the expenses are paid, and a receipt for all of the expenses.

(b) A charitable organization shall keep the records that it is required to maintain pursuant to subsection (a) of this section at its principal place of business in this State or at its headquarters in this State and shall notify the Attorney General of the location at which those records are kept.

(c) The gross profit from each bingo session or game described in Section 517.01(s)(1) or (2) shall be deposited into a checking account devoted exclusively to the bingo session or game. Payments for allowable expenses incurred in conducting the bingo session or game and payments to recipients of some or all of the net profit of the bingo session or game shall be made only by checks drawn on the bingo session or game account.

(d) Each charitable organization shall conduct and record an inventory of all of its bingo supplies as of the first day of November of each year.

(e) The Attorney General may adopt rules in accordance with Ohio R.C. Chapter 119 that establish standards of accounting, record keeping, and reporting to ensure that gross receipts from bingo or games of chance are properly accounted for.

(f) A distributor shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing to another person bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name of the manufacturer from which the distributor purchased the bingo supplies and the date of the purchase;
- (2) The name and address of the charitable organization or other distributor to which the bingo supplies were sold or otherwise provided;
- (3) A description that clearly identifies the bingo supplies;
- (4) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each charitable organization.

(g) A manufacturer shall maintain, for a period of three years after the date of its sale or other provision, a record of each instance of its selling or otherwise providing bingo supplies for use in this State. The record shall include all of the following for each instance:

- (1) The name and address of the distributor to whom the bingo supplies were sold or otherwise provided;
- (2) A description that clearly identifies the bingo supplies, including serial numbers;
- (3) Invoices that include the nonrepeating serial numbers of all paper bingo cards and sheets and all instant bingo deals sold or otherwise provided to each distributor.

(h) The Attorney General, or any law enforcement agency, may do all of the following:

- (1) Investigate any charitable organization or any officer, agent, trustee, member, or employee of the organization;
- (2) Examine the accounts and records of the organization;

- (3) Conduct inspections, audits, and observations of bingo or games of chance;
- (4) Conduct inspections of the premises where bingo or games of chance are conducted;
- (5) Take any other necessary and reasonable action to determine if a violation of any provision of this chapter has occurred and to determine whether Section 517.12 has been complied with.

If any law enforcement agency has reasonable grounds to believe that a charitable organization or an officer, agent, trustee, member, or employee of the organization has violated any provision of this chapter, the law enforcement agency may proceed by action in the proper court to enforce this chapter, provided that the law enforcement agency shall give written notice to the Attorney General when commencing an action as described in this subsection.

(i) No person shall destroy, alter, conceal, withhold, or deny access to any accounts or records of a charitable organization that have been requested for examination, or obstruct, impede, or interfere with any inspection, audit, or observation of bingo or a game of chance or premises where bingo or a game of chance is conducted, or refuse to comply with any reasonable request of, or obstruct, impede, or interfere with any other reasonable action undertaken by, the Attorney General or a law enforcement agency pursuant to subsection (h) of this section.

(j) Whoever violates subsection (a) or (i) of this section is guilty of a misdemeanor of the first degree. (ORC 2915.10)

517.12 BINGO OPERATOR PROHIBITIONS.

(a) No person shall be a bingo game operator unless he is eighteen years of age or older.

(b) No person who has been convicted of a felony or a gambling offense in any jurisdiction shall be a bingo game operator.

(c) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the third degree.

(d) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the first degree. (ORC 2915.11)

517.13 BINGO EXCEPTIONS.

(a) Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter do not apply to bingo games that are conducted for the purpose of amusement only. A bingo game is conducted for the purpose of amusement only if it complies with all of the requirements specified in either subsection (a)(1) or (2) hereof:

- (1) A. The participants do not pay any money or any other thing of value including an admission fee, or any fee for bingo cards, sheets, objects to cover the spaces or other devices used in playing bingo, for the privilege of participating in the bingo game or to defray any costs of the game, or pay tips or make donations during or immediately before or after the bingo game.

- B. All prizes awarded during the course of the game are nonmonetary, and in the form of merchandise, goods or entitlements to goods or services only, and the total value of all prizes awarded during the game is less than one hundred dollars (\$100.00).
 - C. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - D. The bingo game is not conducted either during or within ten hours of any of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - 2. A scheme or game of chance or bingo described in Section 517.01(s)(2).
 - E. The number of players participating in the bingo game does not exceed fifty.
- (2)
- A. The participants do not pay money or any other thing of value as an admission fee, and no participant is charged more than twenty-five cents (25¢) to purchase a bingo card or sheet, objects to cover the spaces or other devices used in playing bingo.
 - B. The total amount of money paid by all of the participants for bingo cards or sheets, objects to cover the spaces or other devices used in playing bingo does not exceed one hundred dollars (\$100.00).
 - C. All of the money paid for bingo cards or sheets, objects to cover spaces or other devices used in playing bingo is used only to pay winners monetary and nonmonetary prizes and to provide refreshments.
 - D. The total value of all prizes awarded during the game does not exceed one hundred dollars (\$100.00).
 - E. No commission, wages, salary, reward, tip, donation, gratuity or other form of compensation, either directly or indirectly, and regardless of the source, is paid to any bingo game operator for work or labor performed at the site of the bingo game.
 - F. The bingo game is not conducted during or within ten hours of either of the following:
 - 1. A bingo session during which a charitable bingo game is conducted pursuant to Ohio R.C. 2915.07 to 2915.11 or Section 517.06 et seq. of this chapter;
 - 2. A scheme of chance or game of chance or bingo described in Section 517.01(s)(2).
 - G. All of the participants reside at the premises where the bingo game is conducted.
 - H. The bingo games are conducted on different days of the week and not more than twice in a calendar week.

(b) The Attorney General, or any local law enforcement agency, may investigate the conduct of a bingo game that purportedly is conducted for purposes of amusement only if there is reason to believe that the purported amusement bingo game does not comply with subsection (a) hereof. A local law enforcement agency may proceed by action in the proper court to enforce this section if the local law enforcement agency gives written notice to the Attorney General when commencing the action. (ORC 2915.12)

517.14 INSTANT BINGO CONDUCT BY A VETERAN'S OR FRATERNAL ORGANIZATION.

(a) A veteran's organization, a fraternal organization, or a sporting organization authorized to conduct a bingo session pursuant to Ohio R.C. 2915.01 to 2915.12 may conduct instant bingo other than at a bingo session if all of the following apply:

- (1) The veteran's organization, fraternal organization or sporting organization limits the sale of instant bingo to twelve hours during any day, provided that the sale does not begin earlier than ten a.m. and ends not later than two a.m.
- (2) The veteran's organization, fraternal organization or a sporting organization limits the sale of instant bingo to its own premises and to its own members and invited guests.
- (3) The veteran's organization, fraternal organization, or sporting organization is raising money for an organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State and executes a written contract with that organization as required in subsection (b) of this section.

(b) If a veteran's organization, fraternal organization, or sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section is raising money for another organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State, the veteran's organization, fraternal organization, or sporting organization shall execute a written contract with the organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State in order to conduct instant bingo. That contract shall include a statement of the percentage of the net proceeds that the veteran's, fraternal or sporting organization will be distributing to the organization that is described in subsection 509(a)(1), 509(a)(2) or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that maintains its principal place of business in this State, that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code, and that is in good standing in this State.

- (c) (1) If a veteran's organization, fraternal organization or a sporting organization authorized to conduct instant bingo pursuant to subsection (a) of this section has been issued a liquor permit under Ohio R.C. Chapter 4303, that permit may be subject to suspension, revocation, or cancellation if the veteran's organization, fraternal organization, or a sporting organization violates a provision of this chapter or Ohio R.C. Chapter 2915.
- (2) No veteran's organization, fraternal organization, or a sporting organization that enters into a written contract pursuant to subsection (b) of this section shall violate any provision of this chapter or Ohio R.C. Chapter 2915, or permit, aid, or abet any other person in violating any provision of this chapter or Ohio R.C. Chapter 2915.

(d) A veteran's organization, fraternal organization, or a sporting organization shall give all required proceeds earned from the conduct of instant bingo to the organization with which the veteran's organization, fraternal organization, or a sporting organization has entered into a written contract.

(e) Whoever violates this section is guilty of illegal instant bingo conduct. Except as otherwise provided in this subsection, illegal instant bingo conduct is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section, illegal instant bingo conduct is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.13)

517.15 SKILL-BASED AMUSEMENT MACHINES.

- (a) (1) No person shall give to another person any item described in Section 517.01(bbb)(1), (2), (3), or (4) in exchange for a noncash prize, toy, or novelty received as a reward for playing or operating a skill-based amusement machine or for a free or reduced-prize game won on a skill-based amusement machine.
- (2) Whoever violates subsection (a)(1) of this section is guilty of skill-based amusement machine prohibited conduct. Except as provided herein, a violation of subsection (a)(1) is a misdemeanor of the first degree for each redemption of a prize that is involved in the violation. If the offender previously has been convicted of a violation of subsection (a)(1), a violation of subsection (a)(1) is a felony and shall be prosecuted under appropriate State law.
(ORC 2915.06)

(b) Any regulation of skill-based amusement machines shall be governed by this chapter and Ohio R.C. Chapter 2915 and not by Ohio R.C. Chapter 1345.
(ORC 2915.061)

517.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 521
Health, Safety and Sanitation

521.01	Abandoned refrigerators and airtight containers.	521.06	Duty to keep sidewalks in repair and clean.
521.02	Venting of heaters and burners.	521.07	Fences.
521.03	Barricades and warning lights; abandoned excavations.	521.08	Littering.
521.04	Sidewalk obstructions; damage or injury.	521.09	Noxious or offensive odors.
521.05	Notice to fill lots, remove putrid substances.	521.10	Depositing poison in an open place.
		521.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Excavation liability - see Ohio R.C. 723.49 et seq.
Removal of noxious weeds - see Ohio R.C. 731.51 et seq.
Nuisances - see Ohio R.C. Ch. 3767
Tampering with safety devices - see GEN. OFF. 541.04

521.01 ABANDONED REFRIGERATORS AND AIRTIGHT CONTAINERS.

(a) No person shall abandon, discard, or knowingly permit to remain on premises under his control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semiairtight container which has a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein. This section shall not apply to an icebox, refrigerator or other airtight or semiairtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
(ORC 3767.29)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

521.02 VENTING OF HEATERS AND BURNERS.

(a) A brazier, salamander, space heater, room heater, furnace, water heater or other burner or heater using wood, coal, coke, fuel oil, kerosene, gasoline, natural gas, liquid petroleum gas or similar fuel, and tending to give off carbon monoxide or other harmful gases:

- (1) When used in living quarters, or in any enclosed building or space in which persons are usually present, shall be used with a flue or vent so designed, installed and maintained as to vent the products of combustion outdoors; except in storage, factory or industrial buildings which are provided with sufficient ventilation to avoid the danger of carbon monoxide poisoning;
- (2) When used as a portable or temporary burner or heater at a construction site, or in a warehouse, shed or structure in which persons are temporarily present, shall be vented as provided in subsection (a) hereof, or used with sufficient ventilation to avoid the danger of carbon monoxide poisoning.

(b) This section does not apply to domestic ranges, laundry stoves, gas logs installed in a fireplace with an adequate flue, or hot plates, unless the same are used as space or room heaters.

(c) No person shall negligently use, or, being the owner, person in charge, or occupant of premises, negligently permit the use of a burner or heater in violation of the standards for venting and ventilation provided in this section.

(d) Subsection (a) hereof does not apply to any kerosene-fired space or room heater that is equipped with an automatic extinguishing tip-over device, or to any natural gas-fired or liquid petroleum gas-fired space or room heater that is equipped with an oxygen depletion safety shutoff system, and that has its fuel piped from a source outside of the building in which it is located, that are approved by an authoritative source recognized by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737. 82.

(e) The State Fire Marshal may make rules to ensure the safe use of unvented kerosene, natural gas or liquid petroleum gas heaters exempted from subsection (a) hereof when used in assembly buildings, business buildings, high hazard buildings, institutional buildings, mercantile buildings and type R-1 and R-2 residential buildings, as these groups of buildings are defined in rules adopted by the Board of Building Standards under Ohio R.C. 3781.10. No person shall negligently use, or, being the owner, person in charge or occupant of premises, negligently permit the use of a heater in violation of any rules adopted under this subsection.

(f) The State Fire Marshal may make rules prescribing standards for written instructions containing ventilation requirements and warning of any potential fire hazards that may occur in using a kerosene, natural gas or liquid petroleum gas heater. No person shall sell or offer for sale any kerosene, natural gas or liquid petroleum gas heater unless the manufacturer provides with the heater written instructions that comply with any rules adopted under this subsection.

(g) No product labeled as a fuel additive for kerosene heaters and having a flash point below 100 degrees fahrenheit or thirty-seven and eight-tenths degrees centigrade shall be sold, offered for sale or used in any kerosene space heater.

(h) No device that prohibits any safety feature on a kerosene, natural gas or liquid petroleum gas space heater from operating shall be sold, offered for sale or used in connection with any kerosene, natural gas or liquid petroleum gas space heater.

(i) No person shall sell or offer for sale any kerosene-fired, natural gas or liquid petroleum gas-fired heater that is not exempt from subsection (a) hereof unless it is marked conspicuously by the manufacturer on the container with the phrase "Not Approved For Home Use".

(j) No person shall use a cabinet-type, liquid petroleum gas-fired heater having a fuel source within the heater, inside any building, except as permitted by the State Fire Marshal in the State Fire Code adopted by him under Ohio R.C. 3737.82.
(ORC 3701.82)

(k) Whoever violates this section is guilty of a misdemeanor of the first degree.
(ORC 3701.99(C))

521.03 BARRICADES AND WARNING LIGHTS; ABANDONED EXCAVATIONS.

(a) No person shall abandon or knowingly permit to remain on public or private property, any excavation, well, cesspool or structure which is in the process of construction, reconstruction, repair or alteration unless the same is adequately protected by suitable barricades and guarded by warning devices or lights at night so that the condition will not reasonably prove dangerous to life or limb.

(b) No person shall destroy, remove, damage or extinguish any barricade or warning light that is placed for the protection of the public so as to prevent injury to life or limb.

(c) Any owner or agent in control of a premises upon which a basement, cellar, well or cistern has been abandoned due to demolition, failure to build or any other reason shall cause the same to be filled to the ground surface with rock, gravel, earth or other suitable material.

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

521.04 SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY.

(a) No person shall place or knowingly drop upon any part of a sidewalk, playground or other public place any tacks, bottles, wire, glass, nails or other articles which may damage property of another or injure any person or animal traveling along or upon such sidewalk or playground.

(b) No person shall walk on, or allow any animal upon, or injure or deface in any way, any soft or newly laid sidewalk pavement.

(c) No person shall place, deposit or maintain any merchandise, goods, material or equipment upon any sidewalk so as to obstruct pedestrian traffic thereon except for such reasonable time as may be actually necessary for the delivery or pickup of such articles. In no case shall the obstruction remain on such sidewalk for more than one hour.

(d) No person shall unload upon, or transport any heavy merchandise, goods, material or equipment over or across any sidewalk or curb without first placing some sufficient protection over the pavement to protect against damage or injury. The affected area shall be rendered safe and free from danger.

(e) No person shall allow any cellar or trap door, coal chute or elevator or lift opening in any sidewalk to remain open without providing suitable safeguards to protect and warn pedestrian traffic of the dangerous condition.

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

521.05 NOTICE TO FILL LOTS, REMOVE PUTRID SUBSTANCES.

(a) No person shall fail to comply with the following requirements within the lawful time after service or publication of the notice or resolution is made as required by law:

To fill or drain any lot or land or remove all putrid substances therefrom, or remove all obstructions from culverts, covered drains or natural watercourses as provided in Ohio R.C. 715.47.

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

521.06 DUTY TO KEEP SIDEWALKS IN REPAIR AND CLEAN.

(a) No owner or occupant of abutting lands shall fail to keep the sidewalks, curbs or gutters in repair and free from snow, ice or any nuisance.
(ORC 723.011)

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

521.07 FENCES.

(a) No person shall erect or maintain any fence charged with electrical current.

(b) No person shall erect or maintain a barbed wire fence which abuts or is adjacent to any public street or sidewalk. This subsection (b) does not prevent the placement and use of not more than three strands of barbed wire on top of a fence other than a barbed wire fence, provided such strands are not less than seventy-two inches from the ground.

Barbed wire partition fences may be erected and maintained as provided in Ohio R.C. 971.03.

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

521.08 LITTERING.

(a) No person shall, regardless of intent, throw, drop, discard, place or deposit litter or cause litter to be thrown, dropped, discarded, placed or deposited on any public property, on private property not owned by him, or in or on waters of the State, unless the person has:

- (1) Been directed to do so by a public official as part of a litter collection drive;
- (2) Thrown, dropped, discarded, placed or deposited the litter in a litter receptacle in a manner that prevents its being carried away by the elements; or
- (3) Been issued a permit or license covering the litter pursuant to Ohio R.C. Chapter 3734 or Chapter 6111.

(b) 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.

(c) No person shall cause or allow trash, garbage, waste, rubbish, refuse or any other noxious or offensive materials or substances to be collected or remain in any well, cistern or in any place to the damage or harm of others or of the public, or obstruct, impede divert, corrupt or render unwholesome or impure, any natural watercourse.

(d) Whoever violates this section is guilty of a misdemeanor of the third degree. In addition to the penalty provided above, whoever violates this section may be required by the court to remove litter from any public or private property.
(Ord. 98-83. Passed 9-12-83.)

521.09 NOXIOUS OR OFFENSIVE ODORS.

(a) No person shall erect, continue, use or maintain a dwelling, building, structure or place for a residence or for the exercise of a trade, employment or business, or for the keeping or feeding of an animal which, by occasioning noxious exhalations or noisome or offensive smells, becomes injurious to the health, comfort or property of individuals or of the public. (ORC 3767.13)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.

521.10 DEPOSITING POISON IN OPEN PLACE.

(a) Whoever leaves or deposits poison or a substance containing poison in a common, street, alley, lane, thoroughfare or a yard or enclosure occupied by another, shall be liable to the person injured for all damages sustained thereby.
(ORC 3719.30; Ord. 4-62. Passed 2-12-62.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

521.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 525
Law Enforcement and Public Office

<p>525.01 Definitions. 525.02 Falsification. 525.03 Impersonation of peace officer. 525.04 Compounding a crime. 525.05 Failure to report a crime, injury or knowledge of death. 525.06 Failure to aid a law enforcement officer. 525.07 Obstructing official business. 525.08 Obstructing justice. 525.09 Resisting arrest. 525.10 Having an unlawful interest in a public contract.</p>	<p>525.11 Soliciting or receiving improper compensation. 525.12 Dereliction of duty. 525.13 Interfering with civil rights. 525.14 Unauthorized display of law enforcement emblems on motor vehicles. 525.15 Registration of felony probationers and parolees. 525.16 Assaulting police dog or horse or an assistance dog. 525.17 False allegation of peace officer misconduct. 525.18 Refusal to disclose personal information in public place. 525.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
Law enforcement officer defined - see GEN. OFF. 501.01(k)
Misconduct at an emergency - see GEN. OFF. 509.05
Making false alarms - see GEN. OFF. 509.07
Personating an officer to defraud - see GEN. OFF. 545.16

525.01 DEFINITIONS.

As used in this chapter:

- (a) "Public official" means any elected or appointed officer, or employee, or agent of the State or any political subdivision thereof, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges and law enforcement officers.
- (b) "Public servant" means any of the following:
- (1) Any public official;
 - (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor or consultant;

- (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this subsection if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general or special election, or if the person campaigns as a write-in candidate in any primary, general or special election.
- (c) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this State, by virtue of which the person directs, conducts or participates in directing or conducting party affairs at any level of responsibility.
- (d) "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental agency or official authorized to take evidence under oath, and includes any proceeding before a referee, hearing examiner, commissioner, notary or other person taking testimony or a deposition in connection with an official proceeding.
- (e) "Detention" means arrest, confinement in any vehicle subsequent to an arrest, confinement in any public or private facility for custody of persons charged with or convicted of a crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States; hospitalization, institutionalization or confinement in any public or private facility that is ordered pursuant to or under the authority of Ohio R.C. 2945.37, 2945.371, 2945.38, 2945.39 or 2945.40, 2945.401 or 2945.402; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation, except as provided in this subsection, supervision by any employee of any facility of any of those natures; that is incidental to hospitalization, institutionalization or confinement in the facility but that occurs outside the facility; supervision by an employee of the Department of Rehabilitation and Correction of a person on any type of release from a State correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this State into this State by a private person or entity pursuant to a contract entered into under Ohio R.C. 311.29(E) or Ohio R.C. 5149.03(B). For a person confined in a county jail who participates in a county jail industry program pursuant to Ohio R.C. 5147.30, "detention" includes time spent at an assigned work site and going to and from the work site.

- (f) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this State or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this State or another state or under the laws of the United States.
- (g) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.
- (h) "Campaign committee," "contribution," "political action committee," "legislative campaign fund" and "political party" have the same meanings as in Ohio R.C. 3517.01.
- (i) "Provider agreement" and "medical assistance program" have the same meanings as in Ohio R.C. 2913.40.
(ORC 2921.01)

525.02 FALSIFICATION.

- (a) No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies:
 - (1) The statement is made in any official proceeding.
 - (2) The statement is made with purpose to incriminate another.
 - (3) The statement is made with purpose to mislead a public official in performing the public official's official function.
 - (4) The statement is made with purpose to secure the payment of unemployment compensation; Ohio works first; prevention, retention and contingency benefits and services; disability financial assistance; retirement benefits; economic development assistance as defined in Ohio R.C. 9.66; or other benefits administered by a governmental agency or paid out of a public treasury.
 - (5) The statement is made with purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release or provider agreement.
 - (6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths.
 - (7) The statement is in writing on or in connection with a report or return that is required or authorized by law.
 - (8) The statement is in writing, and is made with purpose to induce another to extend credit to or employ the offender, or to confer any degree, diploma, certificate of attainment, award of excellence or honor on the offender, or to extend to or bestow upon the offender any other valuable benefit or distinction, when the person to whom the statement is directed relies upon it to that person's detriment.
 - (9) The statement is made with purpose to commit or facilitate the commission of a theft offense.
 - (10) The statement is knowingly made to a probate court in connection with any action, proceeding or other matter within its jurisdiction, either orally or in a written document, including, but not limited to, an application, petition, complaint or other pleading, or an inventory, account or report.
 - (11) The statement is made on an account, form, record, stamp, label or other writing that is required by law.
 - (12) The statement is made in a document or instrument of writing that purports to be a judgment, lien, or claim of indebtedness and is filed or recorded with the Secretary of State, a county recorder, or the clerk of a court of record.

- (13) The statement is made with purpose to obtain an Ohio's best Rx program enrollment card under Ohio R.C. 173.773 or a payment from the Department of Job and Family Services under Ohio R.C. 173.801.
- (14) The statement is required under Ohio R.C. 5743.72 in connection with the person's purchase of cigarettes or tobacco products in a delivery sale.

(b) It is no defense to a charge under subsection (a)(6) hereof that the oath or affirmation was administered or taken in an irregular manner.

(c) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the prosecution to prove which statement was false, but only that one or the other was false.

- (d)
 - (1) Whoever violates any provision of subsection (a)(1) to (8) or (10) to (14) hereof is guilty of falsification, a misdemeanor of the first degree.
 - (2) Whoever violates subsection (a)(9) hereof is guilty of falsification in a theft offense, a misdemeanor of the first degree. If the value of the property or services stolen is five hundred dollars (\$500.00) or more, falsification in a theft offense is a felony and shall be prosecuted under appropriate State law.

(e) A person who violates this section is liable in a civil action to any person harmed by the violation for injury, death, or loss to person or property incurred as a result of the commission of the offense and for reasonable attorney's fees, court costs, and other expenses incurred as a result of prosecuting the civil action commenced under this section. A civil action under this section is not the exclusive remedy of a person who incurs injury, death, or loss to person or property as a result of a violation of this section.
(ORC 2921.13)

525.03 IMPERSONATION OF PEACE OFFICER.

(a) As used in this section:

- (1) "Peace officer" means a sheriff, deputy sheriff, marshal, deputy marshal, member of the organized police department of a municipal corporation or township constable who is employed by a political subdivision of this State, a member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D), a member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y), a State university law enforcement officer appointed under Ohio R.C. 3345.04, a veterans' home police officer appointed under Ohio R.C. 5907.02, a special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28, or a State highway patrol trooper and whose primary duties are to preserve the peace, to protect life and property and to enforce the laws, ordinances or rules of the State or any of its political subdivisions.
- (2) "Private police officer" means any security guard, special police officer, private detective or other person who is privately employed in a police capacity.
- (3) "Federal law enforcement officer" means an employee of the United States who serves in a position the duties of which are primarily the investigation, apprehension or detention of individuals suspected or convicted of offenses under the criminal laws of the United States.

- (4) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
- (5) "Impersonate" means to act the part of, assume the identity of, wear the uniform or any part of the uniform of or display the identification of a particular person or of a member of a class of persons with purpose to make another person believe that the actor is that particular person or is a member of that class of persons.

(b) No person shall impersonate a peace officer, private police officer, a federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation.

(c) No person, by impersonating a peace officer, a private police officer, a federal law enforcement officer, or Investigator of the Bureau of Criminal Identification and Investigation, shall arrest or detain any person, search any person or search the property of any person.

(d) No person, with purpose to commit or facilitate the commission of an offense, shall impersonate a peace officer, a private police officer, a federal law enforcement officer or investigator of the Bureau of Criminal Identification and Investigation or an officer, agent or employee of the State or the Municipality.

(e) It is an affirmative defense to a charge under subsection (b) hereof that the impersonation of the peace officer was for a lawful purpose.

(f) Whoever violates subsection (b) hereof is guilty of a misdemeanor of the fourth degree. Whoever violates subsections (c) or (d) hereof is guilty of a misdemeanor of the first degree. If the purpose of a violation of subsection (d) hereof is to commit or facilitate the commission of a felony, such violation is a felony and shall be prosecuted under appropriate State law. (ORC 2921.51)

525.04 COMPOUNDING A CRIME.

(a) No person shall knowingly demand, accept or agree to accept anything of value in consideration of abandoning or agreeing to abandon a pending criminal prosecution.

(b) It is an affirmative defense to a charge under this section when both of the following apply:

- (1) The pending prosecution involved is for violation of Sections 545.05, 545.07, 545.09 or 545.10(b)(2), or Ohio R.C. 2913.02, 2913.11, 2913.21(B)(2) or 2913.47, of which the actor under this section was the victim.

(2) The thing of value demanded, accepted or agreed to be accepted, in consideration of abandoning or agreeing to abandon the prosecution, did not exceed an amount that the actor reasonably believed due him as restitution for the loss caused him by the offense.

(c) When a prosecuting witness abandons or agrees to abandon a prosecution under subsection (b) hereof, the abandonment or agreement in no way binds the State or Municipality to abandoning the prosecution.

(d) Whoever violates this section is guilty of compounding a crime, a misdemeanor of the first degree. (ORC 2921.21)

525.05 FAILURE TO REPORT A CRIME, INJURY OR KNOWLEDGE OF DEATH.

(a) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) hereof, no physician, limited practitioner, nurse or person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound treated or observed by him, or any serious physical harm to persons that he knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of any person shall fail to report the death immediately to any physician whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, emergency squad or the coroner in a political subdivision in which the body is discovered, the death is believed to have occurred or knowledge concerning the death is obtained.

(d) No person shall fail to provide upon request of the person to whom he has made a report required by subsection (c) hereof, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within his knowledge that may have a bearing on the investigation of the death.

- (e) (1) As used in this subsection (e), "burn injury" means any of the following:
- A. Second or third degree burns;
 - B. Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of super-heated air;
 - C. Any burn injury or wound that may result in death.
- (2) No physician, nurse or limited practitioner who, outside a hospital, sanitarium or other medical facility, attends or treats a person who has sustained a burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

- (3) No manager, superintendent or other person in charge of a hospital, sanitarium or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, if there is such a bureau in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.
 - (4) No person who is required to report any burn injury under subsection (e)(2) or (3) hereof shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the Office of the State Fire Marshal. The report shall be made on a form provided by the State Fire Marshal.
 - (5) Anyone participating in the making of reports under subsection (e) hereof or anyone participating in a judicial proceeding resulting from the reports shall be immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to subsection (e) hereof.
- (f)
- (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, or licensed counselor's assistant who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in Ohio R.C. 3113.31, shall note that knowledge or belief and the basis for it in the patient's or client's records.
 - (2) Notwithstanding Ohio R.C. 4731.22, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted pursuant to subsection (f)(1) hereof, and the information may be admitted as evidence in accordance with the rules of evidence.
- (g) Subsection (a) or (d) hereof does not require disclosure of information, when any of the following applies:
- (1) The information is privileged by reason of the relationship between attorney and client, doctor and patient, licensed psychologist or licensed school psychologist and client, clergyman or rabbi or minister or priest and any person communicating information confidentially to him for a religious counseling purpose in his professional character, husband and wife, or a communications assistant and those who are a party to a telecommunications relay service call.

- (2) The information would tend to incriminate a member of the actor's immediate family.
- (3) Disclosure of the information would amount to revealing a news source, privileged under Ohio R.C. 2739.04 or 2739.12.
- (4) Disclosure of the information would amount to disclosure by an ordained clergyman of an organized religious body of a confidential communication made to him in his capacity as such by a person seeking his aid or counsel.
- (5) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program of treatment or services for drug dependent persons or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or organization certified pursuant to Ohio R.C. 3793.06.
- (6) Disclosure would amount to revealing information acquired by the actor in the course of his duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02, 2907.05 or 2907.12. As used in this subsection, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.

(h) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

(i) Whoever violates subsection (a) or (b) hereof is guilty of failure to report a crime. Violation of subsection (a) hereof is a misdemeanor of the fourth degree. Violation of subsection (b) hereof is a misdemeanor of the second degree.

(j) Whoever violates subsection (c) or (d) hereof is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.

- (k)
 - (1) Whoever negligently violates subsection (e) hereof is guilty of a minor misdemeanor.
 - (2) Whoever knowingly violates subsection (e) hereof is guilty of a misdemeanor of the second degree.
(ORC 2921.22)

525.06 FAILURE TO AID A LAW ENFORCEMENT OFFICER.

(a) No person shall negligently fail or refuse to aid a law enforcement officer, when called upon for assistance in preventing or halting the commission of an offense, or in apprehending or detaining an offender, when such aid can be given without a substantial risk of physical harm to the person giving it.

(b) Whoever violates this section is guilty of failure to aid a law enforcement officer, a minor misdemeanor. (ORC 2921.23)

525.07 OBSTRUCTING OFFICIAL BUSINESS.

(a) No person, without privilege to do so and with purpose to prevent, obstruct or delay the performance by a public official of any authorized act within the public official's official capacity, shall do any act that hampers or impedes a public official in the performance of the public official's lawful duties.

(b) Whoever violates this section is guilty of obstructing official business. Except as otherwise provided in this subsection (b), obstructing official business is a misdemeanor of the second degree. If a violation of this section creates a risk of physical harm to any person, obstructing official business is a felony and shall be prosecuted under appropriate State law. (ORC 2921.31)

525.08 OBSTRUCTING JUSTICE.

(a) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for a misdemeanor, or to assist another to benefit from the commission of a misdemeanor, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a misdemeanor or to assist a child to benefit from the commission of an act that if committed by an adult would be a misdemeanor, shall do any of the following:

- (1) Harbor or conceal the other person or child;
- (2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;
- (3) Warn the other person or child of impending discovery or apprehension;
- (4) Destroy or conceal physical evidence of the misdemeanor, or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;
- (5) Communicate false information to any person.
- (6) Prevent or obstruct any person, by means of force, intimidation, or deception, from performing any act to aid in the discovery, apprehension, or prosecution of the other person or child.

(b) A person may be prosecuted for, and may be convicted of or adjudicated a delinquent child for committing, a violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed. The crime or act the person or child aided committed shall be used under subsection (c) hereof in determining the penalty for the violation of subsection (a) hereof, regardless of whether the person or child aided ultimately is apprehended for, is charged with, is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing the crime or act the person or child aided committed.

- (c)
- (1) Whoever violates this section is guilty of obstructing justice.
 - (2) If the crime committed by the person aided is a misdemeanor or if the act committed by the child aided would be a misdemeanor if committed by an adult, obstructing justice is a misdemeanor of the same degree as the misdemeanor committed by the person aided or a misdemeanor of the same degree that the act committed by the child aided would be if committed by an adult.

- (d) As used in this section:
- (1) "Adult" and "child" have the same meanings as in Ohio R.C. 2151.011.
 - (2) "Delinquent child" has the same meaning as in Ohio R.C. 2152.02.
(ORC 2921.32)

525.09 RESISTING ARREST.

(a) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another.

(b) No person, recklessly or by force, shall resist or interfere with a lawful arrest of the person or another person and, during the course of or as a result of the resistance or interference, cause physical harm to a law enforcement officer.

(c) Whoever violates this section is guilty of resisting arrest. A violation of subsection (a) hereof is a misdemeanor of the second degree. A violation of subsection (b) hereof is a misdemeanor of the first degree. (ORC 2921.33)

525.10 HAVING AN UNLAWFUL INTEREST IN A PUBLIC CONTRACT.

(a) No public official shall knowingly do any of the following:

- (1) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission or board of which the public official was a member at the time of authorization unless the contract was let by competitive bidding, to the lowest and best bidder;
- (2) Have an interest in the profits or benefits of a public contract entered into by or for the use of the Municipality or governmental agency or instrumentality with which the public official is connected;
- (3) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law, and that involves more than one hundred fifty dollars (\$150.00).

(b) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family or any of a public official's business associates shall not be considered as having an interest in a public contract if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
- (2) The shares owned or controlled by that person do not exceed five percent (5%) of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five percent (5%) of the total indebtedness of the corporation or other organization;
- (3) That person, prior to the time the public contract is entered into, files with the Municipality or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(c) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates, has an interest, when all of the following apply:

- (1) The subject of the public contract is necessary supplies or services for the Municipality or governmental agency or instrumentality involved;

- (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the Municipality or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the Municipality or governmental agency or instrumentality involved;
- (3) The treatment accorded the Municipality or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
- (4) The entire transaction is conducted at arm's length, with full knowledge by the Municipality or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family or business associate, and the public official takes no part in the deliberations or decisions of the Municipality or governmental agency or instrumentality with respect to the public contract.

(d) Subsection (a)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(e) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of this section is a misdemeanor of the first degree.

(f) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with Ohio R.C. 309.06 and 2921.421, or for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with Ohio R.C. 733.621 and 2921.421.

(g) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(h) As used in this section:

(1) "Public contract" means any of the following:

- A. The purchase or acquisition, or a contract for the purchase or acquisition of property or services by or for the use of the State, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the State, any of its political subdivisions, or any agency or instrumentality of either.
- B. A contract for the design, construction, alteration, repair or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in Ohio R.C. 733.621. (ORC 2921.42)

525.11 SOLICITING OR RECEIVING IMPROPER COMPENSATION.

(a) No public servant shall knowingly solicit or accept and no person shall knowingly promise or give to a public servant either of the following:

- (1) Any compensation, other than is allowed by Ohio R.C. 102.03(G), (H), and (I) or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(b) No public servant for the public servant's own personal or business use and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(c) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining or renewing the appointment of any person to any public office, employment or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

(d) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(e) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment or position of trust in this Municipality for a period of seven years from the date of conviction.

(f) Subsections (a), (b) and (c) hereof do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee or political contributing entity from accepting voluntary contributions. (ORC 2921.43)

525.12 DERELICTION OF DUTY.

(a) No law enforcement officer shall negligently do any of the following:

- (1) Fail to serve a lawful warrant without delay;
- (2) Fail to prevent or halt the commission of an offense or to apprehend an offender, when it is in the law enforcement officer's power to do so alone or with available assistance.

(b) No law enforcement, ministerial or judicial officer shall negligently fail to perform a lawful duty in a criminal case or proceeding.

(c) No officer, having charge of a detention facility, shall negligently do any of the following:

- (1) Allow the detention facility to become littered or unsanitary;
- (2) Fail to provide persons confined in the detention facility with adequate food, clothing, bedding, shelter and medical attention;
- (3) Fail to control an unruly prisoner, or to prevent intimidation of or physical harm to a prisoner by another;
- (4) Allow a prisoner to escape;
- (5) Fail to observe any lawful and reasonable regulation for the management of the detention facility.

(d) No public official of the Municipality shall recklessly create a deficiency, incur a liability or expend a greater sum than is appropriated by the legislative authority of the Municipality for the use in any one year of the department, agency or institution with which the public official is connected.

(e) No public servant shall recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office.

(f) Whoever violates this section is guilty of dereliction of duty, a misdemeanor of the second degree.

(g) As used in this section, "public servant" includes an officer or employee of a contractor as defined in Ohio R.C. 9.08.

525.13 INTERFERING WITH CIVIL RIGHTS.

(a) No public servant, under color of his office, employment or authority, shall knowingly deprive, or conspire or attempt to deprive any person of a constitutional or statutory right.

(b) Whoever violates this section is guilty of interfering with civil rights, a misdemeanor of the first degree. (ORC 2921.45)

525.14 UNAUTHORIZED DISPLAY OF LAW ENFORCEMENT EMBLEMS ON MOTOR VEHICLES.

(a) No person who is not entitled to do so shall knowingly display on a motor vehicle the emblem of a law enforcement agency or an organization of law enforcement officers.

(b) Whoever violates this section is guilty of the unlawful display of the emblem of a law enforcement agency or an organization of law enforcement officers, a minor misdemeanor. (ORC 2913.441)

525.15 REGISTRATION OF FELONY PROBATIONERS AND PAROLEES.

(a) No person who takes up residence in the City, who has been convicted of a felony crime and is still under the supervision of a probation or parole authority, shall knowingly fail to report as required in subsection (b) hereof.

(b) Every person described in subsection (a) hereof shall report to the Police Department within one week after taking up residence in the City. Such person shall complete a form provided by the Police Department stating his true name; every alias name by which the person has been known; a full and complete physical description of the person; the offense for which the person is still under supervision, date of conviction, and court of conviction of the person; the name and address of the supervising authority; and the address of residence and telephone number, if any, of the person.

(c) When such person reports to the Police Department, he shall be fingerprinted and photographed, and the photograph and fingerprints shall be made a part of the records of the Police Department

(d) No person described in subsection (a) hereof, upon changing his place of residence in the City, shall knowingly fail, within thirty-one days after so changing his residence, to notify the Police Department in writing of his new address.

(e) The Police Department shall destroy the records, photographs and fingerprints required by this section as to a person described in subsection (a) hereof when such person receives his final release from parole or probation supervision and then presents written proof of such release to the Police Department.

(f) Only officers of the Police Department or the County Sheriff's Office who have an official reason to know shall have access to the records, photographs and fingerprints required by this section.

(g) Whoever violates this section is guilty of failure to register as a felony probationer or parolee, a minor misdemeanor. (Ord. 31-81. Passed 4-11-81.)

525.16 ASSAULTING POLICE DOG OR HORSE OR AN ASSISTANCE DOG.

(a) No person shall knowingly cause, or attempt to cause, physical harm to a police dog or horse in either of the following circumstances:

- (1) The police dog or horse is assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted.
- (2) The police dog or horse is not assisting a law enforcement officer in the performance of the officer's official duties at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog or horse is a police dog or horse.

(b) No person shall recklessly do any of the following:

- (1) Taunt, torment, or strike a police dog or horse;
- (2) Throw an object or substance at a police dog or horse;
- (3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:
 - A. Inhibits or restricts the law enforcement officer's control of the police dog or horse;
 - B. Deprives the law enforcement officer of control of the police dog or horse;
 - C. Releases the police dog or horse from its area of control;
 - D. Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.
- (4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse.

- (5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the officer's duties or that the person knows is a police dog or horse.
- (c) No person shall knowingly cause, or attempt to cause, physical harm to an assistance dog in either of the following circumstances:
- (1) The dog is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted.
 - (2) The dog is not assisting or serving a blind, deaf or hearing impaired, or mobility impaired person at the time the physical harm is caused or attempted, but the offender has actual knowledge that the dog is an assistance dog.
- (d) No person shall recklessly do any of the following:
- (1) Taunt, torment, or strike an assistance dog;
 - (2) Throw an object or substance at an assistance dog;
 - (3) Interfere with or obstruct an assistance dog, or interfere with or obstruct a blind, deaf or hearing impaired, or mobility impaired person who is being assisted or served by an assistance dog, in a manner that does any of the following:
 - A. Inhibits or restricts the assisted or served person's control of the dog;
 - B. Deprives the assisted or served person of control of the dog;
 - C. Releases the dog from its area of control;
 - D. Enters the area of control of the dog without the consent of the assisted or served person, including placing food or any other object or substance into that area;
 - E. Inhibits or restricts the ability of the dog to assist the assisted or served person.
 - (4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;
 - (5) If the person is the owner, keeper or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.
- (e) (1) Whoever violates subsection (a) hereof is guilty of assaulting a police dog or horse. If the violation results in physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the police dog or horse, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the police dog or horse, such violation is a felony and shall be prosecuted under appropriate State law.

- (2) Whoever violates subsection (b) hereof is guilty of harassing a police dog or horse. Except as otherwise provided in this subsection, harassing a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse or if the violation results in serious physical harm to the police dog or horse but does not result in its death, harassing a police dog or horse is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the police dog or horse but does not result in its death or in serious physical harm to it, harassing a police dog or horse is a misdemeanor of the first degree.
- (3) Whoever violates subsection (c) hereof is guilty of assaulting an assistance dog. If the violation results in physical harm to the dog other than death or serious physical harm, assaulting an assistance dog is a misdemeanor of the first degree. If the violation does not result in death, serious physical harm, or physical harm to the dog, assaulting an assistance dog is a misdemeanor of the second degree. If the violation results in death or serious physical harm to the dog, such violation is a felony and shall be prosecuted under appropriate State law.
- (4) Whoever violates subsection (d) of this section is guilty of harassing an assistance dog. Except as otherwise provided in this subsection, harassing an assistance dog is a misdemeanor of the second degree. If the violation results in the death of or serious physical harm to the assistance dog but does not result in its death, harassing an assistance dog is a felony and shall be prosecuted under appropriate State law. If the violation results in physical harm to the assistance dog but does not result in its death or in serious physical harm to it, harassing an assistance dog is a misdemeanor of the first degree.
- (5) In addition to any other sanction or penalty imposed for the offense under this section, whoever violates subsection (a), (b), (c) or (d) of this section is responsible for the payment of all of the following:
 - A. Any veterinary bill or bill for medication incurred as a result of the violation by the Police Department regarding a violation of subsection (a) or (b) of this section or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog regarding a violation of subsection (c) or (d) of this section;
 - B. The cost of any damaged equipment that results from the violation;
 - C. If the violation did not result in the death of the police dog or horse or the assistance dog that was the subject of the violation and if, as a result of that dog or horse being the subject of the violation, the dog or horse needs further training or retraining to be able to continue in the capacity of a police dog or horse or an assistance dog, the cost of any further training or retraining of that dog or horse by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog;

- D. If the violation resulted in the death of the police dog or horse or the assistance dog that was the subject of the violation or resulted in serious physical harm to that dog or horse to the extent that the dog or horse needs to be replaced on either a temporary or a permanent basis, the cost of replacing that dog or horse and of any further training of a new police dog or horse or a new assistance dog by a law enforcement officer or by the blind, deaf or hearing impaired, or mobility impaired person assisted or served by the assistance dog, which replacement or training is required because of the death of or the serious physical harm to the dog or horse that was the subject of the violation.
- (f) This section does not apply to a licensed veterinarian whose conduct is in accordance with Ohio R.C. Chapter 4741.
- (g) This section only applies to an offender who knows or should know at the time of the violation that the police dog or horse or assistance dog that is the subject of a violation under this section is a police dog or horse or assistance dog.
- (h) As used in this section:
- (1) "Physical harm" means any injury, illness, or other physiological impairment, regardless of its gravity or duration.
 - (2) "Police dog or horse" means a dog or horse that has been trained, and may be used, to assist law enforcement officers in the performance of their official duties.
 - (3) "Serious physical harm" means any of the following:
 - A. Any physical harm that carries a substantial risk of death;
 - B. Any physical harm that causes permanent maiming or that involves some temporary, substantial maiming;
 - C. Any physical harm that causes acute pain of a duration that results in substantial suffering.
 - (4) "Assistance dog", "blind", and "mobility impaired person" have the same meanings as in Ohio R.C. 955.011.
(ORC 2921.321)

525.17 FALSE ALLEGATION OF PEACE OFFICER MISCONDUCT.

- (a) As used in this section, "peace officer" has the same meaning as in Ohio R.C. 2935.01.

(b) No person shall knowingly file a complaint against a peace officer that alleges that the peace officer engaged in misconduct in the performance of the officer's duties if the person knows that the allegation is false.

(c) Whoever violates this section is guilty of making a false allegation of peace officer misconduct, a misdemeanor of the first degree.
(ORC 2921.15)

525.18 REFUSAL TO DISCLOSE PERSONAL INFORMATION IN PUBLIC PLACE.

(a) No person who is in a public place shall refuse to disclose the person's name, address, or date of birth, when requested by a law enforcement officer who reasonably suspects either of the following:

- (1) The person is committing, has committed, or is about to commit a criminal offense.
- (2) The person witnessed any of the following:
 - A. An offense of violence that would constitute a felony under the laws of this State;
 - B. A felony offense that causes or results in, or creates a substantial risk of, serious physical harm to another person or to property;
 - C. Any attempt or conspiracy to commit, or complicity in committing, any offense identified in subsection (a)(2)A. or B. of this section;
 - D. Any conduct reasonably indicating that any offense identified in subsection (a)(2)A. or B. of this section or any attempt, conspiracy, or complicity described in subsection (a)(2)C. of this section has been, is being, or is about to be committed.

(b) Whoever violates this section is guilty of failure to disclose one's personal information, a misdemeanor of the fourth degree.

(c) Nothing in this section requires a person to answer any questions beyond that person's name, address, or date of birth. Nothing in this section authorizes a law enforcement officer to arrest a person for not providing any information beyond that person's name, address, or date of birth or for refusing to describe the offense observed.

(d) It is not a violation of this section to refuse to answer a question that would reveal a person's age or date of birth if age is an element of the crime that the person is suspected of committing. (ORC 2921.29)

525.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 529
Liquor Control

<p>529.01 Definitions.</p> <p>529.02 Sales to and use by underage persons; securing public accommodations.</p> <p>529.021 Purchase by minor; misrepresentation.</p> <p>529.03 Sales to intoxicated persons.</p> <p>529.04 Liquor consumption in motor vehicle.</p>	<p>529.05 Permit required.</p> <p>529.06 Low-alcohol beverages: sale to and purchase by underage persons prohibited.</p> <p>529.07 Open container prohibited.</p> <p>529.08 Hours of sale or consumption.</p> <p>529.09 Responsibility of tavern keeper.</p> <p>529.10 Display of permits.</p> <p>529.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
 Prohibiting sale of intoxicating liquor on Sunday - see Ohio R.C. 4301.22(D)
 Local option - see Ohio R.C. 4301.32 et seq., 4303.29
 Disorderly conduct; intoxication - see GEN. OFF. 509.03
 Using weapons while intoxicated - see GEN. OFF. 549.03

529.01 DEFINITIONS.

As used in the Codified Ordinances:

- (a) "Alcohol" means ethyl alcohol, whether rectified or diluted with water or not, whatever its origin may be, and includes synthetic ethyl alcohol. Such term excludes denatured alcohol and wood alcohol.
- (b) "Intoxicating liquor" and "liquor" include all liquids and compounds, other than beer as defined in subsection (c) hereof, containing one half of one percent (0.5%) or more of alcohol by volume which are fit to use for beverage purposes, from whatever source and by whatever process produced, by whatever name called and whether they are medicated, proprietary or patented. Such phrase includes wine as defined in Ohio R.C. 4301.01 even if it contains less than four percent (4%) of alcohol by volume, mixed beverages as defined in Ohio R.C. 4301.01 even if they contain less than four percent (4%) of alcohol by volume, cider, alcohol and all solids and confections which contain any alcohol.
- (c) "Beer" includes all beverages brewed or fermented wholly or in part from malt products and containing one-half of one percent (0.5%) or more, but not more than twelve percent (12%) of alcohol by volume.
- (d) "Person" includes firms and corporations.
- (e) "Low-alcohol beverage" means any brewed or fermented malt product, or any product made from the fermented juices of grapes, fruits, or other agricultural products, that contains either no alcohol or less than one-half of one percent (0.5%) of alcohol by volume. The beverages described in subsection (e) hereof do not include a soft drink such as root beer, birch beer, or ginger beer. (ORC 4301.01)

529.02 SALES TO AND USE BY UNDERAGE PERSONS; SECURING PUBLIC ACCOMMODATIONS.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall sell beer or intoxicating liquor to an underage person, or shall buy beer or intoxicating liquor for an underage person, or shall furnish it to, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is supervised by a parent, spouse who is not an underage person or legal guardian.

In proceedings before the Liquor Control Commission, no permit holder, or no employee or agent of a permit holder, charged with a violation of this subsection shall be charged, for the same offense, with a violation of Ohio R.C. 4301.22(A)(1).

(b) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person or legal guardian and the parent, spouse who is not an underage person or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this subsection that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(c) No person shall engage or use accommodations at a hotel, inn, cabin, campground or restaurant when he knows or has reason to know either of the following:

- (1) That beer or intoxicating liquor will be consumed by an underage person on the premises of the accommodations that the person engages or uses, unless the person engaging or using the accommodations is the spouse of the underage person and is not an underage person, or is the parent or legal guardian of all of the underage persons, who consume beer or intoxicating liquor on the premises and that person is on the premises at all times when beer or intoxicating liquor is being consumed by an underage person;
- (2) That a drug of abuse will be consumed on the premises of the accommodations by any person, except a person who obtained the drug of abuse pursuant to a prescription issued by a practitioner and has the drug of abuse in the original container in which it was dispensed to the person.

- (d) (1) No person is required to permit the engagement of accommodations at any hotel, inn, cabin or campground by an underage person or for an underage person, if the person engaging the accommodations knows or has reason to know that the underage person is intoxicated, or that the underage person possesses any beer or intoxicating liquor and is not supervised by a parent, spouse who is not an underage person or legal guardian who is or will be present at all times when the beer or intoxicating liquor is being consumed by the underage person.
- (2) No underage person shall knowingly engage or attempt to engage accommodations at any hotel, inn, cabin or campground by presenting identification that falsely indicates that the underage person is twenty-one years of age or older for the purpose of violating this section.

(e) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. The prohibitions set forth in this subsection (e) hereof against an underage person knowingly possessing, consuming, or being under the influence of any beer or intoxicating liquor shall not apply if the underage person is supervised by a parent, spouse who is not an underage person, or legal guardian, or the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(f) No parent, spouse who is not an underage person or legal guardian of a minor shall knowingly permit the minor to violate this section or Section 529.021(a) to (c).

(g) The operator of any hotel, inn, cabin or campground shall make the provisions of this section available in writing to any person engaging or using accommodations at the hotel, inn, cabin or campground.

(h) As used in this section:

- (1) "Drug of abuse" has the same meaning as in Ohio R.C. 3719.011.
- (2) "Hotel" has the same meaning as in Ohio R.C. 3731.01.
- (3) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in Ohio R.C. 4729.01.
- (4) "Minor" means a person under the age of eighteen years.
- (5) "Underage person" means a person under the age of twenty-one years.
(ORC 4301.69)

(i) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, whoever violates subsection (a) hereof shall be fined not less than five hundred dollars (\$500.00). (ORC 4301.99)

529.021 PURCHASE BY MINOR; MISREPRESENTATION.

(a) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall purchase beer or intoxicating liquor.
(ORC 4301.63)

(b) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person shall knowingly furnish any false information as to the name, age or other identification of any person under twenty-one years of age for the purpose of obtaining or with the intent to obtain, beer or intoxicating liquor for a person under twenty-one years of age, by purchase, or as a gift. (ORC 4301.633)

(c) Except as otherwise provided in this chapter or Ohio R.C. Chapter 4301, no person under the age of twenty-one years shall knowingly show or give false information concerning the person's name, age or other identification for the purpose of purchasing or otherwise obtaining beer or intoxicating liquor in any place where beer or intoxicating liquor is sold under a permit issued by the Division of Liquor Control or sold by the Division of Liquor Control. (ORC 4301.634)

- (d) (1) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the first degree.
- (2) Whoever violates subsection (a) hereof, shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (a) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
- (3) A. Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. If, in committing a first violation of that subsection, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000) and may be sentenced to a term of imprisonment of not more than six months.
- B. On a second violation in which, for the second time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).
- C. On a third or subsequent violation in which, for the third or subsequent time, the offender presented to the permit holder or the permit holder's employee or agent a false, fictitious or altered identification card, a false or fictitious driver's license purportedly issued by any state, or a driver's license issued by any state that has been altered, the offender is guilty of a misdemeanor of the first degree and shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000), and may be sentenced to a term of imprisonment of not more than six months. The court also shall impose a class six suspension of the offender's driver's or commercial driver's license or permit or nonresident operating

privilege from the range specified in Ohio R.C. 4510.02(A)(6), and the court may order that the suspension or denial remain in effect until the offender attains the age of twenty-one years. The court also may order the offender to perform a determinate number of hours of community service, with the court determining the actual number of hours and the nature of the community service the offender shall perform.
(ORC 4301.99)

529.03 SALES TO INTOXICATED PERSONS.

(a) No permit holder and no agent or employee of a permit holder shall sell or furnish beer or intoxicating liquor to an intoxicated person.
(ORC 4301.22)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree.
(ORC 4301.99)

529.04 LIQUOR CONSUMPTION IN MOTOR VEHICLE.

(a) No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in Section 529.07(d). (ORC 4301.64)

(b) Whoever violates subsection (a) hereof is guilty of a misdemeanor of the fourth degree.

(c) If an offender who violates this section was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of not less than six months and not more than one year. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.
(ORC 4301.99)

529.05 PERMIT REQUIRED.

(a) No person personally or by the person's clerk, agent or employee shall manufacture, manufacture for sale, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this Municipality, or transport, import or cause to be transported or imported any beer, intoxicating liquor or alcohol on or into this Municipality for delivery, use or sale, unless the person has fully complied with Ohio R.C. Chapters 4301 and 4303 or is the holder of a permit issued by the Division of Liquor Control and in force at the time. (ORC 4303.25)

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

529.06 LOW-ALCOHOL BEVERAGES: SALE TO AND PURCHASE BY
UNDERAGE PERSONS PROHIBITED.

(a) As used in this section, "underage person" means a person under eighteen years of age.

(b) No underage person shall purchase any low-alcohol beverage.

(c) No underage person shall order, pay for, share the cost of, or attempt to purchase any low-alcohol beverage.

(d) No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any low-alcohol beverage for an underage person, by purchase or as a gift.

(e) No underage person shall knowingly show or give false information concerning the person's name, age, or other identification for the purpose of purchasing or otherwise obtaining any low-alcohol beverage in any place in this Municipality.

(f) No person shall sell or furnish any low-alcohol beverage to, or buy any low-alcohol beverage for, an underage person, unless given by a physician in the regular line of his practice or given for established religious purposes, or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

(g) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming any low-alcohol beverage, unless the low-alcohol beverage is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian, and the parent, spouse who is not an underage person, or legal guardian is present when the person possesses or consumes the low-alcohol beverage.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(h) No underage person shall knowingly possess or consume any low-alcohol beverage in any public or private place, unless accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the low-alcohol beverage is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(i) No parent, spouse who is not an underage person, or legal guardian of an underage person shall knowingly permit the underage person to violate this section.
(ORC 4301.631)

(j) Whoever violates any provision of this section for which no other penalty is provided is guilty of a misdemeanor of the fourth degree.

(k) Whoever violates subsection (b) hereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). The court imposing a fine for a violation of subsection (b) hereof may order that the fine be paid by the performance of public work at a reasonable hourly rate established by the court. The court shall designate the time within which the public work shall be completed.
(ORC 4301.99)

529.07 OPEN CONTAINER PROHIBITED.

- (a) As used in this section:
- (1) "Chauffeured limousine" means a vehicle registered under Ohio R.C. 4503.24.
 - (2) "Street," "highway" and "motor vehicle" have the same meanings as in Ohio R.C. 4511.01.
- (b) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances:
- (1) In a State liquor store;
 - (2) Except as provided in subsection (c) hereof, on the premises of the holder of any permit issued by the Division of Liquor Control;
 - (3) In any other public place;
 - (4) Except as provided in subsection (d) or (e) hereof, while operating or being a passenger in or on a motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking;
 - (5) Except as provided in subsection (d) or (e) hereof, while being in or on a stationary motor vehicle on any street, highway or other public or private property open to the public for purposes of vehicular travel or parking.
- (c) (1) A person may have in the person's possession an opened container of any of the following:
- A. Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-7, D8, E, F, F-2 or F-5 permit;
 - B. Beer, wine or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;
 - C. Beer or intoxicating liquor consumed on the premises of a convention facility as provided in Ohio R.C. 4303.201;
 - D. Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission.
- (2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this section, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.
- (3) A. A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.

- B. As used in subsection (c)(3)A. of this section:
1. "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.
 2. "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than eight hundred acres of land and that is open for performances from the first day of April to the last day of October of each year.

(d) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine pursuant to a prearranged contract, or the guest of such a person, when all of the following apply:

- (1) The person or guest is a passenger in the limousine;
- (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located;
- (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(e) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply:

- (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.
- (2) The opened bottle of wine that is resealed in accordance with subsection (e)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver. (ORC 4301.62)

(f) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4301.99(A))

529.08 HOURS OF SALE OR CONSUMPTION.

(a) This rule shall apply to the retail sale of beer, wine, mixed beverages, or spirituous liquor.

(b) No beer, wine, mixed beverages, or spirituous liquor shall be sold or delivered by an A-1, A-2, B-1, B-2, B-4, B-5, C-1, C-2, C-2X, D-1, D-2, D-2X, D-3 when issued without a D-3A, D-3X, D-4, D-5G, D-5H, D-5K, D-8, F, F-1, F-2, F-3, F-4, F-5, F-6, G or I permit holder:

- (1) From Monday to Saturday between the hours of one a.m. and five thirty a.m.
- (2) On Sunday between the hours of one a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages, or spirituous liquor for on-premises consumption.

(c) No beer, wine, mixed beverages, or spirituous liquid shall be sold or delivered by an A-1A, D-3 when issued with a D-3A, D-4A, D-5, D-5A, D-5B, D-5C, D-5D, D-5E, D-5F, D-5I, D-5J, or D-7 permit holder:

- (1) From Monday to Saturday between the hours of two thirty a.m. and five thirty a.m.
- (2) On Sunday between the hours of two thirty a.m. and Sunday midnight, unless statutorily authorized otherwise.
- (3) Consumption of beer, wine, mixed beverages, or spirituous liquor is also prohibited during the above hours upon the premises of the above permit holders who are authorized by their permit to sell beer, wine, mixed beverages or spirituous liquor for on-premises consumption.

(d) Permit holders authorized to sell beer, wine, mixed beverages, or spirituous liquor at retail who are not specifically identified in subsection (b) or (c) above shall be subject to the provisions of subsection (b), unless statutorily authorized otherwise.

(e) The hours on Sunday during which sales, delivery, or consumption of alcoholic beverages may take place are established by statute, but in no event shall they begin prior to five thirty a.m. (OAC 4301:1-1-49)

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

529.09 RESPONSIBILITY OF TAVERN KEEPER.

(a) No tavern keeper shall permit rioting, reveling, intoxication or drunkenness in his house or on his premises. (ORC 4399.16; Ord. 4-62. Passed 2-12-62.)

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

529.10 DISPLAY OF PERMITS.

(a) Every holder of a permit issued by the Ohio Department of Liquor Control shall display such permit in a conspicuous place on the licensed premises. (Ord. 4-62. Passed 2-12-62.)

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

529.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 533
Obscenity and Sex Offenses

<p>533.01 Definitions. 533.02 Presumption of knowledge; actual notice and defense. 533.03 Unlawful sexual conduct with a minor. 533.04 Sexual imposition. 533.05 Importuning. 533.06 Voyeurism. 533.07 Public indecency. 533.08 Procuring. 533.09 Soliciting.</p>	<p>533.091 Loitering to engage in solicitation. 533.10 Prostitution. 533.11 Disseminating matter harmful to juveniles. 533.12 Deception to obtain matter harmful to juveniles. 533.13 Displaying matter harmful to juveniles. 533.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
Complicity - see GEN. OFF. 501.10
Offensive conduct - see GEN. OFF. 509.03
Telephone harassment - see GEN. OFF. 537.10
Criminal trespass - see GEN. OFF. 541.05

533.01 DEFINITIONS.

As used in this chapter:

- (a) "Sexual conduct" means vaginal intercourse between a male and female; anal intercourse, fellatio and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- (b) "Sexual contact" means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- (c) "Sexual activity" means sexual conduct or sexual contact, or both.
- (d) "Prostitute" means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- (e) "Harmful to juveniles" means that quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (1) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
 - (2) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
 - (3) The material or performance, when considered as a whole, lacks serious literary, artistic, political and scientific value for juveniles.
- (f) When considered as a whole, and judged with reference to ordinary adults, or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to such group, any material or performance is "obscene" if any of the following apply:
- (1) Its dominant appeal is to prurient interest;
 - (2) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement or nudity in a way which tends to represent human beings as mere objects of sexual appetite;
 - (3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty or brutality;
 - (4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way which inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral or artistic purpose;
 - (5) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral or artistic purpose.
- (g) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (h) "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.
- (i) "Juvenile" means an unmarried person under the age of eighteen.

- (j) "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, phonographic record, or tape, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disk, magnetic tape or similar data storage device.
- (k) "Performance" means any motion picture, preview, trailer, play, show, skit, dance or other exhibition performed before an audience.
- (l) "Spouse" means a person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:
 - (1) When the parties have entered into a written separation agreement authorized by Ohio R.C. 3103.06;
 - (2) During the pendency of an action between the parties for annulment, divorce, dissolution of marriage or legal separation;
 - (3) In the case of an action for legal separation, after the effective date of the judgment for legal separation.
- (m) "Minor" means a person under the age of eighteen years.
- (n) "Mental health client or patient" has the same meaning as in Ohio R.C. 2305.51.
- (o) "Mental health professional" has the same meaning as in Ohio R.C. 2305.115.
- (p) "Sado-masochistic abuse" means flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained. (ORC 2907.01)

533.02 PRESUMPTION OF KNOWLEDGE; ACTUAL NOTICE AND DEFENSE.

(a) An owner or manager, or agent or employee of an owner or manager, of a bookstore, newsstand, theater, or other commercial establishment engaged in selling materials or exhibiting performances, who, in the course of business does any of the acts prohibited by Section 533.11, is presumed to have knowledge of the character of the material or performance involved, if the owner, manager, or agent or employee of the owner or manager has actual notice of the nature of such material or performance, whether or not the owner, manager, or agent or employee of the owner or manager has precise knowledge of its contents.

(b) Without limitation on the manner in which such notice may be given, actual notice of the character of material or a performance may be given in writing by the chief legal officer of the jurisdiction in which the person to whom the notice is directed does business. Such notice, regardless of the manner in which it is given, shall identify the sender, identify the material or performance involved, state whether it is obscene or harmful to juveniles and bear the date of such notice.

(c) Section 533.11 does not apply to a motion picture operator or projectionist acting within the scope of employment as an employee of the owner or manager of a theater or other place for the showing of motion pictures to the general public, and having no managerial responsibility or financial interest in the operator's or projectionist's place of employment, other than wages.

- (d) (1) Sections 533.11, 533.12(a) and 533.13 do not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection.
- (2) Subsection (d)(1) of this section does not apply to a person who conspires with an entity actively involved in the creation or knowing distribution of material in violation of Section 533.11, 533.12 or 533.13, or who knowingly advertises the availability of material of that nature.
- (3) Subsection (d)(1) of this section does not apply to a person who provides access or connection to an electronic method of remotely transferring information that is engaged in the violation of Section 533.11, 533.12 or 533.13, and that contains content that person has selected and introduced into the electronic method of remotely transferring information or content over which that person exercises editorial control.

(e) An employer is not guilty of a violation of Section 533.11, 533.12, or 533.13 based on the actions of an employee or agent of the employer unless the employee's or agent's conduct is within the scope of employee's or agent's employment or agency, and the employer does either of the following:

- (1) With knowledge of the employee's or agent's conduct, the employer authorizes or ratifies the conduct.
- (2) The employer recklessly disregards the employee's or agent's conduct.

(f) It is an affirmative defense to a charge under Section 533.11 or 533.13 as the section applies to an image transmitted through the internet or another electronic method of remotely transmitting information that the person charged with violating the section has taken, in good faith, reasonable, effective, and appropriate actions under the circumstances to restrict or prevent access by juveniles to material that is harmful to juveniles, including any method that is feasible under available technology.

(g) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
(ORC 2907.35)

533.03 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(a) No person, who is eighteen years of age or older, shall engage in sexual conduct with another, who is not the spouse of the offender, when the offender knows the other person is thirteen years of age or older but less than sixteen years of age, or the offender is reckless in that regard.

(b) Whoever violates this section is guilty of unlawful sexual conduct with a minor, a misdemeanor of the first degree. If the offender is four years older or more than the other person, or if the offender has previously been convicted of or pleaded guilty to a violation of Ohio R.C. 2907.02, 2907.03 or 2907.04, or former Ohio R.C. 2907.12, unlawful sexual conduct with a minor is a felony and shall be prosecuted under appropriate State law. (ORC 2907.04)

533.04 SEXUAL IMPOSITION.

(a) No person shall have sexual contact with another, not the spouse of the offender; cause another, not the spouse of the offender, to have sexual contact with the offender; or cause two or more persons to have sexual contact when any of the following applies:

- (1) The offender knows that the sexual contact is offensive to the other person, or one of the other persons, or is reckless in that regard.
- (2) The offender knows that the other person's or one of the other person's ability to appraise the nature of or control the offender's or touching person's conduct is substantially impaired.
- (3) The offender knows that the other person or one of the other persons submits because of being unaware of the sexual contact.
- (4) The other person or one of the other persons is thirteen years of age or older but less than sixteen years of age, whether or not the offender knows the age of such person, and the offender is at least eighteen years of age and four or more years older than such other person.
- (5) The offender is a mental health professional, the other person or one of the other persons is a mental health client or patient of the offender, and the offender induces the other person who is the client or patient to submit by falsely representing to the other person who is the client or patient that the sexual contact is necessary for mental health treatment purposes.

(b) No person shall be convicted of a violation of this section solely upon the victim's testimony unsupported by other evidence.

(c) Whoever violates this section is guilty of sexual imposition, a misdemeanor of the third degree. If the offender previously has been convicted of a violation of Ohio R.C. 2907.02, 2907.03, 2907.04, 2907.05, 2907.06 or 2907.12, or a substantially similar municipal ordinance, a violation of this section is a misdemeanor of the first degree. (ORC 2907.06)

533.05 IMPORTUNING.

(EDITOR'S NOTE: Former Section 533.05 has been deleted from the Codified Ordinances. Section 533.05 was identical to Ohio R.C. 2907.07(B) which the Ohio Supreme Court held to be unconstitutional in *State v. Thompson*, 95 Ohio St. 3rd 264 (2002).)

533.06 VOYEURISM.

(a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.

(b) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity.

(c) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another to videotape, film, photograph, or otherwise record the other person in a state of nudity if the other person is a minor.

(d) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person under or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.

- (e)
- (1) Whoever violates this section is guilty of voyeurism.
 - (2) A violation of subsection (a) hereof is a misdemeanor of the third degree.
 - (3) A violation of subsection (b) hereof is a misdemeanor of the second degree.
 - (4) A violation of subsection (c) or (d) hereof is a misdemeanor of the first degree. (ORC 2907.08)

533.07 PUBLIC INDECENCY.

(a) No person shall recklessly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront others, who are in the person's physical proximity and who are not members of the person's household:

- (1) Expose the person's private parts;
- (2) Engage in sexual conduct or masturbation;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation.

(b) No person shall knowingly do any of the following, under circumstances in which the person's conduct is likely to be viewed by and affront another person who is a minor, who is not the spouse of the offender, and who resides in the person's household:

- (1) Engage in masturbation;
- (2) Engage in sexual conduct;
- (3) Engage in conduct that to an ordinary observer would appear to be sexual conduct or masturbation;
- (4) Expose the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity.

- (c)
- (1) Whoever violates this section is guilty of public indecency and shall be punished as provided in subsections (c)(2), (3), (4) and (5) of this section.
 - (2) Except as otherwise provided in subsection (c)(2) of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the third degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to two violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to three or more violations of this section, a violation of subsection (a)(1) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.

- (3) Except as otherwise provided in subsection (c)(3) of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the third degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the second degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (a)(2) or (3) of this section is a misdemeanor of the first degree or, if any person who was likely to view and be affronted by the offender's conduct was a minor, a felony which shall be prosecuted under appropriate state law.
- (4) Except as otherwise provided in subsection (c)(4) of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the second degree. If the offender previously has been convicted of or pleaded guilty to one violation of this section, a violation of subsection (b)(1), (2) or (3) of this section is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to two or more violations of this section, a violation of subsection (b)(1), (2) or (3) of this section is a felony and shall be prosecuted under appropriate state law.
- (5) A violation of subsection (b)(4) of this section is a misdemeanor of the first degree unless the offender previously has been convicted of or pleaded guilty to any violation of this section in which case the violation is a felony and shall be prosecuted under appropriate state law. (ORC 2907.09)

533.08 PROCURING.

- (a) No person, knowingly and for gain, shall do either of the following:
 - (1) Entice or solicit another to patronize a prostitute or brothel;
 - (2) Procure a prostitute for another to patronize, or take or direct another at his or her request to any place for the purpose of patronizing a prostitute.
- (b) No person, having authority or responsibility over the use of premises, shall knowingly permit such premises to be used for the purpose of engaging in sexual activity for hire.
- (c) Whoever violates this section is guilty of procuring, a misdemeanor of the first degree. (ORC 2907.23)

533.09 SOLICITING.

- (a) No person shall solicit another to engage with such other person in sexual activity for hire.
- (b) Whoever violates this section is guilty of soliciting, a misdemeanor of the third degree.
- (c) If a person is convicted of or pleads guilty to a violation of any provision of this section or an attempt to commit a violation of any provision of this section, and if the person, in committing or attempting to commit the violation, was in, was on, or used a motor vehicle, the court, in addition to or independent of all other penalties imposed for the violation, shall impose upon the offender a class six suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(6) of Ohio R.C. 4510.02. (ORC 2907.24)

533.091 LOITERING TO ENGAGE IN SOLICITATION.

(a) No person, with purpose to solicit another to engage in sexual activity for hire and while in or near a public place, shall do any of the following:

- (1) Beckon to, stop or attempt to stop another;
- (2) Engage or attempt to engage another in conversation;
- (3) Stop or attempt to stop the operator of a vehicle or approach a stationary vehicle;
- (4) If the offender is the operator of or a passenger in a vehicle, stop, attempt to stop, beckon to, attempt to beckon to, or entice another to approach or enter the vehicle of which the offender is the operator or in which the offender is the passenger;
- (5) Interfere with the free passage of another.

(b) As used in this section:

- (1) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (2) "Public place" means any of the following:
 - A. A street, road, highway, thoroughfare, bikeway, walkway, sidewalk, bridge, alley, alleyway, plaza, park, driveway, parking lot, or transportation facility;
 - B. A doorway or entrance way to a building that fronts on a place described in subsection (b)(2)A. hereof;
 - C. A place not described in subsection (b)(2)A. or B. hereof that is open to the public.

(c) Whoever violates subsection (a) hereof is guilty of loitering to engage in solicitation, a misdemeanor of the third degree. (ORC 2907.241)

533.10 PROSTITUTION.

(a) No person shall engage in sexual activity for hire.

(b) Whoever violates this section is guilty of prostitution, a misdemeanor of the third degree. (ORC 2907.25)

533.11 DISSEMINATING MATTER HARMFUL TO JUVENILES.

(a) No person, with knowledge of its character or content, shall recklessly do any of the following:

- (1) Directly sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
- (2) Directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent or present to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles any material or performance that is obscene or harmful to juveniles;
- (3) While in the physical proximity of the juvenile or law enforcement officer posing as a juvenile, allow any juvenile or law enforcement officer posing as a juvenile to review or peruse any material or view any live performance that is harmful to juveniles.

(b) The following are affirmative defenses to a charge under this section, that involves material or a performance that is harmful to juveniles but not obscene:

- (1) The defendant is the parent, guardian or spouse of the juvenile involved.

- (2) The juvenile involved, at the time of the conduct in question, was accompanied by the juvenile's parent or guardian who, with knowledge of its character, consented to the material or performance being furnished or presented to the juvenile.
 - (3) The juvenile exhibited to the defendant or the defendant's agent or employee a draft card, driver's license, birth certificate, marriage license, or other official or apparently official document purporting to show that the juvenile was eighteen years of age or over or married, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the juvenile was under the age of eighteen and unmarried.
- (c)
- (1) It is an affirmative defense to a charge under this section, involving material or a performance that is obscene or harmful to juveniles, that the material or performance was furnished or presented for a bona fide medical, scientific, educational, governmental, judicial or other proper purpose, by a physician, psychologist, sociologist, scientist, teacher, librarian, clergyman, prosecutor, judge or other proper person.
 - (2) Except as provided in subsection (b)(3) hereof, mistake of age is not a defense to a charge under this section.
- (d)
- (1) A person directly sells, delivers, furnishes, disseminates, provides, exhibits, rents, or presents or directly offers or agrees to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present material or a performance to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section by means of an electronic method of remotely transmitting information if the person knows or has reason to believe that the person receiving the information is a juvenile or the group of persons receiving the information are juveniles.
 - (2) A person remotely transmitting information by means of a method of mass distribution does not directly sell, deliver, furnish, disseminate, provide, exhibit, rent, or present or directly offer or agree to sell, deliver, furnish, disseminate, provide, exhibit, rent, or present the material or performance in question to a juvenile, a group of juveniles, a law enforcement officer posing as a juvenile, or a group of law enforcement officers posing as juveniles in violation of this section if either of the following applies:
 - A. The person has inadequate information to know or have reason to believe that a particular recipient of the information or offer is a juvenile.
 - B. The method of mass distribution does not provide the person the ability to prevent a particular recipient from receiving the information.
- (e) If any provision of this section, or the application of any provision of this section to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of this section or related sections that can be given effect without the invalid provision or application. To this end, the provisions are severable.
- (f) Whoever violates this section is guilty of disseminating matter harmful to juveniles. If the material or performance involved is harmful to juveniles, except as otherwise provided in this subsection, a violation of this section is a misdemeanor of the first degree. If the material or performance involved is obscene, a violation of this section is a felony and shall be prosecuted under appropriate State law. (ORC 2907.31)

533.12 DECEPTION TO OBTAIN MATTER HARMFUL TO JUVENILES.

(a) No person, for the purpose of enabling a juvenile to obtain any material or gain admission to any performance which is harmful to juveniles shall do either of the following:

- (1) Falsely represent that he is the parent, guardian or spouse of such juvenile;
- (2) Furnish such juvenile with any identification or document purporting to show that such juvenile is eighteen years of age or over or married.

(b) No juvenile, for the purpose of obtaining any material or gaining admission to any performance which is harmful to juveniles, shall do either of the following:

- (1) Falsely represent that he is eighteen years of age or over or married;
- (2) Exhibit any identification or document purporting to show that he is eighteen years of age or over or married.

(c) Whoever violates this section is guilty of deception to obtain matter harmful to juveniles, a misdemeanor of the second degree. A juvenile who violates subsection (b) hereof shall be adjudged an unruly child, with such disposition of the case as may be appropriate under Ohio R.C. Chapter 2151. (ORC 2907.33)

533.13 DISPLAYING MATTER HARMFUL TO JUVENILES.

(a) No person who has custody, control or supervision of a commercial establishment, with knowledge of the character or content of the material involved, shall display at the establishment any material that is harmful to juveniles and that is open to view by juveniles as part of the invited general public.

(b) It is not a violation of subsection (a) hereof if the material in question is displayed by placing it behind "blinder racks" or similar devices that cover at least the lower two-thirds of the material, if the material in question is wrapped or placed behind the counter, or if the material in question otherwise is covered or located so that the portion that is harmful to juveniles is not open to the view of juveniles.

(c) Whoever violates this section is guilty of displaying matter harmful to juveniles, a misdemeanor of the first degree. Each day during which the offender is in violation of this section constitutes a separate offense. (ORC 2907.311)

533.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 537
Offenses Against Persons

<p>537.01 Negligent homicide. 537.02 Vehicular homicide and manslaughter. 537.021 Vehicular assault in a construction zone. 537.03 Assault. 537.04 Negligent assault. 537.05 Aggravated menacing. 537.051 Menacing by stalking. 537.06 Menacing. 537.07 Endangering children. 537.08 Unlawful restraint. 537.09 Coercion. 537.10 Telecommunication harassment. 537.11 Threatening or harassing telephone calls.</p>	<p>537.12 Misuse of 9-1-1 system. 537.13 Adulterating of or furnishing adulterated food or confection. 537.14 Domestic violence. 537.15 Temporary protection order. 537.16 Illegal distribution of cigarettes or other tobacco products. 537.17 Criminal child enticement. 537.18 Contributing to unruliness or delinquency of a child. 537.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law
Physical harm to persons defined - see GEN. OFF.
501.01 (c), (e)
Fighting; provoking violent response - see GEN. OFF. 509.03

537.01 NEGLIGENT HOMICIDE.

(a) No person shall negligently cause the death of another or the unlawful termination of another's pregnancy by means of a deadly weapon or dangerous ordnance as defined in Section 549.01.

(b) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree. (ORC 2903.05)

537.02 VEHICULAR HOMICIDE AND MANSLAUGHTER.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) A. Negligently;

- B. As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense, provided that this subsection applies only if the person whose death is caused or whose pregnancy is unlawfully terminated is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) of this section.
- (2) As the proximate result of committing a violation of any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor or of a municipal ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Ohio Revised Code that is a minor misdemeanor.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of vehicular homicide. Except as otherwise provided in this subsection, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide is a felony and shall be prosecuted under appropriate State law if, at the time of the offense, the offender was driving under a suspension or revocation imposed under Ohio R.C. Chapter 4507 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter or assault offense. The court shall impose a mandatory jail term on the offender when required by Ohio R.C. 2903.06(E).
- (2) Whoever violates subsection (a)(2) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this subsection, vehicular manslaughter is a misdemeanor of the second degree. Vehicular manslaughter is a misdemeanor of the first degree if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense.

(c) The court shall impose a mandatory jail term of at least fifteen days on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)B. of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99. The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of subsection (a)(1)A. hereof if either of the following applies:

- (1) The offender previously has been convicted of or pleaded guilty to a violation of this section or Ohio R.C. 2903.06 or 2903.08.
- (2) At the time of the offense, the offender was driving under suspension under Ohio R.C. Chapter 4510 or any other provision of the Ohio Revised Code.

(d) Subsection (a)(1)B. does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27. The failure to erect signs of the type described in Ohio R.C. 2903.081 in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of subsections (a)(1)A. or (a)(2) of this section in that construction zone or the prosecution of any person who violates any of those subsections in that construction zone.

(e) As used in this section:

- (1) “Mandatory prison term” and “mandatory jail term” have the same meanings as in Ohio R.C. 2929.01.
- (2) “Traffic-related homicide, manslaughter or assault offense” means a violation of Ohio R.C. 2903.04 in circumstances in which division (D) of that section applies, a violation of Ohio R.C. 2903.06 or 2903.08, or a violation of Ohio R.C. 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.
- (3) “Construction zone” has the same meaning as in Ohio R.C. 5501.27.
- (4) “Speeding offense” means a violation of Ohio R.C. 4511.21 or a municipal ordinance pertaining to speed.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.06)

(g) The court imposing a sentence upon an offender for any violation of this section also shall impose a suspension of the offender’s driver’s license, commercial driver’s license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (B) of Ohio R.C. 4510.02 that is equivalent in length to the suspension required for a violation of Ohio R.C. 2903.06 under similar circumstances. (ORC 4510.07)

537.021 VEHICULAR ASSAULT IN A CONSTRUCTION ZONE.

(a) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause serious physical harm to another person or another's unborn as the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a speeding offense. This subsection applies only if the person to whom the serious physical harm is caused or to whose unborn the serious physical harm is caused is in the construction zone at the time of the offender's commission of the speeding offense in the construction zone and does not apply as described in subsection (d) hereof.

(b) Whoever violates this section is guilty of vehicular assault. Except as provided in this subsection, vehicular assault is a misdemeanor of the first degree. Vehicular assault is a felony if, at the time of the offense, the offender was driving under a suspension imposed under Ohio R.C. Chapter 4510, or any other provision of the Ohio Revised Code or if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, and shall be prosecuted under appropriate state law.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(4) of Ohio R.C. 4510.02.

(c) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a violation of this section and may impose upon the offender a longer jail term as authorized pursuant to Section 501.99.

(d) This section does not apply in a particular construction zone unless signs of the type described in Ohio R.C. 2903.081 are erected in that construction zone in accordance with the guidelines and design specifications established by the Director of Transportation under Ohio R.C. 5501.27.

(e) As used in this section:

- (1) "Mandatory jail term" has the same meaning as in Ohio R.C. 2929.01.
- (2) "Traffic-related homicide, manslaughter or assault offense" has the same meaning as in Ohio R.C. 2903.06.
- (3) "Construction zone" has the same meaning as in Ohio R.C. 5501.27.
- (4) "Speeding offense" has the same meaning as in Ohio R.C. 2903.06.

(f) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this State, or current or former law of another state or the United States. (ORC 2903.08)

537.03 ASSAULT.

(a) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

(b) No person shall recklessly cause serious physical harm to another or to another's unborn.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree. If the assault was committed under the circumstances provided in subsection (c)(1), (2), (3) or (4) hereof, assault is a felony and shall be prosecuted under appropriate State law.

- (1) Except as otherwise provided in this subsection, if the offense is committed by a caretaker against a functionally impaired person under the caretaker's care.

- (2) If the offense is committed in any of the following circumstances:
- A. The offense occurs in or on the grounds of a State correctional institution or an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department or is on the premises of the particular institution for business purposes or as a visitor, and the offense is committed by a person incarcerated in the State correctional institution, a person institutionalized in the Department of Youth Services institution pursuant to a commitment to the Department of Youth Services, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
 - B. The offense occurs in or on the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department or is on the premises of the facility for business purposes or as a visitor, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person's being charged with or convicted of any crime, or subsequent to the person's being alleged to be or adjudicated a delinquent child.
 - C. The offense occurs off the grounds of a State correctional institution and off the grounds of an institution of the Department of Youth Services, the victim of the offense is an employee of the Department of Rehabilitation and Correction, the Department of Youth Services, or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person incarcerated in a State correctional institution or institutionalized in the Department of Youth Services who temporarily is outside of the institution for any purpose, by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.
 - D. The offense occurs off the grounds of a local correctional facility, the victim of the offense is an employee of the local correctional facility or a probation department, the offense occurs during the employee's official work hours and while the employee is engaged in official work responsibilities, and the offense is committed by a person who is under custody in the facility subsequent to the person's arrest for any crime or delinquent act, subsequent to the person being charged with or convicted of any crime, or subsequent to the person being alleged to be or adjudicated a delinquent child and who temporarily is outside of the facility for any purpose or by a parolee, by an offender under transitional control, under a community control sanction, or on an escorted visit, by a person under post-release control, or by an offender under any other type of supervision by a government agency.

- E. The victim of the offense is a school teacher or administrator or a school bus operator, and the offense occurs in a school, on school premises, in a school building, on a school bus or while the victim is outside of school premises or a school bus and is engaged in duties or official responsibilities associated with the victim's employment or position as a school teacher or administrator or a school bus operator, including, but not limited to, driving, accompanying, or chaperoning students at or on class or field trips, athletic events, or other school extracurricular activities or functions outside of school premises.
- (3) If the victim of the offense is a peace officer or an investigator of the Bureau of Criminal Identification and Investigation, a firefighter, or a person performing emergency medical service, while in the performance of their official duties.
- (4) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties.
- (d) As used in this section:
- (1) "Peace officer" has the same meaning as in Ohio R.C. 2935.01.
- (2) "Firefighter" has the same meaning as in Ohio R.C. 3937.41.
- (3) "Emergency medical service" has the same meaning as in Ohio R.C. 4765.01.
- (4) "Local correctional facility" means a county, multicounty, municipal, municipal-county or multicounty-municipal jail or workhouse. A minimum security jail established under Ohio R.C. 341.23 or 753.21, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.
- (5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in the operation of the facility.
- (6) "School teacher or administrator" means either of the following:
- A. A person who is employed in the public schools of the State under a contract described in Ohio R.C. 3319.08 in a position in which the person is required to have a certificate issued pursuant to Ohio R.C. 3319.22 to 3319.311.
- B. A person who is employed by a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07 and who is certified in accordance with Ohio R.C. 3301.071.
- (7) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01.
- (8) "Escorted visit" means an escorted visit granted under Ohio R.C. 2967.27.
- (9) "Post-release control" and "transitional control" have the same meanings as in Ohio R.C. 2967.01.
- (10) "Investigator of the Bureau of Criminal Identification and Investigation" has the same meaning as in Ohio R.C. 2903.11.
(ORC 2903.13)

537.04 NEGLIGENT ASSAULT.

(a) No person shall negligently, by means of a deadly weapon or dangerous ordnance as defined in Section 549.01 cause physical harm to another or to another's unborn.

(b) Whoever violates this section is guilty of negligent assault, a misdemeanor of the third degree. (ORC 2903.14)

537.05 AGGRAVATED MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause serious physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

(b) Whoever violates this section is guilty of aggravated menacing. Except as otherwise provided in this subsection (b), aggravated menacing is a misdemeanor of the first degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, aggravated menacing is a felony and shall be prosecuted under appropriate State law. (ORC 2903.21)

537.051 MENACING BY STALKING.

- (a) (1) No person by engaging in a pattern of conduct shall knowingly cause another person to believe that the offender will cause physical harm to the other person or cause mental distress to the other person.
- (2) No person, through the use of any electronic method of remotely transferring information, including, but not limited to, any computer, computer network, computer program, or computer system, shall post a message with purpose to urge or incite another to commit a violation of subsection (a)(1) of this section.
- (3) No person, with sexual motivation, shall violate subsection (a)(1) or (2) of this section.

(b) Whoever violates this section is guilty of menacing by stalking.

- (1) Except as otherwise provided in subsections (b)(2) and (3) of this section, menacing by stalking is a misdemeanor of the first degree.
- (2) Menacing by stalking is a felony and shall be prosecuted under appropriate State law if any of the following applies:
- A. The offender previously has been convicted of or pleaded guilty to a violation of this section or a violation of Section 541.051.
- B. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender made a threat of physical harm to or against the victim, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message made a threat of physical harm to or against the victim.

- C. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender trespassed on the land or premises where the victim lives, is employed, or attends school, or as a result of an offense committed under subsection (a)(2) or (3) of this section, a third person induced by the offender's posted message trespassed on the land or premises where the victim lives, is employed, or attends school.
 - D. The victim of the offense is a minor.
 - E. The offender has a history of violence toward the victim or any other person or a history of other violent acts toward the victim or any other person.
 - F. While committing the offense under subsection (a)(1) of this section or a violation of subsection (a)(3) of this section is based on conduct in violation of subsection (a)(1) of this section, the offender had a deadly weapon on or about the offender's person or under the offender's control. Subsection (b)(2)F. of this section does not apply in determining the penalty for a violation of subsection (a)(2) of this section or a violation of subsection (a)(3) of this section based on conduct in violation of subsection (a)(1) of this section.
 - G. At the time of the commission of the offense, the offender was the subject of a protection order issued under Ohio R.C. 2903.213 or 2903.214, regardless of whether the person to be protected under the order is the victim of the offense or another person.
 - H. In committing the offense under subsection (a)(1), (2), or (3) of this section, the offender caused serious physical harm to the premises at which the victim resides, to the real property on which that premises is located, or to any personal property located on that premises, or as a result of an offense committed under subsection (a)(2) of this section, or an offense committed under subsection (a)(3) of this section based on a violation of subsection (a)(2) of this section, a third person induced by the offender's posted message caused serious physical harm to that premises, that real property, or any personal property on that premises.
 - I. Prior to committing the offense, the offender had been determined to represent a substantial risk of physical harm to others as manifested by evidence of then-recent homicidal or other violent behavior, evidence of then-recent threats that placed another in reasonable fear of violent behavior and serious physical harm, or other evidence of then-present dangerousness.
- (3) If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities, or duties, menacing by stalking is a felony and shall be prosecuted under appropriate State law.

- (d) As used in this section:
- (1) "Pattern of conduct" means two or more actions or incidents closely related in time, whether or not there has been a prior conviction based on any of those actions or incidents. Actions or incidents that prevent, obstruct, or delay the performance by a public official, firefighter, rescuer, emergency medical services person, or emergency facility person of any authorized act within the public official's, firefighter's, rescuer's, emergency medical services person's, or emergency facility person's official capacity, or the posting of messages or receipts of information or data through the use of an electronic method of remotely transferring information, including, but not limited to, a computer, computer network, computer program, computer system, or telecommunications device, may constitute a "pattern of conduct".
 - (2) "Mental distress" means any of the following:
 - A. Any mental illness or condition that involves some temporary substantial incapacity;
 - B. Any mental illness or condition that would normally require psychiatric treatment, psychological treatment, or other mental health services, whether or not any person requested or received psychiatric treatment, psychological treatment, or other mental health services.
 - (3) "Emergency medical services person" is the singular of "emergency medical services personnel" as defined in Ohio R.C. 2133.21.
 - (4) "Emergency facility person" is the singular of "emergency facility personnel" as defined in Ohio R.C. 2909.04.
 - (5) "Public official" has the same meaning as in Ohio R.C. 2921.01.
 - (6) "Computer", "computer network", "computer program", "computer system" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
 - (7) "Post a message" means transferring, sending, posting, publishing, disseminating or otherwise communicating, or attempting to transfer, send, post, publish, disseminate or otherwise communication, any message or information, whether truthful or untruthful, about an individual, and whether done under one's own name, under the name of another, or while impersonating another.
 - (8) "Third person" means, in relation to conduct as described in subsection (a)(2) of this section, an individual who is neither the offender nor the victim of the conduct.
 - (9) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.

(e) The Municipality does not need to prove in a prosecution under this section that a person requested or received psychiatric treatment, psychological treatment, or other mental health services in order to show that the person was caused mental distress as described in subsection (d)(2)B. of this section.

- (f) (1) This section does not apply to a person solely because the person provided access or connection to or from an electronic method of remotely transferring information not under that person's control, including having provided capabilities that are incidental to providing access or connection to or from the electronic method of remotely transferring the information, and that do not include the creation of the content of the material that is the subject of the access or connection. In addition, any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control shall not be liable for any action voluntarily taken in good faith to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section.
- (2) Subsection (f)(1) of this section does not create an affirmative duty for any person providing access or connection to or from an electronic method of remotely transferring information not under that person's control to block the receipt or transmission through its service of any information that it believes is, or will be sent, in violation of this section except as otherwise provided by law.
- (3) Subsection (f)(1) of this section does not apply to a person who conspires with a person actively involved in the creation or knowing distribution of material in violation of this section or who knowingly advertises the availability of material of that nature.
(ORC 2903.211)

537.06 MENACING.

(a) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family.

(b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this subsection (b), menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer's or employee's performance or anticipated performance of official responsibilities or duties, or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties, menacing is a felony and shall be prosecuted under appropriate State law.

(ORC 2903.22)

537.07 ENDANGERING CHILDREN.

(a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection or support. It is not a violation of a duty of care, protection or support under this subsection when the parent, guardian, custodian or person having custody or control of a child treats the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

- (b) No person shall abuse a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.
- (c) (1) No person shall operate a vehicle in violation of Section 333.01(a) of the Traffic Code when one or more children under eighteen years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of subsection (c) hereof and a violation of Section 333.01(a) of the Traffic Code that constitutes the basis of the charge of the violation of subsection (c) hereof. For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of subsection (c) hereof shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.
- (2) As used in subsection (c) hereof:
- A. "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.
- B. "Vehicle" has the same meaning as in Ohio R.C. 4511.01.
- (d) Whoever violates this section is guilty of endangering children.
- (1) Whoever violates subsection (a) or (b) hereof is guilty of a misdemeanor of the first degree. If the violation results in serious physical harm to the child involved, or if the offender previously has been convicted of an offense under this section, Ohio R.C. 2919.22 or of any offense involving neglect, abandonment, contributing to the delinquency of or physical abuse of a child, endangering children is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (c) hereof is guilty of a misdemeanor of the first degree. Endangering children is a felony and shall be prosecuted under appropriate State law if either of the following applies:
- A. The violation results in serious physical harm to the child involved or the offender previously has been convicted of an offense under Ohio R.C. 2919.22 or any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child.
- B. The violation results in serious physical harm to the child involved and the offender previously has been convicted of a violation of Ohio R.C. 2919.22(C) or subsection (c) hereof, Ohio R.C. 2903.06, or 2903.08, Section 2903.07 as it existed prior to March 23, 2000, or Ohio R.C. 2903.04 in a case in which the offender was subject to the sanctions described in division (D) of that section.
- (3) In addition to any term of imprisonment, fine, or other sentence, penalty, or sanction it imposes upon the offender pursuant to subsection (d)(2) hereof, or pursuant to any other provision of law, the court also may impose upon the offender any of the sanctions provided under Ohio R.C. 2919.22(E)(5)(d).

- (e) (1) If a person violates subsection (c) hereof and if, at the time of the violation, there were two or more children under eighteen years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) hereof for each of the children, but the court may sentence the offender for only one of the violations.
- (2) A. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof but the person is not also convicted of and does not also plead guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, both of the following apply:
1. For purposes of the provisions of the Traffic Code penalty that set forth the penalties and sanctions for a violation of Section 333.01(a) of the Traffic Code, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute a violation of Section 333.01(a) of the Traffic Code.
 2. For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code and that is not described in subsection (e)(2)A.1. hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall constitute a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.
- B. If a person is convicted of or pleads guilty to a violation of subsection (c) hereof and the person also is convicted of or pleads guilty to a separate charge charging the violation of Section 333.01(a) of the Traffic Code that was the basis of the charge of the violation of subsection (c) hereof, the conviction of or plea of guilty to the violation of subsection (c) hereof shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code, a conviction of or plea of guilty to a violation of Section 333.01(a) of the Traffic Code.
(ORC 2919.22)

537.08 UNLAWFUL RESTRAINT.

- (a) No person, without privilege to do so, shall knowingly restrain another of the other person's liberty.
- (b) No person, without privilege to do so and with a sexual motivation, shall knowingly restrain another of the other person's liberty.
- (c) Whoever violates this section is guilty of unlawful restraint, a misdemeanor of the third degree.
- (d) As used in this section, "sexual motivation" has the same meaning as in Ohio R.C. 2971.01. (ORC 2905.03)

537.09 COERCION.

(a) No person, with purpose to coerce another into taking or refraining from action concerning which the other person has a legal freedom of choice, shall do any of the following:

- (1) Threaten to commit any offense;
- (2) Utter or threaten any calumny against any person;
- (3) Expose or threaten to expose any matter tending to subject any person to hatred, contempt or ridicule, to damage any person's personal or business repute, or to impair any person's credit;
- (4) Institute or threaten criminal proceedings against any person;
- (5) Take or withhold, or threaten to take or withhold official action, or cause or threaten to cause official action to be taken or withheld.

(b) Subsections (a)(4) and (5) hereof shall not be construed to prohibit a prosecutor or court from doing any of the following in good faith and in the interest of justice:

- (1) Offering or agreeing to grant, or granting immunity from prosecution pursuant to Ohio R.C. 2945.44;
- (2) In return for a plea of guilty to one or more offenses charged or to one or more other or lesser offenses, or in return for the testimony of the accused in a case to which the accused is not a party, offering or agreeing to dismiss, or dismissing one or more charges pending against an accused, or offering or agreeing to impose, or imposing a certain sentence or modification of sentence;
- (3) Imposing community control sanction on certain conditions, including without limitation requiring the offender to make restitution or redress to the victim of the offense.

(c) It is an affirmative defense to a charge under subsection (a)(3), (4) or (5) hereof that the actor's conduct was a reasonable response to the circumstances that occasioned it, and that the actor's purpose was limited to any of the following:

- (1) Compelling another to refrain from misconduct or to desist from further misconduct;
- (2) Preventing or redressing a wrong or injustice;
- (3) Preventing another from taking action for which the actor reasonably believed the other person to be disqualified;
- (4) Compelling another to take action that the actor reasonably believed the other person to be under a duty to take.

(d) Whoever violates this section is guilty of coercion, a misdemeanor of the second degree.

(e) As used in this section:

- (1) "Threat" includes a direct threat and a threat by innuendo.
- (2) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01. (ORC 2905.12)

537.10 TELECOMMUNICATION HARASSMENT.

(a) No person shall knowingly make or cause to be made a telecommunication, or knowingly permit telecommunication to be made from a telecommunications device under the person's control, to another, if the caller does any of the following:

- (1) Fails to identify the caller to the recipient of the telecommunication and makes the telecommunication with purpose to harass, or abuse, any person at the premises to which the telecommunication is made, whether or not actual communication takes place between the caller and a recipient;
- (2) Describes, suggests, requests, or proposes that the caller, the recipient of the telecommunication, or any other person engage in sexual activity, and the recipient or another person at the premises to which the telecommunication is made has requested, in a previous telecommunication or in the immediate telecommunication, that the caller not make a telecommunication to the recipient or to the premises to which the telecommunication is made;
- (3) During the telecommunication, violates Ohio R.C. 2903.21;
- (4) Knowingly states to the recipient of the telecommunication that the caller intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the telecommunication is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
- (5) Knowingly makes the telecommunication to the recipient of the telecommunication, to another person at the premises to which the telecommunication is made, or to those premises, and the recipient or another person at those premises previously has told the caller not to make a telecommunication to those premises or to any person at those premises.

(b) No person shall make or cause to be made a telecommunication, or permit a telecommunication to be made from a telecommunications device under the person's control, with purpose to abuse, threaten, or harass another person.

- (c)
 - (1) Whoever violates this section is guilty of telecommunication harassment.
 - (2) A violation of subsections (a)(1), (2), (3) or (5) or (b) hereof is a misdemeanor of the first degree on a first offense. Each subsequent offense is a felony and shall be prosecuted under appropriate State law.
 - (3) Whoever violates subsection (a)(4) hereof is guilty of a misdemeanor of the first degree for a first offense. For each subsequent offense or if a violation of subsection (a)(4) hereof results in economic harm of five hundred dollars (\$500.00) or more, a violation of subsection (a)(4) hereof is a felony and shall be prosecuted under appropriate State law.

(d) No cause of action may be asserted in any court of this State against any provider of a telecommunications service or information service, or against any officer, employee, or agent of a telecommunication service or information service, for any injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities, or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section or Ohio R.C. 4931.31. A provider of a telecommunications service or information service, or an officer, employee, or agent of a telecommunications service or information service, is immune from any civil or criminal liability for injury, death, or loss to person or property that allegedly arises out of the provider's, officer's, employee's, or agent's provision of information, facilities or assistance in accordance with the terms of a court order that is issued in relation to the investigation or prosecution of an alleged violation of this section or Ohio R.C. 4931.31.

(e) As used in this section:

- (1) "Economic harm" means all direct, incidental, and consequential pecuniary harm suffered by a victim as a result of criminal conduct. "Economic harm" includes, but is not limited to, all of the following:
 - A. All wages, salaries, or other compensation lost as a result of the criminal conduct;
 - B. The cost of all wages, salaries or other compensation paid to employees for time those employees are prevented from working as a result of the criminal conduct;
 - C. The overhead costs incurred for the time that a business is shut down as a result of the criminal conduct;
 - D. The loss of value to tangible or intangible property that was damaged as a result of the criminal conduct.
- (2) "Caller" means the person described in subsection (a) hereof who makes or causes to be made a telecommunication or who permits a telecommunication to be made from a telecommunications device under that person's control.
- (3) "Telecommunication" and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.
- (4) "Sexual activity" has the same meaning as in Ohio R.C. 2907.01.

(f) Nothing in this section prohibits a person from making a telecommunication call to a debtor that is in compliance with the "Fair Debt Collection Practices Act", 91 Stat. 874 (1977), 15 U.S.C. 1692, as amended, or the "Telephone Consumer Protection Act", 105 Stat. 2395 (1991), 47 U.S.C. 227, as amended. (ORC 2917.21)

537.11 THREATENING OR HARASSING TELEPHONE CALLS.

(a) No person shall, while communicating with any other person over the telephone, threaten to do bodily harm or use or address to such other person any words or language of a lewd, lascivious or indecent character, nature or connotation for the sole purpose of annoying such other person; nor shall any person telephone any other person repeatedly or cause any person to be telephoned repeatedly for the sole purpose of harassing or molesting such other person or his family.

Any use, communication or act prohibited by this section may be deemed to have occurred or to have been committed at either the place at which the telephone call was made or was received. (ORC 4931.31)

(b) Whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4931.99)

537.12 MISUSE OF 9-1-1 SYSTEM.

(a) "9-1-1 system" means a system through which individuals can request emergency service using the telephone number 9-1-1. (ORC 4931.40)

(b) No person shall knowingly use the telephone number of the 9-1-1 system to report an emergency if he knows that no emergency exists. (ORC 4931.49)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 4931.99)

537.13 ADULTERATING OF OR FURNISHING ADULTERATED FOOD OR CONFECTION.

(a) No person shall do either of the following, knowingly or having reasonable cause to believe that any person may suffer physical harm or be seriously inconvenienced or annoyed thereby:

- (1) Place a pin, needle, razor blade, glass, laxative, drug of abuse, or other harmful or hazardous object or substance in any food or confection;
- (2) Furnish to any person any food or confection which has been adulterated in violation of subsection (a)(1) hereof. (ORC 3716.11)

(b) Whoever violates this section is guilty of a misdemeanor of the first degree. (ORC 3716.99(C))

537.14 DOMESTIC VIOLENCE.

(a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

(b) No person shall recklessly cause serious physical harm to a family or household member.

(c) No person, by threat of force, shall knowingly cause a family or household member to believe that the offender will cause imminent physical harm to the family or household member.

- (d)
- (1) Whoever violates this section is guilty of domestic violence.
 - (2) Except as otherwise provided in subsection (d)(3) or (4) of this section, a violation of subsection (c) of this section is a misdemeanor of the fourth degree, and a violation of subsection (a) or (b) of this section is a misdemeanor of the first degree.
 - (3) Except as otherwise provided in subsection (d)(4) of this section, if the offender previously has pleaded guilty to or been convicted of domestic violence, a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to domestic violence, a violation of Ohio R.C. 2903.14, 2909.06, 2909.07, 2911.12, 2911.211, or 2919.22 if the victim of the violation was a family or household member at the time of the violation, a violation of an existing or former municipal ordinance or law of this or any other

state or the United States that is substantially similar to any of those sections if the victim of the violation was a family or household member at the time of the commission of the violation, or any offense of violence if the victim of the offense was a family or household member at the time of the commission of the offense, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the second degree.

- (4) If the offender previously has pleaded guilty to or been convicted of two or more offenses of domestic violence or two or more violations or offenses of the type described in subsection (d)(3) of this section involving a person who was a family or household member at the time of the violations or offenses, a violation of subsection (a) or (b) of this section is a felony and shall be prosecuted under appropriate state law, and a violation of subsection (c) of this section is a misdemeanor of the first degree.

(e) Notwithstanding any provision of law to the contrary, no court or unit of local government shall charge any fee, cost, deposit, or money in connection with the filing of charges against a person alleging that the person violated this section or in connection with the prosecution of any charges so filed.

(f) As used in this section:

(1) "Family or household member" means any of the following:

A. Any of the following who is residing or has resided with the offender:

1. A spouse, a person living as a spouse or a former spouse of the offender;
2. A parent or a child of the offender, or another person related by consanguinity or affinity to the offender;
3. A parent, or a child of a spouse, person living as a spouse, or former spouse of the offender; or another person related by consanguinity or affinity to a spouse, person living as a spouse or former spouse of the offender.

B. The natural parent of any child of whom the offender is the other natural parent or is the putative other natural parent.

(2) "Person living as a spouse" means a person who is living or has lived with the offender in a common law marital relationship, who otherwise is cohabiting with the offender, or who otherwise has cohabited with the offender within five years prior to the date of the alleged commission of the act in question. (ORC 2919.25)

(g) The same relief available under the Ohio Revised Code for filing a complaint for violation of Ohio R.C. 2919.25 shall be available for filing a complaint for violation of this section.

537.15 TEMPORARY PROTECTION ORDER.

(a) No person shall recklessly violate the terms of any of the following:

- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or 3113.31;
- (2) A protection order issued pursuant to Ohio R.C. 2903.213 or 2903.214;
- (3) A protection order issued by a court of another state.

- (b) (1) Whoever violates this section is guilty of violating a protection order.
- (2) Except as otherwise provided in subsection (b)(3) of this section, violating a protection order is a misdemeanor of the first degree.
- (3) If the offender previously has been convicted of or pleaded guilty to a violation of a protection order issued pursuant to Ohio R.C. 2903.213 or 2903.214, two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22, or 2911.211 that involved the same person who is the subject of the protection order or consent agreement, or one or more violations of this section, violating a protection order is a felony and shall be prosecuted under appropriate state law.
- (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony and shall be prosecuted under appropriate state law.

(c) It is an affirmative defense to a charge under subsection (a)(3) of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).

(d) As used in this section, “protection order issued by a court of another state” means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person, including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint, petition or motion filed by or on behalf of a person seeking protection. “Protection order issued by a court of another state” does not include an order for support or for custody of a child. (ORC 2919.27)

537.16 ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS.

- (a) As used in this section:
 - (1) “Child” has the same meaning as in Ohio R.C. 2151.011.
 - (2) “Cigarette” includes clove cigarettes and hand-rolled cigarettes.
 - (3) “Distribute” means to furnish, give, or provide cigarettes, other tobacco products, or papers used to roll cigarettes to the ultimate consumer of the cigarettes, other tobacco products, or papers used to roll cigarettes.
 - (4) “Proof of age” means a driver’s license, a commercial driver’s license, a military identification card, a passport, or an identification card issued under Ohio R.C. 4507.50 to 4507.52 that shows that a person is eighteen years of age or older.
 - (5) “Tobacco product” means any product that is made from tobacco, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, or snuff.
 - (6) “Vending machine” has the same meaning as “coin machine” in Ohio R.C. 2913.01.

(b) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, no agent, employee, or representative of a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, or papers used to roll cigarettes, and no other person shall do any of the following:

- (1) Give, sell, or otherwise distribute cigarettes, other tobacco products, or papers used to roll cigarettes to any child;
- (2) Give away, sell or distribute cigarettes, other tobacco products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, or papers used to roll cigarettes to a person under eighteen years of age is prohibited by law;
- (3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cigarettes, other tobacco products, or papers used to roll cigarettes for that child.

(c) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine, except in the following locations:

- (1) An area within a factory, business, office, or other place not open to the general public;
- (2) An area to which children are not generally permitted access;
- (3) Any other place not identified in subsection (c)(1) or (2) of this section, upon all of the following conditions:
 - A. The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person.
 - B. The vending machine is inaccessible to the public when the place is closed.

(d) The following are affirmative defenses to a charge under subsection (b)(1) of this section:

- (1) The child was accompanied by a parent, spouse who is eighteen years of age or older, or legal guardian of the child.
- (2) The person who gave, sold, or distributed cigarettes, other tobacco products, or papers used to roll cigarettes to a child under subsection (b)(1) of this section is a parent, spouse who is eighteen years of age or older, or legal guardian of the child.

(e) It is not a violation of subsection (b)(1) or (2) of this section for a person to give or otherwise distribute to a child cigarettes, other tobacco products, or papers used to roll cigarettes while the child is participating in a research protocol if all of the following apply:

- (1) The parent, guardian, or legal custodian of the child has consented in writing to the child participating in the research protocol.

- (2) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol.
 - (3) The child is participating in the research protocol at the facility or location specified in the research protocol.
- (f)
- (1) Whoever violates subsection (b)(1) or (2) or (c) of this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(1) or (2) or (c) of this section, illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree.
 - (2) Whoever violates subsection (b)(3) of this section is guilty of permitting children to use cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of subsection (b)(3) of this section, permitting children to use cigarettes or other tobacco products is a misdemeanor of the third degree.

(g) Any cigarettes, other tobacco products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a child in violation of this section and that are used, possessed, purchased, or received by a child in violation of Ohio R.C. 2151.87 are subject to seizure and forfeiture as contraband under Ohio R.C. Chapter 2981. (ORC 2927.02)

537.17 CRIMINAL CHILD ENTICEMENT.

(a) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice or lure any child under fourteen years of age to accompany the person in any manner, including entering into any vehicle, or onto any vessel, whether or not the offender knows the age of the child, if both of the following apply:

- (1) The actor does not have the express or implied permission of the parent, guardian or other legal custodian of the child in undertaking the activity;
- (2) The actor is not a law enforcement officer, medic, firefighter, or other person who regularly provides emergency services, and is not an employee or agent of, or a volunteer acting under the direction of any Board of Education, or the actor is any of such persons, but, at the time the actor undertakes the activity, the actor is not acting within the scope of the actor's lawful duties in that capacity.

(b) No person, with a sexual motivation, shall violate subsection (a) of this section.

(c) It is an affirmative defense to a charge under subsection (a) hereof that the actor undertook the activity in response to a bona fide emergency situation or that the actor undertook the activity in a reasonable belief that it was necessary to preserve the health, safety or welfare of the child.

(d) Whoever violates this section is guilty of criminal child enticement, a misdemeanor of the first degree. If the offender has previously been convicted of a violation of Ohio R.C. 2905.05, 2907.02, or 2907.03, or former Section 2907.12, or Ohio R.C. 2905.01 or 2907.05 when the victim of that prior offense was under seventeen years of age at the time of the offense, criminal child enticement is a felony and shall be prosecuted under appropriate State law.

(e) As used in this section:

- (1) "Sexual motivation" has the same meaning as in Ohio R.C. 2971.01.
- (2) "Vehicle" has the same meaning as in Ohio R.C. 4501.01.
- (3) "Vessel" has the same meaning as in Ohio R.C. 1547.01.

537.18 CONTRIBUTING TO UNRULINESS OR DELINQUENCY OF A CHILD.

(a) No person, including a parent, guardian or other custodian of a child, shall do any of the following:

- (1) Aid, abet, induce, cause, encourage or contribute to a child or a ward of the juvenile court becoming an unruly child as defined in Ohio R.C. 2151.022, or a delinquent child as defined in Ohio R.C. 2152.02.
- (2) Act in a way tending to cause a child or a ward of the juvenile court to become an unruly child as defined in Ohio R.C. 2151.022 or a delinquent child as defined in Ohio R.C. 2152.02.
- (3) If the person is the parent, guardian, or custodian of a child who has the duties under Ohio R.C. Chapters 2152 and 2950 to register, register a new residence address, and periodically verify a residence address and, if applicable, to send a notice of intent to reside, and if the child is not emancipated, as defined in Ohio R.C. 2919.121, fail to ensure that the child complies with those duties under Ohio R.C. Chapters 2152 and 2950.

(b) Whoever violates this section is guilty of contributing to the unruliness or delinquency of a child, a misdemeanor of the first degree. Each day of violation of this section is a separate offense. (ORC 2919.24)

537.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 541
Property Offenses

<p>541.01 Determining property value in arson.</p> <p>541.02 Arson.</p> <p>541.03 Criminal damaging or endangering.</p> <p>541.04 Criminal mischief.</p> <p>541.05 Criminal trespass.</p> <p>541.051 Aggravated trespass.</p> <p>541.06 Destruction of shrubs, trees or crops.</p>	<p>541.07 Desecration.</p> <p>541.08 Billposting.</p> <p>541.09 Throwing stones, etc.</p> <p>541.10 Trespass on property adjacent to reservoir.</p> <p>541.11 Damage to sewer works prohibited.</p> <p>541.12 Ethnic intimidation.</p> <p>541.13 Vehicular vandalism.</p> <p>541.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law

Parents' liability for destructive acts of their children - see Ohio R.C. 3109.09

Physical harm to property defined - see GEN. OFF. 501.01(d), (f)

Reimbursement for investigation or prosecution costs - see GEN. OFF. 501.99(a)

Damage to sidewalks - see GEN. OFF. 521.04

Vehicle trespass - see GEN. OFF. 545.06

541.01 DETERMINING PROPERTY VALUE IN ARSON.

(a) The following criteria shall be used in determining the value of property or amount of physical harm involved in a violation of Section 541.02.

- (1) If the property is an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, the value of the property or the amount of physical harm involved is the amount that would compensate the owner for its loss.
- (2) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property can be restored substantially to its former condition, the amount of physical harm involved is the reasonable cost of restoring the property.
- (3) If the property is not covered under subsection (a)(1) hereof, and the physical harm is such that the property cannot be restored substantially to its former condition, the value of the property, in the case of personal property, is the cost of replacing the property with new property of like kind and quality, and in the case of real property or real property fixtures, is the difference in the fair market value of the property immediately before and immediately after the offense.

(b) As used in this section, "fair market value" has the same meaning as in Section 545.02(c)(3).

(c) Prima-facie evidence of the value of property, as provided in Section 545.02(d) may be used to establish the value of property pursuant to this section. (ORC 2909.11)

541.02 ARSON.

(a) No person, by means of fire or explosion, shall knowingly cause or create a substantial risk of physical harm to any property of another without the other person's consent.

(b) This section does not apply if the violation is done with purpose to defraud or the property involved is a statehouse or a courthouse, school building or other building or structure that is owned or controlled by the State, any political subdivision, or any department, agency or instrumentality of the State or a political subdivision, and that is used for public purposes.

(c) Whoever violates this section is guilty of arson, a misdemeanor of the first degree, if the value of the property or the amount of physical harm involved is less than five hundred dollars (\$500.00). (ORC 2909.03)

541.03 CRIMINAL DAMAGING OR ENDANGERING.

(a) No person shall cause, or create a substantial risk of physical harm to any property of another without the other person's consent:

- (1) Knowingly, by any means;
- (2) Recklessly, by means of fire, explosion, flood, poison gas, poison, radioactive material, caustic or corrosive material, or other inherently dangerous agency or substance.

(b) Whoever violates this section is guilty of criminal damaging or endangering, a misdemeanor if the property involved is not an aircraft, an aircraft engine, propeller, appliance, spare part or any other equipment or implement used or intended to be used in the operation of an aircraft and if the violation does not create a risk of physical harm to any person, and if the property involved is not an occupied aircraft. A violation of this section is a misdemeanor of the second degree. If violation of this section creates a risk of physical harm to any person, criminal damaging or endangering is a misdemeanor of the first degree. (ORC 2909.06)

541.04 CRIMINAL MISCHIEF.

(a) No person shall:

- (1) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with the property of another;
- (2) With purpose to interfere with the use or enjoyment of property of another employ a tear gas device, stink bomb, smoke generator or other device releasing a substance that is harmful or offensive to persons exposed, or that tends to cause public alarm;
- (3) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with a bench mark, triangulation station, boundary marker or other survey station, monument or marker.
- (4) Without privilege to do so, knowingly move, deface, damage, destroy or otherwise improperly tamper with any safety device, the property of another or the property of the offender when required or placed for the safety of others, so as to destroy or diminish its effectiveness or availability for its intended purpose;

- (5) With purpose to interfere with the use or enjoyment of the property of another, set a fire on the land of another or place personal property that has been set on fire on the land of another, which fire or personal property is outside and apart from any building, other structure or personal property that is on that land.
- (6) Without privilege to do so, and with intent to impair the functioning of any computer, computer system, computer network, computer software, or computer program, all as defined in Ohio R.C. 2909.01, knowingly do any of the following:
 - A. In any manner or by any means, including, but not limited to, computer hacking, alter, damage, destroy, or modify a computer, computer system, computer network, computer software, or computer program or data contained in a computer, computer system, computer network, computer software, or computer program;
 - B. Introduce a computer contaminant into a computer, computer system, computer network, computer software or computer program.

(b) As used in this section, "safety device" means any fire extinguisher, fire hose or fire axe, or any fire escape, emergency exit or emergency escape equipment, or any life line, life-saving ring, life preserver or life boat or raft, or any alarm, light, flare, signal, sign or notice intended to warn of danger, or emergency, or intended for other safety purposes, or any guard railing or safety barricade, or any traffic sign or signal, or any railroad grade crossing sign, signal or gate, or any first aid or survival equipment, or any other device, apparatus, or equipment intended for protecting or preserving the safety of persons or property.

- (c)
 - (1) Whoever violates this section is guilty of criminal mischief, and shall be punished as provided in subsection (c)(2) or (3) of this section.
 - (2) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the third degree. Except as otherwise provided in this subsection, if the violation of subsection (a)(1), (2), (3), (4) or (5) of this section creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a misdemeanor of the first degree. If the property involved in the violation of subsection (a)(1), (2), (3), (4) or (5) of this section is an aircraft, an aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, any other equipment, implement, or material used or intended to be used in the operation of an aircraft, or any cargo carried or intended to be carried in an aircraft, criminal mischief committed in violation of subsection (a)(1), (2), (3), (4) or (5) of this section is a felony and shall be prosecuted under appropriate State law.

- (3) Except as otherwise provided in this subsection, criminal mischief committed in violation of subsection (a)(6) of this section is a misdemeanor of the first degree. If the value of the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section or the loss to the victim resulting from the violation is one thousand dollars or more, or if the computer, computer system, computer network, computer software, computer program or data involved in the violation of subsection (a)(6) of this section is used or intended to be used in the operation of an aircraft and the violation creates a risk of physical harm to any person, criminal mischief committed in violation of subsection (a)(6) of this section is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.07)

541.05 CRIMINAL TRESPASS.

- (a) No person, without privilege to do so, shall do any of the following:
 - (1) Knowingly enter or remain on the land or premises of another;
 - (2) Knowingly enter or remain on the land or premises of another, the use of which is lawfully restricted to certain persons, purposes, modes or hours, when the offender knows the offender is in violation of any such restriction or is reckless in that regard;
 - (3) Recklessly enter or remain on the land or premises of another, as to which notice against unauthorized access or presence is given by actual communication to the offender, or in a manner prescribed by law, or by posting in a manner reasonably calculated to come to the attention of potential intruders, or by fencing or other enclosure manifestly designed to restrict access;
 - (4) Being on the land or premises of another, negligently fail or refuse to leave upon being notified by signage posted in a conspicuous place or otherwise being notified to do so by the owner or occupant, or the agent or servant of either.

(b) It is no defense to a charge under this section that the land or premises involved was owned, controlled or in custody of a public agency.

(c) It is no defense to a charge under this section that the offender was authorized to enter or remain on the land or premises involved when such authorization was secured by deception.

(d) Whoever violates this section is guilty of criminal trespass, a misdemeanor of the fourth degree.

(e) As used in this section, "land or premises" includes any land, building, structure or place belonging to, controlled by or in custody of another, and any separate enclosure or room, or portion thereof.
(ORC 2911.21)

541.051 AGGRAVATED TRESPASS.

(a) No person shall enter or remain on the land or premises of another with purpose to commit on that land or those premises a misdemeanor, the elements of which involve causing physical harm to another person or causing another person to believe that the offender will cause physical harm to him.

(b) Whoever violates this section is guilty of aggravated trespass, a misdemeanor of the first degree. (ORC 2911.211)

541.06 DESTRUCTION OF SHRUBS, TREES OR CROPS.

(a) No person, without privilege to do so, shall recklessly cut down, destroy, girdle or otherwise injure a vine, bush, shrub, sapling, tree or crop standing or growing on the land of another or upon public land.

(b) In addition to any penalty provided, whoever violates this section is liable in treble damages for the injury caused. (ORC 901.51)

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (ORC 901.99(A))

541.07 DESECRATION.

(a) No person, without privilege to do so, shall purposely deface, damage, pollute or otherwise physically mistreat any of the following:

- (1) The flag of the United States or of this State;
- (2) Any public monument;
- (3) Any historical or commemorative marker, or any structure, Indian mound or earthwork, cemetery, thing or site of great historical or archeological interest;
- (4) A work of art or museum piece;
- (5) Any other object of reverence or sacred devotion.

(b) Whoever violates this section is guilty of desecration, a misdemeanor of the second degree.

(c) As used in this section, "cemetery" means any place of burial and includes burial sites that contain American Indian burial objects placed with or containing American Indian human remains. (ORC 2927.11)

541.08 BILLPOSTING.

(a) The placing of any sign, poster, placard or banner of any kind, nature or description, temporary or permanent, by any person, firm, association or corporation on any utility pole or street light pole owned by the City is hereby prohibited.

There is excepted from the operation of this section any traffic control device or sign or any notice required by law to be posted.
(Ord. 32-74. Passed 9-23-74.)

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

541.09 THROWING STONES; ETC.

(a) No person shall throw or be engaged in throwing any stone, ball or any other missile, in any street, alley or public place of the City. (Ord. 31. Passed 9-6-1882.)

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

541.10 TRESPASS ON PROPERTY ADJACENT TO RESERVOIR.

(a) No person shall trespass upon Municipally owned property adjacent to the City water reservoir, located in and near Hammertown Hollow, Liberty Township, Jackson County, without first securing permission from the Jackson Water Service Commission. (Ord. 629. Passed 5-23-55.)

- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

541.11 DAMAGE TO SEWER WORKS PROHIBITED.

(a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the Municipal sewage works. (Ord. 500. Passed 3-24-52.)

- (b) Whoever violates this section is guilty of a misdemeanor of the third degree.

541.12 ETHNIC INTIMIDATION.

(a) No person shall violate Ohio R.C. 2903.21, 2903.22, 2909.06, 2909.07 or 2917.21(A)(3) to (5) or Sections 537.05, 537.06, 537.10(a)(3) to (5), 541.03 or 541.04 of the General Offenses Code by reason of the race, color, religion or national origin of another person or group of persons.

(b) Whoever violates this section is guilty of ethnic intimidation. Ethnic intimidation is an offense of the next higher degree than the offense the commission of which is a necessary element of ethnic intimidation. (ORC 2927.12)

541.13 VEHICULAR VANDALISM.

(a) As used in this section:

- (1) "Highway" means any highway as defined in Section 301.42 of the Traffic Code or any lane, road, street, alley, bridge, or overpass.
- (2) "Alley", "street", and "vehicle" have the same meanings as in Chapter 301 of the Traffic Code.
- (3) "Vessel" and "waters in this State" have the same meanings as in Ohio R.C. 1547.01.

(b) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of any of the following:

- (1) Any vehicle on a highway;
- (2) Any boat or vessel on any of the waters in this State that are located in the Municipality.

(c) Whoever violates this section is guilty of vehicular vandalism. Except as otherwise provided in this subsection, vehicular vandalism is a misdemeanor of the first degree. If the violation of this section creates a substantial risk of physical harm to any person, serious physical harm to property, physical harm to any person or serious physical harm to any person, vehicular vandalism is a felony and shall be prosecuted under appropriate State law. (ORC 2909.09)

541.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 545
Theft and Fraud

545.01	Definitions.	545.11	Making or using slugs.
545.02	Determining property value in theft offense.	545.12	Tampering with coin machines.
545.03	Property exceptions as felony offense.	545.13	Criminal simulation.
545.04	Detention of shoplifters; rights of museums and libraries.	545.14	Tampering with records.
545.05	Petty theft.	545.15	Securing writings by deception.
545.06	Unauthorized use of a vehicle; vehicle trespass.	545.16	Personating an officer.
545.07	Insurance fraud.	545.17	Defrauding creditors.
545.08	Unauthorized use of property.	545.18	Receiving stolen property.
545.09	Passing bad checks.	545.19	Possession of criminal tools.
545.10	Misuse of credit cards.	545.20	Forgery of identification cards.
		545.21	Transporting trees without bill of sale.
		545.22	Possession of City property.
		545.23	Identity fraud.
		545.24	Tampering with and theft of utilities.
		545.25	Theft of garbage utility.
		545.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
 Property defined - see GEN. OFF. 501.01(j)
 Cheating - see GEN. OFF. 517.05
 Falsification - see GEN. OFF. 525.02
 Impersonating a public servant - see GEN. OFF. 525.03

545.01 DEFINITIONS.

As used in this chapter, unless the context requires that a term be given a different meaning:

- (a) "Deception" means knowingly deceiving another or causing another to be deceived, by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act or omission that creates, confirms or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact.

- (b) "Defraud" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception, some detriment to another.
- (c) "Deprive" means to do any of the following:
 - (1) Withhold property of another permanently, or for such period that appropriates a substantial portion of its value or use, or with purpose to restore it only upon payment of a reward or other consideration;
 - (2) Dispose of property so as to make it unlikely that the owner will recover it;
 - (3) Accept, use or appropriate money, property or services, with purpose not to give proper consideration in return for the money, property or services, and without reasonable justification or excuse for not giving proper consideration.
- (d) "Owner" means, unless the context requires a different meaning, any person, other than the actor, who is the owner of, who has possession or control of, or who has any license or interest in property or services, even though the ownership, possession, control, license or interest is unlawful.
- (e) "Services" include labor, personal services, professional services, public utility services, including wireless service as defined in Ohio R.C. 4931.40(F)(1), common carrier services, and food, drink, transportation, entertainment and cable television services.
- (f) "Writing" means any computer software, document, letter, memorandum, note, paper, plate, data, film or other thing having in or upon it any written, typewritten or printed matter, and any token, stamp, seal, credit card, badge, trademark, label or other symbol of value, right, privilege, license or identification.
- (g) "Forge" means to fabricate or create, in whole or in part and by any means any spurious writing, or to make, execute, alter, complete, reproduce or otherwise purport to authenticate any writing, when the writing in fact is not authenticated by that conduct.
- (h) "Utter" means to issue, publish, transfer, use, put or send into circulation, deliver or display.
- (i) "Coin machine" means any mechanical or electronic device designed to do both of the following:
 - (1) Receive a coin, bill, or token made for that purpose;
 - (2) In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.
- (j) "Slug" means an object that, by virtue of its size, shape, composition or other quality, is capable of being inserted or deposited in a coin machine as an improper substitute for a genuine coin, bill or token made for that purpose.
- (k) "Theft offense" means any of the following:
 - (1) A violation of Ohio R.C. 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2911.32, 2913.02, 2913.03, 2913.04, 2913.041, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.42 to 2913.45, 2913.47, 2913.48, 2913.51, 2915.05, 2915.06 or 2921.41.
 - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in subsection (k)(1) hereof or a violation of Ohio R.C. 2913.41, 2913.81 or 2915.06 as it existed prior to July 1, 1996;
 - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States involving robbery, burglary, breaking and entering, theft, embezzlement, wrongful conversion, forgery, counterfeiting, deceit or fraud;

- (4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (k)(1), (2) or (3) hereof.
- (l) "Computer services" includes, but is not limited to, the use of a computer system, computer network, computer program, data that is prepared for computer use or data that is contained within a computer system or computer network.
- (m) "Computer" means an electronic device that performs logical, arithmetic and memory functions by the manipulation of electronic or magnetic impulses. "Computer" includes, but is not limited to, all input, output, processing, storage, computer program or communication facilities that are connected or related, in a computer system or network to an electronic device of that nature.
- (n) "Computer system" means a computer and related devices, whether connected or unconnected, including, but not limited to, data input, output and storage devices, data communications links, and computer programs and data that make the system capable of performing specified special purpose data processing tasks.
- (o) "Computer network" means a set of related and remotely connected computers and communication facilities that includes more than one computer system that has the capability to transmit among the connected computers and communication facilities through the use of computer facilities.
- (p) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.
- (q) "Computer software" means computer programs, procedures and other documentation associated with the operation of a computer system.
- (r) "Data" means a representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner and that are intended for use in a computer, computer system or computer network. For purposes of Section 545.07, "data" has the additional meaning set forth in subsection (a) of that section.
- (s) "Cable television service" means any services provided by or through the facilities of any cable television system or other similar closed circuit coaxial cable communications system, or any microwave or similar transmission service used in connection with any cable television system or other similar closed circuit coaxial cable communications system.
- (t) "Gain access" means to approach, instruct, communicate with, store data in, retrieve data from or otherwise make use of any resources of a computer, computer system or computer network.
- (u) "Credit card" includes, but is not limited to, a card, code, device or other means of access to a customer's account for the purpose of obtaining money, property, labor or services on credit, or for initiating an electronic fund transfer at a point-of-sale terminal, an automated teller machine or a cash dispensing machine.
- (v) "Electronic fund transfer" has the same meaning as in 92 Stat. 3728, 15 U.S.C.A. 1693a, as amended. (ORC 2913.01)
- (w) "Rented property" means personal property in which the right of possession and use of the property is for a short and possibly indeterminate term in return for consideration; the rentee generally controls the duration of possession of the property, within any applicable minimum or maximum term; and the amount of consideration generally is determined by the duration of possession of the property.

- (x) “Telecommunication” means the origination, emission, dissemination, transmission, or reception of data, images, signals, sounds, or other intelligence or equivalence of intelligence or any nature over any communications system by any method, including, but not limited to, a fiber optic, electronic, magnetic, optical, digital, or analog method.
- (y) “Telecommunications device” means any instrument, equipment, machine, or other device that facilitates telecommunication, including, but not limited to, a computer, computer network, computer chip, computer circuit, scanner, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables the use of a modem.
- (z) “Telecommunications service” means the providing, allowing, facilitating, or generating of any form of telecommunication through the use of a telecommunications device over a telecommunications system.
- (aa) “Counterfeit telecommunications device” means a telecommunications device that, alone or with another telecommunications device, has been altered, constructed, manufactured, or programmed to acquire, intercept, receive, or otherwise facilitate the use of a telecommunications service or information service without the authority or consent of the provider of the telecommunications service or information service. “Counterfeit telecommunications device” includes, but is not limited to, a clone telephone, clone microchip, tumbler telephone, or tumbler microchip; a wireless scanning device capable of acquiring, intercepting, receiving, or otherwise facilitating the use of telecommunications service or information service without immediate detection; or a device, equipment, hardware, or software designed for, or capable of, altering or changing the electronic serial number in a wireless telephone.
- (bb) (1) “Information service” means, subject to subsection (bb)(2) hereof, the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, including, but not limited to, electronic publishing.
(2) “Information service” does not include any use of a capability of a type described in subsection (bb)(1) hereof for the management, control, or operation of a telecommunications system or the management of a telecommunications service.
- (cc) “Elderly person” means a person who is sixty-five years of age or older.
- (dd) “Disabled adult” means a person who is eighteen years of age or older and has some impairment of body or mind that makes the person unfit to work at any substantially remunerative employment that the person otherwise would be able to perform and that will, with reasonable probability, continue for a period of at least twelve months without any present indication of recovery from the impairment, or who is eighteen years of age or older and has been certified as permanently and totally disabled by an agency of this State or the United States that has the function of so classifying persons.
- (ee) “Firearm” and “dangerous ordnance” have the same meanings as in Ohio R.C. 2923.11.
- (ff) “Motor vehicle” has the same meaning as in Ohio R.C. 4501.01.
- (gg) “Dangerous drug” has the same meaning as in Ohio R.C. 4729.01.
- (hh) “Drug abuse offense” has the same meaning as in Ohio R.C. 2925.01.
(ORC 2913.01)

- (ii) "Police dog or horse" has the same meaning as in Ohio R.C. 2921.321.
- (jj) "Anhydrous ammonia" is a compound formed by the combination of two gaseous elements, nitrogen and hydrogen, in the manner described in this subsection. Anhydrous ammonia is one part nitrogen to three parts hydrogen (NH₃). Anhydrous ammonia by weight is fourteen parts nitrogen to three parts hydrogen, which is approximately eighty-two per cent nitrogen to eighteen per cent hydrogen.
- (kk) "Assistance dog" has the same meaning as in Ohio R.C. 955.011. (ORC 2913.01)

545.02 DETERMINING PROPERTY VALUE IN THEFT OFFENSE.

(a) If more than one item of property or service is involved in a theft offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property or services involved in the offense.

- (b)
 - (1) When a series of offenses under Section 545.05, or a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06, or 545.08, 545.10(b)(1) or (2), or Section 545.15 or 545.20 involving a victim who is an elderly person or disabled adult, is committed by the offender in the offender's same employment, capacity, or relationship to another, all of those offenses shall be tried as a single offense. The value of the property or services involved in the series of offenses for the purpose of determining the value is the aggregate value of all property and services involved in all offenses in the series.
 - (2) If an offender commits a series of offenses under Section 545.05 that involves a common course of conduct to defraud multiple victims, all of the offenses may be tried as a single offense. If an offender is being tried for the commission of a series of violations of, attempts to commit a violation of, conspiracies to violate, or complicity in violations of Section 545.05, 545.06 or 545.08, Section 545.10(b)(1) or (2), or Section 545.15 or 545.20, whether committed against one victim or more than one victim, involving a victim who is an elderly person or disabled adult, pursuant to a scheme or course of conduct, all of those offenses may be tried as a single offense. If the offenses are tried as a single offense, the value of the property or services involved for the purpose of determining the value is the aggregate value of all property and services involved in all of the offenses in the course of conduct.
 - (3) In prosecuting a single offense under subsection (b)(1) or (2), it is not necessary to separately allege and prove each offense in the series. Rather, it is sufficient to allege and prove that the offender, within a given span of time, committed one or more theft offenses in the offender's same employment, capacity, or relationship to another as described in subsection (b)(1) of this section or that involve a common course of conduct to defraud multiple victims or a scheme or course of conduct as described in subsection (b)(2) of this section.

(c) The following criteria shall be used in determining the value of property or services involved in a theft offense:

- (1) The value of an heirloom, memento, collector's item, antique, museum piece, manuscript, document, record or other thing that has intrinsic worth to its owner and that is either irreplaceable or is replaceable only on the expenditure of substantial time, effort or money, is the amount that would compensate the owner for its loss.

- (2) The value of personal effects and household goods, and of materials, supplies, equipment and fixtures used in the profession, business, trade, occupation or avocation of its owner, which property is not covered under subsection (c)(1) hereof, and which retains substantial utility for its purpose regardless of its age or condition, is the cost of replacing the property with new property of like kind and quality.
 - (3) The value of any real or personal property that is not covered under subsections (c)(1) or (2) hereof, and the value of services, is the fair market value of the property or services. As used in this section, "fair market value" is the money consideration that a buyer would give and a seller would accept for property or services, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts material to the transaction, and that neither is under any compulsion to act.
- (d) Without limitation on the evidence that may be used to establish the value of property or services involved in a theft offense:
- (1) When the property involved is personal property held for sale at wholesale or retail, the price at which the property was held for sale is prima-facie evidence of its value.
 - (2) When the property involved is a security or commodity traded on an exchange, the closing price or, if there is no closing price, the asked price, given in the latest market quotation prior to the offense, is prima-facie evidence of the value of the security or commodity.
 - (3) When the property involved is livestock, poultry or raw agricultural products for which a local market price is available, the latest local market price prior to the offense is prima-facie evidence of the value of the livestock, poultry or products.
 - (4) When the property involved is a negotiable instrument, the face value is prima-facie evidence of the value of the instrument.
 - (5) When the property involved is a warehouse receipt, bill of lading, pawn ticket, claim check or other instrument entitling the holder or bearer to receive property, the face value or, if there is no face value, the value of the property covered by the instrument less any payment necessary to receive the property, is prima-facie evidence of the value of the instrument.
 - (6) When the property involved is a ticket of admission, ticket for transportation, coupon, token or other instrument entitling the holder or bearer to receive property or services, the face value or, if there is no face value, the value of the property or services that may be received by the instrument, is prima-facie evidence of the value of the instrument.
 - (7) When the services involved are gas, electricity, water, telephone, transportation, shipping or other services for which the rate is established by law, the duly established rate is prima-facie evidence of the value of the services.
 - (8) When the services involved are services for which the rate is not established by law, and the offender has been notified prior to the offense of the rate for the services, either in writing or orally, or by posting in a manner reasonably calculated to come to the attention of potential offenders, the rate contained in the notice is prima-facie evidence of the value of the services. (ORC 2913.61)

545.03 PROPERTY EXCEPTIONS AS FELONY OFFENSE.

Regardless of the value of the property involved, and regardless of whether the offender has previously been convicted of a theft offense, the provisions of Section 545.05 or 545.18 do not apply if the property involved is any of the following:

- (a) A credit card;
- (b) A printed form for a check or other negotiable instrument, that on its face identifies the drawer or maker for whose use it is designed or identifies the account on which it is to be drawn, and that has not been executed by the drawer or maker or on which the amount is blank;
- (c) A firearm or dangerous ordnance as defined in Ohio R.C. 2923.11;
- (d) A motor vehicle identification license plate as prescribed by Ohio R.C. 4503.22, a temporary license placard or windshield sticker as prescribed by Ohio R.C. 4503.182, or any comparable license plate, placard or sticker as prescribed by the applicable law of another state or the United States;
- (e) A blank form for a certificate of title or a manufacturer's or importer's certificate to a motor vehicle, as prescribed by Ohio R.C. 4505.07;
- (f) A blank form for any license listed in Ohio R.C. 4507.01(A).
(ORC 2913.71)

545.04 DETENTION OF SHOPLIFTERS; RIGHTS OF MUSEUMS AND LIBRARIES.

(a) A merchant, or his employee or agent, who has probable cause to believe that items offered for sale by a mercantile establishment have been unlawfully taken by a person, may, for the purposes set forth in subsection (c) hereof, detain the person in a reasonable manner for a reasonable length of time within the mercantile establishment or its immediate vicinity.

(b) Any officer, employee or agent of a library, museum or archival institution may, for the purposes set forth in subsection (c) hereof or for the purpose of conducting a reasonable investigation of a belief that the person has acted in a manner described in subsections (b)(1) and (2) hereof, detain a person in a reasonable manner for a reasonable length of time within, or in the immediate vicinity of the library, museum or archival institution, if the officer, employee or agent has probable cause to believe that the person has either:

- (1) Without privilege to do so, knowingly moved, defaced, damaged, destroyed or otherwise improperly tampered with property owned by or in the custody of the library, museum or archival institution; or
- (2) With purpose to deprive the library, museum or archival institution of property owned by it or in its custody, knowingly obtained or exerted control over the property without the consent of the owner or person authorized to give consent, beyond the scope of the express or implied consent of the owner or person authorized to give consent, by deception, or by threat.

(c) An officer, agent or employee of a library, museum or archival institution pursuant to subsection (b) hereof or a merchant or his employee or agent pursuant to subsection (a) hereof may detain another person for any of the following purposes:

- (1) To recover the property that is the subject of the unlawful taking, criminal mischief or theft;
- (2) To cause an arrest to be made by a peace officer;
- (3) To obtain a warrant of arrest.

(d) The officer, agent or employee of the library, museum or archival institution, or the merchant or his employee or agent acting under subsection (a) or (b) hereof shall not search the person, search or seize any property belonging to the person detained without the person's consent, or use undue restraint upon the person detained.

(e) Any peace officer may arrest without a warrant any person that he has probable cause to believe has committed any act described in subsection (b)(1) or (2) hereof or that he has probable cause to believe has committed an unlawful taking in a mercantile establishment. An arrest under this subsection shall be made within a reasonable time after the commission of the act or unlawful taking.

(f) As used in this section:

- (1) "Archival institution" means any public or private building, structure or shelter in which are stored historical documents, devices, records, manuscripts or items of public interest, which historical materials are stored to preserve the materials or the information in the materials, to disseminate the information contained in the materials, or to make the materials available for public inspection or for inspection by certain persons who have a particular interest in, use for or knowledge concerning the materials.
- (2) "Museum" means any public or private nonprofit institution that is permanently organized for primarily educational or aesthetic purposes, owns or borrows objects or items of public interest, and cares for and exhibits to the public the objects or items.
(ORC 2935.041)

545.05 PETTY THEFT.

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

(b) Whoever violates this section is guilty of petty theft, a misdemeanor of the first degree. Petty theft is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or services stolen is five hundred dollars (\$500.00) or more; or
- (2) The victim of the offense is an elderly person or disabled adult, or
- (3) The property stolen is a firearm or dangerous ordnance, or
- (4) The property stolen is a motor vehicle.
- (5) The property stolen is any dangerous drug.
- (6) The property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog.
- (7) The property stolen is anhydrous ammonia.

(c) In addition to the penalties described in subsection (b) of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

- (1) Unless subsection (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;
- (2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to subsection (c)(1) of this section, impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be for at least six months.

(d) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under subsection (c) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510. (ORC 2913.02)

545.06 UNAUTHORIZED USE OF A VEHICLE; VEHICLE TRESPASS.

(a) No person shall knowingly use or operate an aircraft, motor vehicle, motorcycle, motorboat or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(b) This section does not apply to property removed from the State or if possession is kept for more than forty-eight hours.

(c) The following are affirmative defenses to a charge under this section:

- (1) At the time of the alleged offense, the actor, though mistaken, reasonably believed that the actor was authorized to use or operate the property.
- (2) At the time of the alleged offense, the actor reasonably believed that the owner or person empowered to give consent would authorize the actor to use or operate the property.

(d) No person shall knowingly enter into or upon a motor vehicle, motorcycle or other motor-propelled vehicle without the consent of the owner or person authorized to give consent.

(e) Whoever violates subsection (a) hereof is guilty of unauthorized use of a vehicle, a misdemeanor of the first degree. If the victim of the offense is an elderly person or disabled adult and if the victim incurs a loss as a result of the violation, a violation of subsection (a) hereof is a felony and shall be prosecuted under appropriate State law. (ORC 2913.03)

(f) Whoever violates subsection (d) hereof is guilty of vehicle trespass, a misdemeanor of the fourth degree.

545.07 INSURANCE FRAUD.

- (a) As used in this section:
- (1) "Data" has the same meaning as in Section 545.01 and additionally includes any other representation of information, knowledge, facts, concepts or instructions that are being or have been prepared in a formalized manner.
 - (2) "Deceptive" means that a statement, in whole or in part, would cause another to be deceived because it contains a misleading representation, withholds information, prevents the acquisition of information or by any other conduct, act or omission creates, confirms or perpetuates a false impression, including, but not limited to, a false impression as to law, value, state of mind or other objective or subjective fact.
 - (3) "Insurer" means any person that is authorized to engage in the business of insurance in this State under Title XXXIX of the Ohio Revised Code; The Ohio Fair Plan Underwriting Association created under Ohio R.C. 3929.43; any health insuring corporation; and any legal entity that is self-insured and provides benefits to its employees or members.
 - (4) "Policy" means a policy, certificate, contract or plan that is issued by an insurer.
 - (5) "Statement" includes, but is not limited to, any notice, letter or memorandum; proof of loss; bill of lading; receipt for payment; invoice, account or other financial statement; estimate of property damage; bill for services; diagnosis or prognosis; prescription; hospital, medical or dental chart or other record; X-Ray, photograph, videotape or movie film; test result; other evidence of loss, injury or expense; computer-generated document; and data in any form.
- (b) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall do either of the following:
- (1) Present to, or cause to be presented to, an insurer any written or oral statement that is part of, or in support of, an application for insurance, a claim for payment pursuant to a policy or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive;
 - (2) Assist, aid, abet, solicit, procure or conspire with another to prepare or make any written or oral statement that is intended to be presented to an insurer as part of, or in support of, an application for insurance, a claim for payment pursuant to a policy, or a claim for any other benefit pursuant to a policy, knowing that the statement, or any part of the statement, is false or deceptive.
- (c) Whoever violates this section is guilty of insurance fraud a misdemeanor of the first degree if the amount of the claim that is false or deceptive is less than five hundred dollars (\$500.00).
- (d) This section shall not be construed to abrogate, waive or modify Ohio R.C. 2317.02(A). (ORC 2913.47)

545.08 UNAUTHORIZED USE OF PROPERTY.

(a) No person shall knowingly use or operate the property of another without the consent of the owner or person authorized to give consent.

(b) The affirmative defenses contained in Section 545.06(c) are affirmative defenses to a charge under this section.

(c) Whoever violates this section is guilty of unauthorized use of property. Except as provided in subsection (d) hereof, unauthorized use of property is a misdemeanor of the fourth degree.

(d) If unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, unauthorized use of property is a misdemeanor of the first degree. Unauthorized use of property is a felony and shall be prosecuted under appropriate State law if:

- (1) Unauthorized use of property is committed for the purpose of devising or executing a scheme to defraud or to obtain property or services, and if the value of the property is five hundred dollars (\$500.00) or more; or
- (2) If the victim of the offense is an elderly person or disabled adult.
(ORC 2913.04)

545.09 PASSING BAD CHECKS.

(a) As used in this section:

- (1) "Check" includes any form of debit from a demand deposit account, including, but not limited to any of the following:
 - A. A check, bill of exchange, draft, order of withdrawal, or similar negotiable or nonnegotiable instrument;
 - B. An electronic check, electronic transaction, debit card transaction, check card transaction, substitute check, web check, or any form of automated clearing house transaction.
- (2) "Issue a check" means causing any form of debit from a demand deposit account.

(b) No person, with purpose to defraud, shall issue or transfer or cause to be issued or transferred a check or other negotiable instrument, knowing that it will be dishonored or knowing that a person has ordered or will order stop payment on the check or other negotiable instrument.

(c) For purposes of this section, a person who issues or transfers a check or other negotiable instrument is presumed to know that it will be dishonored, if either of the following occurs:

- (1) The drawer had no account with the drawee at the time of issue or the stated date, whichever is later.
- (2) The check or other negotiable instrument was properly refused payment for insufficient funds upon presentment within thirty days after issue or the stated date, whichever is later, and the liability of the drawer, indorser or any party who may be liable thereon is not discharged by payment or satisfaction within ten days after receiving notice of dishonor.

(d) For purposes of this section, a person who issues or transfers a check, bill of exchange or other draft is presumed to have the purpose to defraud if the drawer fails to comply with Ohio R.C. 1349.16 by doing any of the following when opening a checking account intended for personal, family or household purposes at a financial institution:

- (1) Falsely stating that the drawer has not been issued a valid driver's or commercial driver's license or identification card issued under Ohio R.C. 4507.50;
- (2) Furnishing such license or card, or another identification document that contains false information;
- (3) Making a false statement with respect to the drawer's current address or any additional relevant information reasonably required by the financial institution.

(e) In determining the value of the payment for purposes of subsection (f) of this section, the court may aggregate all checks and other negotiable instruments that the offender issued or transferred or caused to be issued or transferred in violation of subsection (a) of this section within a period of one hundred eighty consecutive days.

(f) Whoever violates this section is guilty of passing bad checks. Except as otherwise provided in this subsection, passing bad checks is a misdemeanor of the first degree. If the check or checks or other negotiable instrument or instruments are issued or transferred to a single vendor or single other person for the payment of five hundred dollars or more or if the check or checks or other negotiable instrument or instruments are issued or transferred to multiple vendors or persons for the payment of one thousand dollars or more, passing bad checks is a felony and shall be prosecuted under appropriate State law. (ORC 2913.11)

545.10 MISUSE OF CREDIT CARDS.

(a) No person shall do any of the following:

- (1) Practice deception for the purpose of procuring the issuance of a credit card, when a credit card is issued in actual reliance thereon;
- (2) Knowingly buy or sell a credit card from or to a person other than the issuer.

(b) No person, with purpose to defraud, shall do any of the following:

- (1) Obtain control over a credit card as security for a debt;
- (2) Obtain property or services by the use of a credit card, in one or more transactions, knowing or having reasonable cause to believe that the card has expired or been revoked, or was obtained, is retained or is being used in violation of law;
- (3) Furnish property or services upon presentation of a credit card, knowing that the card is being used in violation of law;
- (4) Represent or cause to be represented to the issuer of a credit card that property or services have been furnished, knowing that the representation is false.

(c) No person, with purpose to violate this section, shall receive, possess, control or dispose of a credit card.

(d) Whoever violates this section is guilty of misuse of credit cards, a misdemeanor of the first degree. Misuse of credit cards is a felony and shall be prosecuted under appropriate State law if:

- (1) The cumulative retail value of the property and services involved in one or more violations of subsection (b)(2), (3) or (4) hereof, which violations involve one or more credit card accounts and occur within a period of ninety consecutive days commencing on the date of the first violation, is five hundred dollars (\$500.00) or more; or
- (2) The victim of the offense is an elderly person or disabled adult and the offense involves a violation of subsection (b)(1) or (2) hereof.
(ORC 2913.21)

545.11 MAKING OR USING SLUGS.

(a) No person shall do any of the following:

- (1) Insert or deposit a slug in a coin machine, with purpose to defraud;
- (2) Make, possess or dispose of a slug, with purpose of enabling another to defraud by inserting or depositing it in a coin machine.

(b) Whoever violates this section is guilty of making or using slugs, a misdemeanor of the second degree. (ORC 2913.33)

545.12 TAMPERING WITH COIN MACHINES.

(a) No person, with purpose to commit theft or to defraud, shall knowingly enter, force an entrance into, tamper with or insert any part of an instrument into any coin machine.

(b) Whoever violates this section is guilty of tampering with coin machines, a misdemeanor of the first degree, if the offender has not previously been convicted of a violation of this section, Ohio R.C. 2911.32 or of any theft offense. (ORC 2911.32)

545.13 CRIMINAL SIMULATION.

(a) No person, with purpose to defraud, or knowing that the person is facilitating a fraud, shall do any of the following:

- (1) Make or alter any object so that it appears to have value because of antiquity, rarity, curiosity, source, or authorship, which it does not in fact possess;
- (2) Practice deception in making, retouching, editing, or reproducing any photograph, movie film, video tape, phonograph record, or recording tape;
- (3) Falsely or fraudulently make, simulate, forge, alter, or counterfeit any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, falsely or fraudulently cause to be made, simulated, forged, altered, or counterfeited any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303, or use more than once any wrapper, label, stamp, cork, or cap prescribed by the Liquor Control Commission under Ohio R.C. Chapters 4301 and 4303.
- (4) Utter, or possess with purpose to utter, any object that the person knows to have been simulated as provided in subsection (a)(1), (2) or (3) of this section.

(b) Whoever violates this section is guilty of criminal simulation, a misdemeanor of the first degree if the loss to the victim is less than five hundred dollars (\$500.00). (ORC 2913.32)

545.14 TAMPERING WITH RECORDS.

(a) No person, knowing the person has no privilege to do so, and with purpose to defraud or knowing that the person is facilitating a fraud, shall do any of the following:

- (1) Falsify, destroy, remove, conceal, alter, deface or mutilate any writing, computer software, data, or record;
- (2) Utter any writing or record, knowing it to have been tampered with as provided in subsection (a)(1) hereof.

(b) Whoever violates this section is guilty of tampering with records, a misdemeanor of the first degree. If the violation involves data or computer software the value of which or loss to the victim is five hundred dollars (\$500.00) or more, or if the writing or record is a will unrevoked at the time of the offense, tampering with records is a felony and shall be prosecuted under appropriate State law. (ORC 2913.42)

545.15 SECURING WRITINGS BY DECEPTION.

(a) No person, by deception, shall cause another to execute any writing that disposes of or encumbers property, or by which a pecuniary obligation is incurred.

(b) Whoever violates this section is guilty of securing writings by deception, a misdemeanor of the first degree. Securing writings by deception is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property or obligation involved is five hundred dollars (\$500.00) or more; or
- (2) The victim of the offense is an elderly person or disabled adult. (ORC 2913.43)

545.16 PERSONATING AN OFFICER.

(a) No person, with purpose to defraud or knowing that he is facilitating a fraud, or with purpose to induce another to purchase property or services, shall personate a law enforcement officer, or an inspector, investigator or agent of any governmental agency.

(b) Whoever violates this section is guilty of personating an officer, a misdemeanor of the first degree. (ORC 2913.44)

545.17 DEFRAUDING CREDITORS.

(a) No person, with purpose to defraud one or more of the person's creditors, shall do any of the following:

- (1) Remove, conceal, destroy, encumber, convey or otherwise deal with any of the person's property.
- (2) Misrepresent or refuse to disclose to a fiduciary appointed to administer or manage the person's affairs or estate, the existence, amount or location of any of the person's property, or any other information regarding such property that the person is legally required to furnish to the fiduciary.

(b) Whoever violates this section is guilty of defrauding creditors, a misdemeanor of the first degree, if the value of the property involved is less than five hundred dollars (\$500.00). (ORC 2913.45)

545.18 RECEIVING STOLEN PROPERTY.

(a) No person shall receive, retain or dispose of property of another, knowing or having reasonable cause to believe that the property has been obtained through commission of a theft offense.

(b) It is not a defense to a charge of receiving stolen property in violation of this section that the property was obtained by means other than through the commission of a theft offense if the property was explicitly represented to the accused person as being obtained through the commission of a theft offense.

(c) Whoever violates this section is guilty of receiving stolen property, a misdemeanor of the first degree. Receiving stolen property is a felony and shall be prosecuted under appropriate State law if:

- (1) The value of the property involved is five hundred dollars (\$500.00) or more; or
- (2) The property involved is:
 - A. Listed in Section 545.03; or
 - B. A motor vehicle as defined in Ohio R.C. 4501.01; or
 - C. A dangerous drug as defined in Ohio R.C. 4729.01.
(ORC 2913.51)

545.19 POSSESSION OF CRIMINAL TOOLS.

(a) No person shall possess or have under the person's control any substance, device, instrument, or article, with purpose to use it criminally.

(b) Each of the following constitutes prima-facie evidence of criminal purpose:

- (1) Possession or control of any dangerous ordnance, or the materials or parts for making dangerous ordnance, in the absence of circumstances indicating the dangerous ordnance, materials, or parts are intended for legitimate use;
- (2) Possession or control of any substance, device, instrument, or article designed or specially adapted for criminal use;
- (3) Possession or control of any substance, device, instrument, or article commonly used for criminal purposes, under circumstances indicating the item is intended for criminal use.

(c) Whoever violates this section is guilty of possessing criminal tools, a misdemeanor of the first degree unless the circumstances indicate that the substance, device, instrument, or article involved in the offense was intended for use in the commission of a felony.
(ORC 2923.24)

545.20 FORGERY OF IDENTIFICATION CARDS.

(a) No person shall knowingly do either of the following:

- (1) Forge an identification card;
- (2) Sell or otherwise distribute a card that purports to be an identification card, knowing it to have been forged.
- (3) As used in this section, "identification card" means a card that includes personal information or characteristics of an individual, a purpose of which is to establish the identity of the bearer described on the card, whether the words "identity," "identification," "identification card" or other similar words appear on the card.

(b) Whoever violates subsection (a) hereof is guilty of forging identification cards or selling or distributing forged identification cards. Except as otherwise provided in this subsection, forging or selling or distributing forged identification cards is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of this section or Ohio R.C. 2913.31 (B), forging identification cards or selling or distributing forged identification cards is a misdemeanor of the first degree and, in addition, the court shall impose upon the offender a fine of not less than two hundred fifty dollars (\$250.00).
(ORC 2913.31)

545.21 TRANSPORTING TREES WITHOUT BILL OF SALE.

(a) Except in trucks and trailers licensed for and engaged in interstate commerce, any person who operates a truck, trailer or other vehicle upon any public street in the City for the purpose of transporting five or more cut trees, or 100 pounds or more of boughs, of any species of pine, spruce, fir, hemlock or other narrow-leafed or broadleafed evergreen tree or shrub, shall have upon his person during such transporting a bill of sale for such trees or boughs signed by the owner or custodian of the lands from which such trees or boughs were cut and removed and containing:

- (1) The date of sale;
- (2) The number and species of trees, or pounds and species of boughs being transported;
- (3) The name of the township, county and state where such lands are situated;
- (4) The proper postal address of the landowner or custodian.

(b) If such trees or boughs have been obtained from a dealer in such goods, the bill of sale or invoice shall clearly show his name and the place of business from which the trees or boughs were obtained.

(c) This section does not apply to the transportation of trees or boughs by the owner or custodian of lands from which such trees or boughs were cut or removed.
(Ord. 42-59. Passed 12-14-59.)

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

545.22 POSSESSION OF CITY PROPERTY.

(a) No person, without being duly authorized, shall have in his control or possession any equipment, tools, implements or other property belonging to the City.
(ORC 5589.12; Ord. 4-62. Passed 2-12-62.)

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

545.23 IDENTITY FRAUD.

(EDITOR'S NOTE: Former Section 545.23 has been deleted from the Codified Ordinances. Ohio R.C. 2913.49, from which Section 545.23 was derived, has been reclassified from a misdemeanor to a felony offense.)

545.24 TAMPERING WITH AND THEFT OF UTILITIES.

(a) No person shall knowingly, without the utility's consent, with intent to violate subsection (b) hereof:

- (1) Tamper with a gas, electric, steam or water meter, conduit or attachment of a utility;
- (2) Reconnect a gas, electric, steam or water meter, conduit or attachment of a utility that has been disconnected by the utility.

In a prosecution under subsection (a)(1) hereof, proof that a meter, conduit or attachment of a utility has been tampered with is prima-facie evidence that the person who is obligated to pay for the service rendered through the meter, conduit, or attachment, and who is in possession or control of the meter, conduit, or attachment at the time the tampering occurred, has caused the tampering with intent to violate subsection (b) hereof.

In a prosecution under subsection (a)(2) hereof, proof that a meter, conduit or attachment disconnected by a utility has been reconnected without the consent of the utility is prima-facie evidence that the person in possession or control of the meter, conduit or attachment at the time of the reconnection has reconnected the meter, conduit or attachment with intent to violate subsection (b) hereof.

As used in this section, "utility" means any electric light company, gas company, natural gas company, pipe-line company, waterworks company or heating or cooling company, as defined in Ohio R.C. 4905.03(A)(4), (5), (6), (7), (8) or (9), its lessees, trustees or receivers, or any similar utility owned or operated by a political subdivision.

As used in this section, to "tamper" means to interfere with, damage or bypass a utility meter, conduit or attachment with the intent to impede the correct registration of a meter or the proper functions of a conduit or attachment so as to reduce the amount of utility service that is registered on such meter.

(b) No person shall knowingly consume any gas, electricity, steam or water that has not been corrected registered because a meter, conduit or attachment of a utility has been tampered with, or knowingly use service that has been discontinued by a utility and reconnected without the utility's consent.

(c) Such utility shall notify its customers, on an annual basis, of the consequences of tampering with or bypassing a meter.

(d) Whoever violates subsection (a) hereof is guilty of tampering with utility equipment, a misdemeanor of the first degree, provided the cost of the gas, electricity, steam or water stolen, plus the cost of repair or replacement of the meters, conduits or attachments damaged in violation of subsection (a)(1) or (a)(2) hereof is less than three hundred dollars (\$300.00), and provided the offender has not previously been convicted of a violation of subsection (a) hereof. Whoever violates subsection (a) hereof shall make restitution to the utility for the cost of repair or replacement of the meters, conduits or attachments damaged and for the value of the gas, electricity, steam or water consumed.

(e) Whoever violates subsection (b) hereof is guilty of theft of utility service, a misdemeanor of the first degree, provided the value of the gas, electricity, steam or water is less than three hundred dollars (\$300.00) and provided the offender has not previously been convicted of a violation of subsection (b) hereof. Whoever violates subsection (b) hereof shall make restitution to the utility for the value of the gas, electricity, steam, or water consumed in violation of that subsection.

(Ord. 64-04. Passed 4-26-04.)

545.25 THEFT OF GARBAGE UTILITY.

(a) No person shall knowingly, without the utility's consent, dump any refuse, garbage, or trash in any dumpster or other container located in the City, when said dumpster or other container is in the name on the account of a person other than the person dumping said refuse, garbage, or trash.

(b) No person shall knowingly, without the utility's consent, dump any refuse, garbage, or trash along or upon any curb or property located in the City, when said person dumping any such refuse, garbage or trash upon the curb or on such property does not have an account with the City for the dumping said refuse, garbage or trash.

(c) In a prosecution under subsection (a) and (b) it is prima-facie evidence that the person is illegally dumping refuse, garbage, or trash if the person who is dumping the refuse, garbage or trash does not have an open garbage utility account with the City.

(d) As used in this section, "utility" shall mean the City of Jackson, Ohio.

(e) Whoever violates subsection (a) or subsection (b) hereof is guilty of theft of garbage utility, a misdemeanor of the first degree.
(Ord. 64-04. Passed 4-26-04.)

545.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 549
Weapons and Explosives

<p>549.01 Definitions.</p> <p>549.02 Carrying concealed weapons.</p> <p>549.03 Using weapons while intoxicated.</p> <p>549.04 Improperly handling firearms in a motor vehicle.</p> <p>549.05 Failure to secure dangerous ordnance.</p>	<p>549.06 Unlawful transactions in weapons.</p> <p>549.07 Underage purchase of firearm.</p> <p>549.08 Discharging firearms.</p> <p>549.09 Throwing or shooting missiles.</p> <p>549.10 Possessing replica firearm in school.</p> <p>549.11 Defacing identification marks of a firearm; possessing a defaced firearm.</p> <p>549.99 Penalty.</p>
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CROSS REFERENCES

See sectional histories for similar State law

License or permit to possess dangerous ordnance - see
Ohio R.C. 2923.18

Hunting prohibited - see GEN. OFF. 505.11

Reporting gunshot and stab wounds - see GEN. OFF. 525.05(b)

Property destruction by tear gas device, etc. - see GEN. OFF. 541.04

549.01 DEFINITIONS.

As used in this chapter:

- (a) "Deadly weapon" means any instrument, device or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried or used as a weapon.
- (b) (1) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.
- (2) When determining whether a firearm is capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant, the trier of fact may rely upon circumstantial evidence, including, but not limited to, the representations and actions of the individual exercising control over the firearm.
- (c) "Handgun" means any of the following:
 - (1) Any firearm that has a short stock and is designed to be held and fired by the use of a single hand;
 - (2) Any combination of parts from which a firearm of a type described in subsection (c)(1) of this section can be assembled.
- (d) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

- (e) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than thirty-one cartridges without reloading, other than a firearm chambering only .22 caliber short, long or long-rifle cartridges.
- (f) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.
- (g) "Zip-gun" means any of the following:
 - (1) Any firearm of crude and extemporized manufacture;
 - (2) Any device, including without limitation a starter's pistol, that is not designed as a firearm, but that is specially adapted for use as a firearm;
 - (3) Any industrial tool, signalling device or safety device, that is not designed as a firearm, but that as designed is capable of use as such, when possessed, carried or used as a firearm.
- (h) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel that has been knowingly tampered with or arranged so as to explode.
- (i) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.
- (j) "Ballistic knife" means a knife with a detachable blade that is propelled by a spring-operated mechanism.
- (k) "Dangerous ordnance" means any of the following, except as provided in subsection (l) hereof:
 - (1) Any automatic or sawed-off firearm, zip-gun or ballistic knife;
 - (2) Any explosive device or incendiary device;
 - (3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating or demolitions;
 - (4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;
 - (5) Any firearm muffler or silencer;
 - (6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.

- (l) "Dangerous ordnance" does not include any of the following:
- (1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;
 - (2) Any pistol, rifle or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon unless the firearm is an automatic or sawed-off firearm;
 - (3) Any cannon or other artillery piece that, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;
 - (4) Black powder, priming quills and percussion caps possessed and lawfully used to fire a cannon of a type defined in subsection (l)(3) hereof during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers and percussion caps possessed and lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;
 - (5) Dangerous ordnance that is inoperable or inert and cannot readily be rendered operable or activated, and that is kept as a trophy, souvenir, curio or museum piece.
 - (6) Any device that is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C.921(a)(4), as amended, and regulations issued under that Act.
- (m) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. "Explosive" includes all materials that have been classified as Class A, Class B, or Class C explosives by the United States Department of Transportation in its regulations and includes, but is not limited to, dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuses, fuse igniters, squibs, cordeau detonant fuses, instantaneous fuses, and igniter cords and igniters. "Explosive" does not include "fireworks", as defined in Ohio R.C. 3743.01, or any explosive that is not subject to regulation under the rules of the Fire Marshal adopted pursuant to Ohio R.C. 3737.82.
(ORC 2923.11)

549.02 CARRYING CONCEALED WEAPONS.

- (a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:
- (1) A deadly weapon other than a handgun;
 - (2) A handgun other than a dangerous ordnance;
 - (3) A dangerous ordnance.
- (b) No person who has been issued a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, shall do any of the following:

- (1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, fail to promptly inform any law enforcement officer who approaches the person after the person has been stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then is carrying a concealed handgun;
 - (2) If the person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
 - (3) If the person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (c) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance, or is authorized to carry handguns and is acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801 unless the appointing authority of the person has expressly specified that the exemption provided in subsection (c)(1)B. hereof does not apply to the person.
- (2) Subsection (a)(2) of this section does not apply to any person who, at the time of the alleged carrying or possession of a handgun, is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, unless the person knowingly is in a place described in division (B) of Ohio R.C. 2923.126.
- (d) It is an affirmative defense to a charge under subsection (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:
- (1) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

- (2) The weapon was carried or kept ready at hand by the actor for defensive purposes, while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.
- (3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.
- (4) The weapon was being transported in a motor vehicle for any lawful purpose, was not on the actor's person, and, if the weapon was a firearm, was carried in compliance with the applicable requirements of Section 549.04(b).

(e) It is an affirmative defense to a charge under subsection (a) of this section of carrying or having control of a handgun other than a dangerous ordnance that the actor was not otherwise prohibited by law from having the handgun and that the handgun was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home, provided that this affirmative defense is not available unless the actor, prior to arriving at the actor's own home, did not transport or possess the handgun in a motor vehicle in a manner prohibited by Section 549.04(a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(f) No person who is charged with a violation of this section shall be required to obtain a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

- (g) (1) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this subsection or subsection (g)(2) of this section, carrying concealed weapons in violation of subsection (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this subsection or subsection (g)(2) of this section, if the offender previously has been convicted of a violation of this section or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law. Except as otherwise provided in subsection (g)(2) of this section, if the weapon involved is a firearm and the violation of this section is committed at premises for which a D permit has been issued under Chapter 4303, of the Revised Code or if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of subsection (a) of this section is a felony and shall be prosecuted under appropriate State law.

- (2) If a person being arrested for a violation of subsection (a)(2) of this section promptly produces a valid license or temporary emergency license issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, and if at the time of the violation the person was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the officer shall not arrest the person for a violation of that subsection. If the person is not able to promptly produce any of those types of license and if the person is not in a place described in that section, the officer may arrest the person for a violation of that subsection, and the offender shall be punished as follows:
- A. The offender shall be guilty of a minor misdemeanor if both of the following apply:
 - 1. Within ten days after the arrest, the offender presents a license or temporary emergency license to carry a concealed handgun issued under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, which license was valid at the time of the arrest to the law enforcement agency that employs the arresting officer.
 - 2. At the time of the arrest, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - B. The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:
 - 1. The offender previously had been issued a license to carry a concealed handgun under Ohio R.C. 2923.125 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69, and that was similar in nature to a license issued under Ohio R.C. 2923.125 and that license expired within the two years immediately preceding the arrest.
 - 2. Within forty-five days after the arrest, the offender presents any type of license identified in subsection (g)(2)A.1. of this section to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.
 - 3. At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
 - C. If neither subsection (g)(2)A. nor B. of this section applies, the offender shall be punished under subsection (g)(1) of this section.
- (3) Carrying concealed weapons in violation of subsection (b)(1) hereof is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of subsection (b)(1) hereof, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to Ohio R.C. 2923.128.

- (4) Except as otherwise provided herein, carrying concealed weapons in violation of subsection (b)(2) or (b)(3) hereof is a misdemeanor of the first degree. If the offender has previously been convicted or pleaded guilty to a violation of Ohio R.C. 2923.12(B)(2) or (B)(4) or a substantially equivalent municipal ordinance, carrying concealed weapons is a felony and shall be prosecuted under appropriate state law. In addition to any other penalty or sanction imposed for a violation of subsection (b)(2) or (b)(3) hereof, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(h) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.
(ORC 2923.12)

549.03 USING WEAPONS WHILE INTOXICATED.

(a) No person, while under the influence of alcohol or any drug of abuse, shall carry or use any firearm or dangerous ordnance.

(b) Whoever violates this section is guilty of using weapons while intoxicated, a misdemeanor of the first degree. (ORC 2923.15)

549.04 IMPROPERLY HANDLING FIREARMS IN A MOTOR VEHICLE.

(a) No person shall knowingly transport or have a loaded firearm in a motor vehicle, in such manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(b) No person shall knowingly transport or have a firearm in a motor vehicle, unless it is unloaded, and is carried in one of the following ways:

- (1) In a closed package, box or case;
- (2) In a compartment which can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) In plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(c) No person who has been issued a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 shall do any of the following:

- (1) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and if the person is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, fail to do any of the following that is applicable:

- A. If the person is the driver or an occupant of a motor vehicle stopped as a result of a traffic stop or a stop for another law enforcement purpose, fail to promptly inform any law enforcement officer who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the motor vehicle;
 - B. If the person is the driver or an occupant of a commercial motor vehicle stopped by an employee of the motor carrier enforcement unit for any of the defined purposes, fail to promptly inform the employee of the unit who approaches the vehicle while stopped that the person has been issued a license or temporary emergency license to carry a concealed handgun and that the person then possesses or has a loaded handgun in the commercial motor vehicle.
- (2) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly fail to remain in the motor vehicle while stopped, or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer.
- (3) If the person is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose and if the person is transporting or has a loaded handgun in the motor vehicle in any manner, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.
- (d) (1) This section does not apply to any of the following:
- A. An officer, agent or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's or employee's duties;
 - B. Any person who is employed in this State, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subsection (d)(1)B. does not apply to the person.
- (2) Subsections (a) and (b) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:
- A. The person transporting or possessing the handgun is carrying a valid license or temporary emergency license to carry a concealed handgun issued to the person under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69.

- B. The person transporting or possessing the handgun is not knowingly in a place described in division (B) of Ohio R.C. 2923.126.
- C. One of the following applies:
1. The handgun is in a holster on the person's person.
 2. The handgun is in a closed case, bag, box, or other container that is in plain sight and that has a lid, a cover, or a closing mechanism with a zipper, snap or buckle, which lid, cover, or closing mechanism must be opened for a person to gain access to the handgun.
 3. The handgun is securely encased by being stored in a closed, locked glove compartment or in a case that is locked.
- (3) Subsections (a) and (b) of this section do not apply to a person if all of the following apply:
- A. The person possesses a valid electric-powered all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the Chief of the Division of Wildlife.
 - B. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.
 - C. The person is on or in an electric-powered all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle that is parked on a road that is owned or administered by the Division of Wildlife, provided that the road is identified by an electric-powered all-purpose vehicle sign.
- (e) (1) The affirmative defenses authorized in Section 549.02(d)(1) and (2) are affirmative defenses to a charge under subsection (a) or (b) that involves a firearm other than a handgun.
- (2) It is an affirmative defense to a charge under subsection (a) or (b) of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that the affirmative defense is not available unless the person, prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by subsection (a) or (b) while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.
- (f) No person who is charged with a violation of subsection (a) or (b) shall be required to obtain a license or temporary emergency license to carry a concealed handgun under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.
- (g) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. Violation of subsection (b) of this section is a misdemeanor of the fourth degree. A violation of subsection (c)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for the violation, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of subsection (c)(2) or (3) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (c)(2) or (3) of this section, a felony and shall be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subsection (c)(2) or (3) of this section, the offender's license or temporary emergency license to carry a concealed handgun shall be suspended pursuant to Ohio R.C. 2923.128(A)(2). A violation of subsection (a) of this section is whichever of the following is applicable:

- (1) If, at the time of the transportation or possession in violation of subsection (a) of this section, the offender was carrying a valid license to carry a concealed handgun issued to the offender under Ohio R.C. 2923.125 or 2923.1213 or a license to carry a concealed handgun that was issued by another state with which the Attorney General has entered into a reciprocity agreement under Ohio R.C. 109.69 and the offender was not knowingly in a place described in division (B) of Ohio R.C. 2923.126, the violation is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subsection (a) of this section, a felony and shall be prosecuted under appropriate State law.
- (2) If subsection (g)(1) of this section does not apply, a felony and shall be prosecuted under appropriate State law.

(h) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop.

- (i) As used in this section:
 - (1) "Motor vehicle", "street" and "highway" have the same meanings as in Ohio R.C. 4511.01.
 - (2) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.
 - (3) "Commercial motor vehicle" has the same meaning as in Ohio R.C. 4506.25(A).
 - (4) "Motor carrier enforcement unit" means the motor carrier enforcement unit in the Department of Public Safety, Division of State Highway Patrol, that is created by Ohio R.C. 5503.34.
(ORC 2923.16)

549.05 FAILURE TO SECURE DANGEROUS ORDNANCE.

(a) No person, in acquiring, possessing, carrying or using any dangerous ordnance shall negligently fail to take proper precautions:

- (1) To secure the dangerous ordnance against theft, or against its acquisition or use by any unauthorized or incompetent person;
- (2) To insure the safety of persons and property.

(b) Whoever violates this section is guilty of failure to secure dangerous ordnance, a misdemeanor of the second degree. (ORC 2923.19)

549.06 UNLAWFUL TRANSACTIONS IN WEAPONS.

(a) No person shall:

- (1) Manufacture, possess for sale, sell or furnish to any person other than a law enforcement agency for authorized use in police work, any brass knuckles, cestus, billy, blackjack, sandbag, switchblade knife, springblade knife, gravity knife or similar weapon;

- (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordnance pursuant to Ohio R.C. 2923.17, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;
- (3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in the person's possession or under the person's control.

(b) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of subsections (a)(1) or (2) hereof is a misdemeanor of the second degree. Violation of subsection (a)(3) hereof is a misdemeanor of the fourth degree. (ORC 2923.20)

549.07 UNDERAGE PURCHASE OF FIREARM.

(a) No person under eighteen years of age shall purchase or attempt to purchase a firearm.

(b) No person under twenty-one years of age shall purchase or attempt to purchase a handgun, provided that this subsection does not apply to the purchase or attempted purchase of a handgun by a person eighteen years of age or older and under twenty-one years of age if the person eighteen years of age or older and under twenty-one years of age is a law enforcement officer who is properly appointed or employed as a law enforcement officer and has received firearms training approved by the Ohio Peace Officer Training Council or equivalent firearms training.

(c) Whoever violates subsection (a) hereof is guilty of underage purchase of a firearm, a delinquent act that would be a felony of the fourth degree if it could be committed by an adult. Whoever violates subsection (b) hereof is guilty of underage purchase of a handgun, a misdemeanor of the second degree. (ORC 2923.211)

549.08 DISCHARGING FIREARMS.

(a) No person shall discharge any air gun, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality except as follows:

- (1) Shotguns and other unlawful firearms may be used for legal hunting in season in the Hammertown Lake Region of the City, as that region is designated by the City, and in other legal hunting areas as approved, posted and designated by the City.
- (2) Air rifles or firearms may be used in organized target shooting and other lawful purposes approved by the City, in such areas approved, posted and designated by the City and under such conditions as these activities may be conducted with safety.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 5-94. Passed 2-28-94.)

549.09 THROWING OR SHOOTING MISSILES.

(a) No person shall throw, shoot or propel an arrow, missile, pellet, stone, metal or other similar substance capable of causing physical harm to persons or property, in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another. This section does not apply to supervised archery ranges or instruction nor when otherwise lawfully authorized.

- (b) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

549.10 POSSESSING REPLICIA FIREARM IN SCHOOL.

(a) No person shall knowingly possess an object in a school safety zone if both of the following apply:

- (1) The object is indistinguishable from a firearm, whether or not the object is capable of being fired.
- (2) The person indicates that the person possesses the object and that it is a firearm, or the person knowingly displays or brandishes the object and indicates that it is a firearm.

(b) Subsection (a) hereof does not apply to premises upon which home schooling is conducted. Subsection (a) hereof also does not apply to a school administrator, teacher, or employee who possesses an object that is indistinguishable from a firearm for legitimate school purposes during the course of employment, a student who uses an object that is indistinguishable from a firearm under the direction of a school administrator, teacher, or employee, or any other person who with the express prior approval of a school administrator possesses an object that is indistinguishable from a firearm for a legitimate purpose, including the use of the object in a ceremonial activity, a play, reenactment, or other dramatic presentation, or a ROTC activity or another similar use of the object.

(c) Whoever violates subsection (a) hereof is guilty of illegal possession of an object indistinguishable from a firearm in a school safety zone. Except as otherwise provided in this subsection, illegal possession of an object indistinguishable from a firearm in a school safety zone is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of Ohio R.C. 2923.122, illegal possession of an object indistinguishable from a firearm in a school safety zone is a felony and shall be prosecuted under appropriate State law.

- (d) (1) In addition to any other penalty imposed upon a person who is convicted of or pleads guilty to a violation of this section and subject to subsection (d)(2) of this section, if the offender has not attained nineteen years of age, regardless of whether the offender is attending or is enrolled in a school operated by a board of education or for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07, the court shall impose upon the offender a class four suspension of the offender's probationary driver's license, restricted license, driver's license, commercial driver's license, temporary instruction permit, or probationary commercial driver's license that then is in effect from the range specified in division (A)(4) of Ohio R.C. 4510.02 and shall deny the offender the issuance of any permit or license of that type during the period of the suspension.

If the offender is not a resident of this State, the court shall impose a class four suspension of the nonresident operating privilege of the offender from the range specified in division (A)(4) of Ohio R.C. 4510.02.

- (2) If the offender shows good cause why the court should not suspend one of the types of licenses, permits, or privileges specified in subsection (d)(1) of this section or deny the issuance of one of the temporary instruction permits specified in that subsection, the court in its discretion may choose not to impose the suspension, revocation, or denial required in that subsection.

(e) As used in this section, “object that is indistinguishable from a firearm” means an object made, constructed, or altered so that, to a reasonable person without specialized training in firearms, the object appears to be a firearm.
(ORC 2923.122)

549.11 DEFACING IDENTIFICATION MARKS OF A FIREARM;
POSSESSING A DEFACED FIREARM.

- (a) No person shall do either of the following:
- (1) Change, alter, remove, or obliterate the name of the manufacturer, model, manufacturer’s serial number, or other mark or identification on a firearm.
 - (2) Possess a firearm knowing or having reasonable cause to believe that the name of the manufacturer, model, manufacturer’s serial number, or other mark of identification on the firearm has been changed, altered, removed, or obliterated.
- (b) (1) Whoever violates subsection (a)(1) of this section is guilty of defacing identification marks of a firearm. Except as otherwise provided in this subsection, defacing identification marks of a firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(1) of this section, defacing identification marks of a firearm is a felony and shall be prosecuted under appropriate State law.
- (2) Whoever violates subsection (a)(2) of this section is guilty of possessing a defaced firearm. Except as otherwise provided in this subsection, possessing a defaced firearm is a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) of this section, possessing a defaced firearm is a felony and shall be prosecuted under appropriate State law.
(ORC 2923.201)

549.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 553
Railroads

553.01	Obstructing streets by railroad companies.	553.03	Duties of locomotive engineer.
553.011	Obstructing streets by abandoning the locomotive.	553.04	Railroad vandalism.
553.02	Climbing upon railroad cars.	553.05	Grade crossing device vandalism.
		553.99	Penalty.

CROSS REFERENCES

See sectional histories for similar State law
Lighting railroads - see Ohio R.C. 723.33 et seq.
Power to regulate train speed - see Ohio R.C. 723.48
Vehicular homicide - see GEN. OFF. 537.02
Criminal mischief - see GEN. OFF. 541.04

553.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

- (a) (1) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway.
- (2) At the end of each five minute period of obstruction of a public street, road or highway, each railroad company shall cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.
- (3) This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.
- (4) If a railroad car, locomotive, or other obstruction is obstructing a public street, road, or highway in violation of subsection (a)(1) hereof and the violation occurs in the unincorporated area of one or more counties, or in one or more municipal corporations, the officers and employees of each affected county or municipal corporation may charge the railroad company with only one violation of the law arising from the same facts and circumstances and the same act.

(5) Upon the filing of an affidavit or complaint for violation of this subsection (a)(1) hereof, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) For purposes of this section, "railroad company" includes the officers, employees and agents of such company.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000).

553.011 OBSTRUCTING STREETS BY ABANDONING THE LOCOMOTIVE.

(a) No railroad company shall obstruct, or permit or cause to be obstructed, a public street, road, or highway, by permitting any part of a train whose crew has abandoned the locomotive to remain across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon the street, road, or highway, unless the safety of the train crew requires them to abandon the locomotive.

(b) Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.211)

(c) Whoever violates this section is guilty of a misdemeanor of the first degree and shall be fined five thousand dollars (\$5,000).
(ORC 5589.99)

553.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules of the corporation managing such railroad.

(b) Whoever violates this section is guilty of a minor misdemeanor.
(ORC 4999.02)

553.03 DUTIES OF LOCOMOTIVE ENGINEER.

(a) No person in charge of a locomotive shall do the following:

- (1) Fail to bring the locomotive to a full stop at least 200 feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear;
- (2) When approaching a grade crossing, fail to sound the locomotive whistle at frequent intervals, beginning not less than 1,320 feet from such crossing and continuing until the locomotive has passed the crossing.

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this misdemeanor causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree. (ORC 4999.04)

553.04 RAILROAD VANDALISM.

(a) No person shall knowingly, and by any means, drop or throw any object at, onto, or in the path of, any railroad rail, railroad track, locomotive, engine, railroad car, or other vehicle of a railroad company while such vehicle is on a railroad track.

(b) No person, without privilege to do so, shall climb upon or into any locomotive, engine, railroad car, or other vehicle of a railroad company when it is on a railroad track.

(c) No person, without privilege to do so, shall disrupt, delay, or prevent the operation of any train or other vehicle of a railroad company while such vehicle is on a railroad track.

(d) No person, without privilege to do so, shall knowingly enter or remain on the land or premises of a railroad company.

(e) Whoever violates subsection (a) of this section is guilty of railroad vandalism. Whoever violates subsection (b) of this section is guilty of criminal trespass on a locomotive, engine, railroad car or other railroad vehicle. Whoever violates subsection (c) of this section is guilty of interference with the operation of a train.

Except as otherwise provided in this subsection, railroad vandalism; criminal trespass on a locomotive, engine, railroad car, or other railroad vehicle; and interference with the operation of a train each is a misdemeanor of the first degree. If the violation of subsection (a), (b) or (c) of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or serious physical harm to any person, the violation is a felony and shall be prosecuted under appropriate State law.

(f) Whoever violates subsection (d) of this section is guilty of criminal trespass on the land or premises of a railroad company, a misdemeanor of the fourth degree.
(ORC 2909.10)

553.05 GRADE CROSSING DEVICE VANDALISM.

(a) No person shall knowingly deface, damage, obstruct, remove or otherwise impair the operation of any railroad grade crossing warning signal or other protective device, including any gate, bell, light, crossbuck, stop sign, yield sign, advance warning sign, or advance pavement marking.

(b) Whoever violates this section is guilty of railroad grade crossing device vandalism. Except as otherwise provided in this subsection, railroad grade crossing device vandalism is a misdemeanor of the first degree. If the violation of this section causes serious physical harm to property, creates a substantial risk of physical harm to any person, causes physical harm to any person, or causes serious physical harm to any person, railroad grade crossing device vandalism is a felony and shall be prosecuted under appropriate State law.
(ORC 2909.101)

553.99 PENALTY.

(EDITOR'S NOTE: See Section 501.99 for penalties applicable to any misdemeanor classification.)

CHAPTER 557
Weed Control

557.01	Required cutting.	557.04	City may take action.
557.02	Notice to cut.	557.05	Costs a lien.
557.03	Fees for service and return.	557.99	Penalty.

CROSS REFERENCES.

Notice to cut noxious weeds - see Ohio R.C. 731.51 et seq.
Destruction of weeds - see Ohio R.C. 971.33 et seq.

557.01 REQUIRED CUTTING.

(a) Each person owning, leasing or having charge of land within the City shall keep the property free and clear of all high grass, high weeds and rank vegetation and shall cut all such high grass, high weeds and rank vegetation on the lots owned, leased or controlled by such person at least four times in every year, once between May 1 and May 10, once between June 1 and June 10, once between August 1 and August 10, and once between September 1 and September 10. Property which is zoned in an agricultural district is exempt from these regulations.

(b) Whoever violates this section is guilty of a minor misdemeanor for a first offense, and shall be fined up to one hundred fifty dollars (\$150.00) and community service. For each subsequent violation within one year from a previous conviction, the person shall be guilty of a fourth degree misdemeanor, punishable by up to thirty days in jail, a two hundred fifty dollar (\$250.00) fine, and community service.
(Ord. 173-06. Passed 8-28-06.)

557.02 NOTICE TO CUT.

(a) Upon information that noxious weeds, high grass, high weeds and rank vegetation are growing on lands in the City, the Mayor or designated representative shall cause written notice to be served on the owner, lessee, or person having charge of the land that such noxious weeds, high grass, high weeds and rank vegetation are growing on such lands and that such noxious weeds, high grass, high weeds and rank vegetation must be mowed, cut and destroyed within five days of service of the notice. Service of the notice may be by personal service, residence service (leaving notice at the residence), or by certified mail. If the owner, lessee or person having charge of the land is a nonresident whose address is known, the notice may be sent to the person's address by registered mail. If the address of the owner, lessee or person having charge of the land is unknown, it shall be sufficient to leave the notice on the property in a conspicuous place.

(b) In the event the owner, lessee or person having charge of the land has, within the preceding year, received a notice to comply and has previously failed to mow, cut or destroy noxious weeds, high grass, high weeds and rank vegetation, then the City may/will immediately proceed to mow, cut and destroy the noxious weeds, high grass, high weeds and rank vegetation. The City shall notify the owner, lessee, or person in charge of the land, in the manner set forth above, that the City has or will be mowing, cutting and destroying the noxious weeds, high grass, high weeds and rank vegetation, and that the City will take steps in accordance with this chapter to recover its costs in mowing, cutting and destroying noxious weeds, high grass, high weeds and rank vegetation. (Ord. 173-06. Passed 8-28-06.)

557.03 FEES FOR SERVICE AND RETURN.

A police officer or the Clerk of council, or any other person authorized by law, may make service and return of the notice provided for in Section 557.02. The person serving the notice shall be allowed the same fee as provided for service and return of summons in civil cases. (Ord. 173-06. Passed 8-28-06.)

557.04 CITY MAY TAKE ACTION.

If the owner, lessee, or person having charge of the land fails to comply with the notice provided for in Section 557.02, the Mayor, or his designated representative, shall cause noxious weeds, high grass, high weeds and rank vegetation to be mowed, cut and destroyed. In the event the City takes action it may employ the necessary labor to perform the task. All expenses and labor costs incurred, shall be paid out of City funds not otherwise appropriated. The charge for the City mowing, cutting or destroying the noxious weeds, high grass, high weeds and rank vegetation shall be no less than one hundred fifty dollars (\$150.00). (Ord. 173-06. Passed 8-28-06.)

557.05 COSTS A LIEN.

The Mayor, or his designated representative, shall make a written return to the County Auditor of its action under Sections 557.02 to 557.04, with a statement of the charges for its services, the amount paid for labor, the fee of the person serving the notice, and a proper description of the premises. Such amounts, when allowed, shall be entered upon the tax duplicate and be a lien upon such lands from and after the date of entry and be collected as other taxes and returned to the City with the General Fund. (Ord. 173-06. Passed 8-28-06.)

557.99 PENALTY.

Whoever violates this section is guilty of a minor misdemeanor for a first offense, and shall be fined up to one hundred fifty dollars (\$150.00) and community service. For each subsequent violation within one year from a previous conviction, the person shall be guilty of a fourth degree misdemeanor, punishable by up to thirty days in jail, a two hundred fifty dollar (\$250.00) fine, and community service. (Ord. 173-06. Passed 8-28-06.)

CHAPTER 558
Noise Control

558.01	Specific prohibition.	558.03	Use of engine retarders.
558.02	Stopping and testing of motor vehicles by law enforcement officer.	558.99	Penalty.

CROSS REFERENCES

Squealing tires, etc. - see TRAF. 331.36
Muffler required - see TRAF. 337.20
Disturbing the peace - see GEN. OFF. 509.03

558.01 SPECIFIC PROHIBITION.

The following acts, and the causing of permitting thereof, are declared to be in violation of this chapter.

(a) Motor Vehicles.

- (1) Operating or permitting the operation of any motor vehicle with a gross vehicle weight rating (GVWR) in excess of seven thousand (7,000) pounds or any auxiliary equipment attached to such vehicle, for a period longer than five (5) minutes in any hour while the vehicle is stationary, for reasons other than traffic congestion, between the hours of 9:00 P.M. and 7:00 A.M. This section shall not apply to public utilities vehicles, municipal service vehicles or buses operated as common carriers.
- (2) No person shall operate a motor vehicle on a public right-of-way at any time in such manner that the sound pressure level emitted by said vehicle exceeds the levels set forth in Table 1, below, when measured at the location and distance established by Section 3, also below. This section shall apply to all licensed motor vehicles, whether publicly or privately owned.

TABLE 1

VEHICLE CLASS	SOUND PRESSURE LEVEL IN dB		STATIONARY RUN-UP	
	Speed Limit 45 mi. per hour or less	Stationary Engine Speed	Dist. of Microphone from Vehicle	Noise Limit in dE
Any motor carrier vehicle engaged in interstate commerce of GVWR or GCWR of 10,000 lbs. or more	Adopt Federal Interstate Motor Carrier Procedures	Max governor speeds (N/A to vehicle W/O governors). Ungoverned vehicles of this class shall be tested at 75% of motor speed @ max. developed H.P.	50 ft from center line of vehicle	88
Any motor vehicle with a GVWR or GCWR of more than 10,000 lbs. and any combination of vehicles towed by such motor vehicle	86 (Min. of 25 ft. from center lane of traffic)			88
Any motorcycle	80* (Min. of 25 ft. from center lane of traffic)	½ of Tachometer Red Line Value	20" from near side of motorcycle	95
Any other motor vehicle and any combination of vehicles towed by such motor vehicle.	80* (Min. of 25 ft. from center lane of traffic)	3,000 RPM	20" from end of tailpipe @ 45 degree angle	95

* Enforce @ 86

- (3) Measurement distance. For the purpose of Section 2, the standard measurement height shall be four (4) feet and the standard horizontal measurement between distance from the center line of the traffic lane monitored to the sound level meter shall be a minimum of twenty-five (25) feet and at least ten (10) feet from any large reflecting surface. Measurements for the purpose of enforcing Section 2 may be taken at a horizontal distance from the center line of the traffic lane being monitored from twenty-five (25) feet to one hundred (100) feet, and the correction factor applied to the limits set forth in Table 2 below.

TABLE 2
Correction Factors

MEASUREMENT DISTANCE (feet)	CORRECTIONS TO LIMITS (dE)
25	+6
28	+5
32	+4
35	+3
40	+2
45	+1
50	0
56	-1
63	-2
70	-3
80	-4
90	-5
100	-7

- (b) Unreasonable Noise Generally. No person shall do, cause or permit any of the following:
- (1) Adequate mufflers or sound dissipative devices.
- A. Operate or cause to be operated any motor vehicle or motorcycle not equipped with a muffler or other sound dissipative device in good working order and in constant operation;
 - B. Remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler or sound dissipative device on a motor vehicle or motorcycle; or
 - C. Discharge into the open air the exhaust of any steam engine, stationary internal combustion engine or motorboat, except through a muffler or other device in good working order and in constant operation;

- (2) Motor vehicles. Race the motor of any vehicle unnecessarily or operate any motor vehicle, except in an emergency, in such a manner that the vehicle is so rapidly accelerated or started from a stopped position that the exhaust system emits a loud, cracking or chattering noise unusual to its normal operation, or whereby the tires of such vehicle squeal or leave tire marks on the pavement or other surfaces, commonly called "peeling";
- (3) Radios, television sets, musical instruments and similar devices. Operate, play or permit the operation or playing of any radio, television, phonograph, drum or other musical instrument, sound amplifier or similar device that produces, reproduces or amplifies sound:
- A. Between the hours of 9:30 P.M. and 7:00 A.M. of the following day in such a manner as to create a noise disturbance across a residential property boundary; or
 - B. In such a manner as to create a noise of 65 decibels or more at fifty feet (fifteen meters) from such device, when operated in or on a motor vehicle on a public right-of-way or public space. (Ord. 92-93. Passed 11-8-93.)

558.02 STOPPING AND TESTING OF MOTOR VEHICLES BY LAW ENFORCEMENT OFFICERS.

The law enforcement officer shall, in addition to any other authority vested in him, have the power to stop and test any motor vehicle or motorcycle operated on a public right-of-way or public space, reasonably suspected of violating any provision of this Chapter, and issue a notice of violation.

(Ord. 92-93. Passed 11-8-93.)

558.03 USE OF ENGINE RETARDERS.

The use of any and all "engine retarders" shall be prohibited within the City. "Engine retarders" shall be defined to include, but not be limited to, C Brakes, PacBrakes, TekBrakes, Jake Brakes and any other type of engine retarder commonly utilized within the trucking industry. (Ord. 28-05. Passed 4-11-05.)

558.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor; and, on each subsequent offense is guilty of a misdemeanor of the fourth degree.

(Ord. 92-93. Passed 11-8-93.)

CHAPTER 559
Litter Control

559.01	Title.	559.13	Depositing handbills on vacant premises.
559.02	Definitions.	559.14	Notice prohibiting distribution of handbills.
559.03	Litter in public places.	559.15	Distributing handbills at inhabited private premises; exemptions.
559.04	Deposit in receptacles.	559.16	Litter from aircraft.
559.05	Sweeping litter into gutters.	559.17	Posting notices.
559.06	Merchants to keep sidewalks, parking lots and access drives free of litter.	559.18	Occupied private property.
559.07	Litter thrown from vehicles.	559.19	Private premises.
559.08	Truck loads causing litter.	559.20	Vacant lots.
559.09	Parks.	559.21	Clearing open private property by City.
559.10	Creeks and streams.	559.99	Penalty.
559.11	Handbills in public places.		
559.12	Placing handbills on vehicles.		

CROSS REFERENCES

Removal of litter - see Ohio R.C. 731.51 et seq.
Littering - see GEN. OFF. 521.08; S.U. & P.S. 945.11
Loads dropping or leaking - see TRAF. 339.08

559.01 TITLE.

This chapter shall be known and may be cited as the "Jackson Anti-Litter Ordinance."
(Ord. 110-84. Passed 10-8-84.)

559.02 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- (a) "Aircraft" means any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word "aircraft" includes helicopters and lighter-than-air dirigibles and balloons.
- (b) "Authorized private receptacle" means a litter storage and collection receptacle as required and authorized in Chapter 945 of the Streets, Utilities and Public Services Code.
- (c) "City" means the City of Jackson.
- (d) "Commercial handbill" means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original copies of any matter of literature:
 - (1) Which advertises for sale any merchandise, product, commodity or thing; or
 - (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or
 - (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order. However, nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind, without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or
 - (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- (e) "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (f) "Litter" means "garbage", "refuse", and "rubbish", as defined herein. "Litter" also includes all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.
- (g) "Newspaper" means any newspaper of general circulation as defined by general law, any newspaper duly entered with the Postal Service of the United States, in accordance with Federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, includes any periodical or current magazine regularly published with not less than four issues per year and sold to the public.

- (h) "Noncommercial handbill" means any printed or written matter, any sample, device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
- (i) "Park" means a park, reservation, playground, beach, recreation center or any other public area in the City, owned or used by the City and devoted to active or passive recreation.
- (j) "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.
- (k) "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and includes any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.
- (l) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.
- (m) "Refuse" means all putrescible and nonputrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.
- (n) "Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, grass, tree trimmings, leaves, wood, glass, bedding, crockery and similar materials.
- (o) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.
(Ord. 110-84. Passed 10-8-84.)

559.03 LITTER IN PUBLIC PLACES.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or in authorized private receptacles for collection. (Ord. 110-84. Passed 10-8-84.)

559.04 DEPOSIT IN RECEPTACLES.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Ord. 110-84. Passed 10-8-84.)

559.05 SWEEPING LITTER INTO GUTTERS.

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(Ord. 110-84. Passed 10-8-84.)

559.06 MERCHANTS TO KEEP SIDEWALKS, PARKING LOTS AND ACCESS DRIVES FREE OF LITTER.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk, parking lot or driveway. Persons owning or occupying places of business within the City shall keep the sidewalk in front of their business premises, together with parking areas and access drives, free of litter.

(Ord. 110-84. Passed 10-8-84.)

559.07 LITTER THROWN FROM VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.

(Ord. 110-84. Passed 10-8-84.)

559.08 TRUCK LOADS CAUSING LITTER.

No person shall drive or move any truck or other vehicle within the City unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the City, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Ord. 110-84. Passed 10-8-84.)

559.09 PARKS.

No person shall throw or deposit litter in any park within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Ord. 110-84. Passed 10-8-84.)

559.10 CREEKS AND STREAMS.

No person shall throw or deposit litter in any fountain, pond, stream, creek or any other body of water in a park or elsewhere within the City.
(Ord. 110-84. Passed 10-8-84.)

559.11 HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any sidewalk, street or other public place within the City. Nor shall any person hand out or distribute or sell any commercial handbill in any public place. However, it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.
(Ord. 110-84. Passed 10-8-84.)

559.12 PLACING HANDBILLS ON VEHICLES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any vehicle. However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof, a noncommercial handbill to any occupant of a vehicle who is willing to accept it.
(Ord. 110-84. Passed 10-8-84.)

559.13 DEPOSITING HANDBILLS ON VACANT PREMISES.

No person shall throw or deposit any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.
(Ord. 110-84. Passed 10-8-84.)

559.14 NOTICE PROHIBITING DISTRIBUTION OF HANDBILLS.

No person shall throw, deposit or distribute any commercial or noncommercial handbill upon any private premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing", "No Peddlers or Agents ", "No Advertisement", or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or have their right of privacy disturbed, or to have any such handbills left upon such premises. (Ord. 110-84. Passed 10-8-84.)

**559.15 DISTRIBUTING HANDBILLS AT INHABITED PRIVATE PREMISES;
EXEMPTIONS.**

(a) No person shall throw, deposit or distribute any commercial or noncommercial handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or other person then present in or upon such private premises. However, in case of inhabited private premises which are not posted as provided in this section, such person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, and except that mailboxes may not be so used when so prohibited by Federal postal law or regulations.

(b) The provisions of this section do not apply to the distribution of mail by the United States, nor to newspapers, as defined herein, except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.
(Ord. 110-84. Passed 10-8-84.)

559.16 LITTER FROM AIRCRAFT.

No person in an aircraft shall throw out, drop or deposit within the City, any litter, handbill or any other object.
(Ord. 110-84. Passed 10-8-84.)

559.17 POSTING NOTICES.

No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or upon any public structure or building, except as may be authorized or required by law.
(Ord. 110-84. Passed 10-8-84.)

559.18 OCCUPIED PRIVATE PROPERTY.

No person shall throw or deposit litter on any occupied private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.
(Ord. 110-84. Passed 10-8-84.)

559.19 PRIVATE PREMISES.

The owner or person in control of any private property shall at all times maintain the premises free of litter. However, this section shall not prohibit the storage of litter in authorized private receptacles for collection.
(Ord. 110-84. Passed 10-8-84.)

559.20 VACANT LOTS.

No person shall throw or deposit litter on any open or vacant private property within the City whether owned by such person or not.
(Ord. 110-84. Passed 10-8-84.)

559.21 CLEARING OPEN PRIVATE PROPERTY BY CITY.

(a) Notice to Remove. The Service-Safety Director is hereby authorized and empowered to notify the owner of any open or vacant private property within the City or the agent of such owner to properly dispose of litter located on such owner's property which is or may become dangerous to public health, safety or welfare. Such notice shall be by certified mail, return receipt requested, addressed to such owner at his last known address.

(b) Action Upon Noncompliance. Upon the failure, neglect or refusal of any owner or agent so notified, to properly dispose of such litter within five days after receipt of written notice provided for in subsection (a) hereof, or within ten days after the date of such notice in the event the notice is returned to the Post Office because of inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the Service-Safety Director is hereby authorized and empowered to arrange for the disposing of such litter or to order its disposal by the City at the City's expense.

(c) Charge Included in Tax Bill. After the City has effected the removal of such litter or has paid for its removal, if the actual cost thereof, plus six percent (6%) per annum from the date of the completion of the work, is not paid within thirty days after the disposal of such litter, as provided for in subsections (a) and (b) hereof, then the Service-Safety Director shall cause the City Auditor to certify to the County Auditor the proceedings taken under this section, together with a statement of the cost and expense incurred for the work, the date the work was done and the location of the property on which such work was done. Such amounts shall be entered upon the real estate tax duplicate, and shall constitute a lien upon such real property from the date of entry and shall be collected as other taxes and returned to the City General Fund.
(Ord. 110-84. Passed 10-8-84.)

559.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor and shall be fined at least fifty dollars (\$50.00) for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense.
(Ord. 110-84. Passed 10-8-84.)

CHAPTER 561
Cigarettes and Other Tobacco Products

<p>561.01 Definitions.</p> <p>561.02 Sale to minors prohibited; possession and use prohibited.</p> <p>561.03 Sales from vending machines.</p> <p>561.04 Posting age warning signs.</p>	<p>561.05 Responsibility of owner, lessee, agent or employee.</p> <p>561.06 Immunity.</p> <p>561.99 Penalty.</p>
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CROSS REFERENCES

Illegal distribution of tobacco products - see Ohio R.C. 2927.02

561.01 DEFINITIONS.

(a) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet or any similar materials.

(b) "Tobacco products" includes the proceeds, yield or final form of anything made up wholly or in part of the genus of the plant known as "nicotiana". Such products include but are not limited to cigars, pipe tobacco, chewing tobacco and snuff.

(c) "Sale" includes delivery, barter, exchange, transfer, or gift, or offer thereof and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(d) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.
(Ord. 44-98. Passed 4-27-98.)

561.02 SALE TO MINORS PROHIBITED; POSSESSION AND USE PROHIBITED.

(a) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age.
- (2) Give away, sell, or distribute cigarettes or other tobacco products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes or other tobacco products to a person under eighteen years of age is prohibited by law.

(b) No person shall sell, give away or provide cigarettes or other tobacco products to, or buy these products for, any person under the age of eighteen years.

(c) No person under the age of eighteen years shall purchase, possess or use cigarettes or other tobacco products.

(d) No person under the age of eighteen years shall order, pay for, share the cost of or attempt to purchase cigarettes or any tobacco products.

(e) No person under the age of eighteen years shall knowingly show or give false information concerning his name, age or other identification for the purpose of purchasing or otherwise obtaining cigarettes or other tobacco products in any place in the City where cigarettes or other tobacco products are sold.

(f) No person shall knowingly furnish any false information as to the name, age or other identification of any person under eighteen years of age for the purpose of obtaining, or with the intent to obtain, cigarettes or other tobacco products for a person under eighteen years of age, by purchase or as a gift.
(Ord. 44-98. Passed 4-27-98.)

561.03 SALES FROM VENDING MACHINES.

(a) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:

- (1) An area either:
 - A. Within a factory, business, office or other place not open to the general public; or
 - B. To which persons under the age of eighteen years are not generally permitted access;

- (2) In any other place not identified in subsection (a)(1) hereof, upon all of the following conditions:
- A. The vending machine is located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person.
 - B. The vending machine is inaccessible to the public when the place is closed.

(b) As used in this section, “vending machine” has the same meaning as “coin machine” as defined in Section 545.01.
(Ord. 44-98. Passed 4-27-98.)

561.04 POSTING AGE WARNING SIGNS.

(a) Every person in control of any place within the City where cigarettes or other tobacco products are sold, whether by a person or by a vending machine, shall display at all times, in a prominent place on the premises thereof, or in a prominent place on such cigarette or other tobacco product vending machine, a printed sign which shall read substantially as follows:

“WARNING TO PERSONS UNDER AGE

If you are under the age of eighteen and if you order, pay for, share the costs of, attempt to purchase, possess or use any cigarettes or other tobacco products, or if you furnish false information as to your name, age or other identification, you are subject to punishment in the Juvenile Court of Jackson County, Ohio.”

(b) No persons selling cigarettes or other tobacco products shall fail to comply with this section. (Ord. 44-98. Passed 4-27-98.)

561.05 RESPONSIBILITY OF OWNER, LESSEE, AGENT OR EMPLOYEE.

No owner or lessee of a building or premises, no owner or lessee of a cigarette or other tobacco products vending machine, or their employees or agents shall knowingly allow or permit cigarettes or other tobacco products to be sold, distributed or given away in violation of the provisions of this chapter.
(Ord. 44-98. Passed 4-27-98.)

561.06 IMMUNITY.

No person may be found guilty of violation of the provisions of this chapter where age is an element of the offense, if any court determines that the individual buying, at the time of so doing, exhibited to the aforesaid person, his agent or employee, a driver's license or commercial driver's license showing that such individual was then of legal age to buy cigarettes or other tobacco products; and if such person made a bona fide effort to ascertain the true age of the individual buying by checking the identification presented at the time of purchase; to ascertain that the description of the identification presented compared with the visual description of the buyer and the identification presented had not been altered in any way and if the aforesaid person had reason to believe that the individual buying was of legal age.
(Ord. 44-98. Passed 4-27-98.)

561.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Whoever has been previously convicted of a violation of this chapter or of Ohio R.C. 2927.02 shall be guilty of a misdemeanor of the third degree.

CODIFIED ORDINANCES OF JACKSON
PART SEVEN - BUSINESS REGULATION CODE

Chap. 701. General Provisions.

Chap. 705. Junk Dealers and Yards.

Chap. 706. Yard Sales.

Chap. 709. Peddlers.

Chap. 713. Coin-Operated Amusement Machines.

Chap. 717. Street Carnivals.

Chap. 721. Taxicabs.

Chap. 725. Trailers and Trailer Parks.

Chap. 727. Secondhand Dealers.

Chap. 731. Transient Merchants.

Chap. 733. Alarm Systems.

Chap. 735. Ice Cream Truck Operators.

CODIFIED ORDINANCES OF JACKSON
PART SEVEN - BUSINESS REGULATION CODE

CHAPTER 701
General Provisions

701.01	Licenses required to engage in certain trades, businesses or professions.	701.04	License certificate to be displayed.
701.02	Date and duration of license.	701.05	Revocation or suspension of license; notice.
701.03	License not transferable.	701.99	Penalty.

CROSS REFERENCES

State licensing of junk yards - see Ohio R.C. 4737.05 et seq.
 Falsification - see GEN. OFF. 525.02
 Junk yard or shop license required - see BUS REG. 705.03
 Pinball machine license required - see BUS. REG. 713.01
 Taxicab license required - see BUS. REG. 721.01
 Trailer park license required - see BUS. REG. 725.04

701.01 LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES,
BUSINESSES OR PROFESSIONS.

No person shall engage in any of the trades, businesses or professions for which licenses are required by any provision of these codified ordinances without first applying for and obtaining a license from the Clerk or other duly authorized issuing authority.
 (Ord 4-62. Passed 2-12-62.)

701.02 DATE AND DURATION OF LICENSE.

A license shall not be valid beyond the expiration date therein specified and, unless otherwise provided, shall not extend beyond December 31 of the year issued; except that at any time after December 14 licenses may be issued for the ensuing calendar year. Unless otherwise specified the full annual fee will be required of licensees irrespective of the date of issue of such license.
 (Ord. 4-62. Passed 2-12-62.)

701.03 LICENSE NOT TRANSFERABLE.

Every license shall be issued to a real party in interest in the enterprise or business, and unless otherwise provided, no license shall be assigned or transferred.
(Ord. 4-62. Passed 2-12-62.)

701.04 LICENSE CERTIFICATE TO BE DISPLAYED.

Every licensee carrying on business at a fixed location shall keep the license certificate posted in a prominent place upon the licensed premises. Other licensees shall carry their license certificates at all times and whenever requested by any officer or citizen, shall exhibit the same.
(Ord. 4-62. Passed 2-12-62.)

701.05 REVOCATION OR SUSPENSION OF LICENSE; NOTICE.

(a) Any license may be revoked by the Mayor at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for its denial; for any misrepresentation of a material fact in the application discovered after issuance of the license; for violation of any provision of this chapter or other law or ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a licensee for any Federal, State or City law or ordinance involving moral turpitude. Revocation shall become effective upon notice served upon such licensee or posted upon the premises affected.

(b) As a preliminary to revocation, the Mayor may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. Notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with such conditions within the time specified, the license may be restored.
(Ord. 4-62. Passed 2-12-62.)

701.99 PENALTY.

Whoever violates any provision of this Business Regulation Code, for which no other penalty is provided, shall be fined one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

CHAPTER 705
Junk Dealers and Yards

705.01	Definitions.	705.06	Employing or trading with convicts.
705.02	Land usage or facility extension.	705.07	Transportation and removal of junk.
705.03	License required.	705.08	Junk yard inspection; consent.
705.04	License application; fee.	705.99	Penalty.
705.05	License issuance; fence requirements.		

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.61
 Secondhand dealers - see Ohio R.C. Ch. 4737
 Record of transactions required - see Ohio R.C. 4737.01, 4737.04
 Dealing with minors prohibited; hours regulated - see Ohio R.C. 4737.03
 State licensing and required fencing of junk yards - see Ohio R.C. 4737.05 et seq.
 Fences - see GEN. OFF. 521.07
 Littering - see GEN. OFF. 521.08
 General licensing provisions - see BUS. REG. 701.01 et seq.

705.01 DEFINITIONS.

As used in this chapter:

- (a) "Junk dealer" means any person, firm or corporation engaged in the business of purchasing, selling, exchanging or receiving secondhand articles or any scrap or waste materials of any kind or nature, or any person, firm or corporation who is engaged in recycling operations.
- (b) "Junk shop" or "junk yard" means any place or building where such business is conducted.
(Ord. 53-97. Passed 7-14-97.)

705.02 LAND USAGE OR FACILITY EXTENSION.

No junk yard or junk shop shall expand its land usage area or extend its facilities beyond the original premises for which a license is obtained pursuant to Section 705.04.
(Ord. 14-64. Passed 5-11-64.)

705.03 LICENSE REQUIRED.

No person shall act as a junk dealer or maintain a junk shop or yard within the City, without first obtaining a license to do so as hereinafter provided.
(Ord. 348. Passed 5-12-41.)

705.04 LICENSE APPLICATION; FEE.

(a) Any person desiring to maintain a junk shop or engage in the business of dealing in junk shall make written application to the Mayor for a license. Application shall be made under oath and contain a statement that the applicant has not violated the provisions of Ohio R.C. 4737.01 to 4737.04. If the application is made by a firm it shall be signed by all its members. If the application is made by a corporation, it shall be signed by its president and secretary. (Ord. 561. Passed 9-14-53; Ord. 348. Passed 5-12-41.)

(b) The fee for issuance of the license required by Section 705.03 shall be two hundred dollars (\$200.00) per calendar year.
(Ord. 53-97. Passed 7-14-97.)

705.05 LICENSE ISSUANCE; FENCE REQUIREMENTS.

(a) No license shall be issued to any person who has been convicted in any court of violating the provisions of Ohio R.C. 4737.01 to 4737.04.
(Ord. 348. Passed 5-12-41.)

(b) No license shall be issued unless the premises used or proposed to be used is entirely enclosed with solid opaque fence of uniform height not less than six feet in height. The licensee shall keep all junk within the enclosure.
(Ord. 53-97. Passed 7-14-97.)

705.06 EMPLOYING OR TRADING WITH CONVICTS.

(a) No person licensed under the provisions of this chapter shall employ any person who has been convicted in any court of a violation of the provisions of Ohio R.C. 4737.01 to 4737.04.

(b) No person licensed under the provisions of this chapter shall purchase from, sell to or exchange with any person, who has been convicted of a felony, secondhand articles of any kind, scrap iron, old metal, canvas, rope, branded bottles, lead pipe or junk of any kind.
(Ord. 348. Passed 5-12-41.)

705.07 TRANSPORTATION AND REMOVAL OF JUNK.

(a) No person licensed under the provisions of this chapter shall cause or permit any of the articles mentioned in Section 705.06(b) to be transported to or removed from the property used as a junk shop or yard except from a public street in the front of the premises. For purposes of this section, no alley shall be considered as a public street.

(b) No person licensed under the provisions of this chapter shall remove or consent to the removal from the premises used as a junk shop or yard any of the articles mentioned in Section 705.06(b) during the night season.
(Ord. 348. Passed 5-12-41.)

705.08 JUNK YARD INSPECTION; CONSENT.

(a) A person licensed under the provisions of this chapter shall at all times permit any policeman, county sheriff or deputy sheriff or any constable to enter upon the premises maintained and used as a junk yard for the purpose of inspecting any such articles mentioned

in Section 705.06(b), and to enter any buildings used in connection with the licensee's business as a junk dealer, for the aforesaid purpose.

(b) The written application provided for in Section 705.04 shall constitute the licensee's consent for the officers mentioned in subsection (a) hereof to enter business premises used as a junk shop or yard.
(Ord. 348. Passed 5-12-41.)

705.99 PENALTY.
(EDITOR'S NOTE: See Section 701.99 for the general Business Regulation Code penalty if no other penalty is provided.)

CHAPTER 706
Yard Sales

706.01	Definitions.	706.05	Exceptions.
706.02	Maximum number of sales.	706.06	Complaints.
706.03	Merchandise restrictions.	706.07	Injunctive relief.
706.04	Sign restrictions.	706.99	Penalty.

CROSS REFERENCES

Theft by deception - see GEN. OFF. 545.05

706.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply:

“Person” means individuals, association of individuals, partnerships or corporations who or which conduct sales for commission or other remuneration. “Person” shall include a spouse, children, residents of a household, or other residents of a particular residential premise.

“Public sale” means any sale and delivery or offer of sale and delivery of any household furniture, furnishings, equipment, farm products, goods, wares, or merchandise from, in, about, or upon a premise, property or residence zoned for residential use within this Municipality to which the general public is invited, pursuant to any advertisement or notice by newspaper, radio, mail, individual flyer, exterior graphics, or similar modes of advertising. Excluded from this definition are sales conducted by estate fiduciaries and licensed auctioneers.

“Yard sale” means a sale of household goods, furniture, equipment, utensils, appliances, tools, personal clothing or effects, novelty items, glassware, farm products, or similar personal property. Yard sales are also commonly referred to as porch sales, garage sales, attic sales, lawn sales, rummage sales, or white elephant sales.

(Ord. 9-99. Passed 2-22-99.)

706.02 MAXIMUM NUMBER OF SALES.

No person shall conduct, sponsor, hold, manage or permit upon the premises he occupies, more than six public sales or yard sales in any calendar year or more than one public sale or yard sale in any one month. Sales shall not exceed two days in duration.

(Ord. 9-99. Passed 2-22-99.)

706.03 MERCHANDISE RESTRICTIONS.

No person shall sell at any sale or yard sale any household furniture, equipment, appliance, goods, or food products which were brought onto the property for the sole purpose of selling the same at the sale by a person who regularly furnishes the household furniture, furnishings, equipment, appliance, goods, or food products at the public sale or yard sale for profit, excepting sales which are conducted by any charitable, educational, or religious institution. (Ord. 9-99. Passed 2-22-99.)

706.04 SIGN RESTRICTIONS.

Signs advertising public sales and yard sales shall not exceed two feet by two feet in dimension and shall contain the name and address of the sale sponsor. All signs pertaining to these sales shall be removed from display within 24 hours after completion of the sale. The City Public Safety/Service Director shall be authorized to remove nonconforming or unauthorized signs in the public right of way. (Ord. 9-99. Passed 2-22-99.)

706.05 EXCEPTIONS.

This chapter shall not apply to any public sale or yard sale conducted solely by any charitable, educational, or religious institution. (Ord. 9-99. Passed 2-22-99.)

706.06 COMPLAINTS.

Complaints shall be filed in the name of the City Public Safety/Service Director or his designee on behalf of the City. The complaint shall be filed by the City Law Director. (Ord. 9-99. Passed 2-22-99.)

706.07 INJUNCTIVE RELIEF.

Upon certification by the City Public Safety/Service Director to the Law Director that a person is engaged in a pattern of practice of violations of any provision of this chapter, the Law Director shall be authorized to seek on behalf of the City, both temporary and permanent injunctive relief in a court of competent jurisdiction. (Ord. 9-99. Passed 2-22-99.)

706.99 PENALTY.

Whoever is found guilty of violating any provision of this chapter shall be guilty of a minor misdemeanor. A separate offense shall be deemed committed upon each day during which the violation occurs or continues. (Ord. 9-99. Passed 2-22-99.)

CHAPTER 713
Coin-Operated Amusement Machines

713.01	License required.	713.04	New licenses.
713.02	License fee; duration.	713.99	Penalty.
713.03	License application; issuance.		

CROSS REFERENCES

Gambling - see GEN. OFF. Ch. 517
 Slugs - see GEN. OFF. 545.11
 Tampering with coin machines - see GEN. OFF. 545.12
 General licensing provisions - see BUS. REG. 701.01 et seq.

713.01 LICENSE REQUIRED.

Whoever operates or puts into operation any coin-operated amusement machine in the City after the effective date of Ordinance 143-85 shall obtain a license as provided in this chapter. For purposes of this chapter, the term "coin-operated amusement machine" means any device activated by inserting one or more coins and which then provides a game or amusement for the user, including but not limited to machines for pinball, skeetball, video games, electronic games and computer games.
 (Ord. 143-85. Passed 12-23-85.)

713.02 LICENSE FEE; DURATION.

The fee for the license required by Section 713.01 shall be twenty-five dollars (\$25.00) per calendar year for each such coin-operated amusement machine. All licenses shall expire on December 31. All present license holders shall receive proper credit for all license fees paid in accordance with the previous licensing ordinance. The license fee shall be prorated if the license is issued after January 1.
 (Ord. 143-85. Passed 12-23-85.)

713.03 LICENSE APPLICATION; ISSUANCE.

Applications for the license required by Section 713.01 shall be made to the Mayor or to the Service-Safety Director upon forms furnished by the City. All applications shall be signed and sworn to by the applicants. Upon receipt of the application and payment of the license fee, the Mayor or the Service-Safety Director shall issue a receipt therefor in duplicate to the applicant. The receipt shall specify the number of machines to be operated.
 (Ord. 143-85. Passed 12-23-85.)

713.04 NEW LICENSES.

Whoever operates a coin-operated amusement machine within the City, and who is not now licensed, shall be deemed not to be in violation of the requirements of this chapter if he or she obtains a license as provided in this chapter within sixty days after the effective date of Ordinance 143-85. The license fees for new licenses shall be prorated as required in Section 713.02. (Ord. 143-85. Passed 12-23-85.)

713.99 PENALTY.

Whoever fails to comply with the requirements of this chapter shall be fined not more than one hundred dollars (\$100.00). Each seven-day period during which such violation continues shall constitute a separate offense. (Ord. 143-85. Passed 12-23-85.)

CHAPTER 717
Street Carnivals

717.01 Street carnivals prohibited; exception. 717.99 Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.48, 715.63, 3765.02
Street obstructions - see TRAF. 311.02

717.01 STREET CARNIVALS PROHIBITED; EXCEPTION.

No carnivals, street fairs, circuses or shows of a similar nature shall be permitted to be held, shown or performed on the streets within the City. However, the Mayor may permit the holding of a carnival, street fair, circus or show of a similar nature on streets when all of the performances are fostered and supervised by civic interest of the City, and a substantial part of the funds derived therefrom is expended for charitable or civic purposes.
(Ord. 275. Passed 6-22-36.)

717.99 PENALTY.

(EDITOR'S NOTE: See Section 701.99 for the general Business Regulation Code penalty if no other penalty is provided .)

CHAPTER 721
Taxicabs

721.01	Definitions.	721.10	Lettering.
721.02	License required; fee; term; renewal.	721.11	Regulations and prohibitions.
721.03	Compliance required.	721.12	Driver's requirements.
721.04	Liability insurance.	721.13	Lost articles.
721.05	License issuance; transfer.	721.14	Disposition of fees collected.
721.06	Rate schedules.	721.15	Temporary operation of additional cab.
721.07	Safety checks.	721.16	Condition of taxicabs.
721.08	Vehicles required.	721.17	Number of passengers.
721.09	Meter.	721.99	Penalty.

CROSS REFERENCES

Power to regulate - see Ohio R.C. 715.22, 715.66
 Power to establish stands and fix rates - see Ohio R.C. 715.25
 Operation and equipment - see TRAF. CODE
 Use of stands - see TRAF. 351.10
 General licensing provisions - see BUS. REG. 701.01 et seq.

721.01 DEFINITIONS.

Unless otherwise expressly stated, as used in this chapter:

- (a) "Taxicab" means a vehicle operated for hire, and shall be held to be distinguished from a motor bus especially by the fact that taxicabs do not operate on fixed routes or on a definite schedule, and when occupied by one or more passengers shall not indiscriminately accept such persons as offer themselves for transportation except at the insistence of or with the consent of such passenger or passengers then occupying such vehicle.
- (b) "Taxicab company" includes every corporation, company, association, joint stock association, person, firm or co-partnership, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any taxicab.
- (c) "Street" includes any public street, alley or public way within the corporate limits of the City. (Ord. 111-87. Passed 12-28-87.)

721.02 LICENSE REQUIRED; FEE; TERM; RENEWAL.

(a) No person, firm, corporation or any owner, agent, employee or driver shall operate or permit to be operated a taxicab unless the proper license has been issued to the owner of the vehicle and is in force.

(b) The annual license fee shall be twenty-five dollars (\$25.00) per cab and shall be in addition to any fee required by the law of Ohio. Each license fee shall be paid to the City, and each license shall expire on December 31 of the calendar year in which it is issued.

(c) All owners of taxicabs hereby licensed or hereafter granted licenses according to law shall at the completion of the year for which they are licensed be entitled to have their licenses renewed for each succeeding year upon an application for renewal; provided the public convenience and necessity still requires the same and the owner or operator of the vehicle has complied with all ordinances of the City.

(d) Applications for licenses for taxicabs shall be made in writing to the Mayor and presented by the Mayor to Council for consideration. The application shall set forth the name and address of the owner of the vehicle, the make, seating capacity, age of the vehicle, together with a schedule of rates to be charged for the use of the same. If Council finds that the public convenience and necessity justify the operation of the vehicle they shall forthwith authorize the Mayor to issue a license upon compliance by the applicant for all other requirements. (Ord. 111-87. Passed 12-28-87.)

721.03 COMPLIANCE REQUIRED.

No taxicab company, their lessees, trustees, receivers or trustees appointed by any Court whatsoever, shall operate any taxicab for the transportation of persons for hire on any street within the corporate limits of the City, except in accordance with the provisions of this chapter. (Ord. 111-87. Passed 12-28-87.)

721.04 LIABILITY INSURANCE.

No person shall operate a public hack, taxicab or other vehicle kept for hire, except motor buses operated on regular schedules and over regularly scheduled routes, or permit the same to be operated, nor shall any permit be granted, unless and until the applicant for that right deposits with the Director of Public Service and/or the Director of Public Safety evidence of insurance in an amount of not less than one hundred thousand dollars (\$100,000), for property damage, bodily injury, and public liability combined, for each taxicab in service.

In the event the City is notified by the insurance agency that the insurance has been cancelled, then the Mayor or his authorized designee may cancel the license of the taxicab company. (Ord. 93-05. Passed 7-27-05.)

721.05 LICENSE ISSUANCE; TRANSFER.

(a) Upon payment of the fee and compliance of all other requirements imposed, the Director of Public Service and Safety shall issue a license to the owner which shall indicate the vehicle and year for which it is issued.

(b) In the event the owner of a licensed taxicab ceases to own the same, the Director is authorized to transfer the license to any other vehicle belonging to such owner provided the replacement vehicle meets the requirements of this chapter.

(c) Upon the sale of a licensed cab from one owner to another, the license shall be transferable only upon a finding of convenience and necessity by Council in the same manner as an original application. If the same is granted, the license may be transferred without additional fee for the remainder of the term for which the license was issued.
(Ord. 111-87. Passed 12-28-87.)

721.06 RATE SCHEDULES.

(a) Rate schedules may be changed by the owner provided the substituted schedules are filed with and approved by Council.

(b) Rate schedules shall be printed and be placed in a conspicuous place in each taxicab.

(c) No driver or any other person in control of a taxicab shall charge any fare or fee for the use of the taxicab within the City except in accordance with the approved schedule of rates. (Ord. 111-87. Passed 12-28-87.)

721.07 SAFETY CHECKS.

Prior to any taxicab being put into operation within the City there shall be a safety check conducted by a reputable automobile service garage which shall be designated by the City.

Each taxicab in operation or put into operation within the City shall undergo bi-yearly safety checks by a reputable automobile service garage which shall be designated by the City. There shall be a period of at least 180 days between such safety checks.

Item to be included in safety checks shall be established by the Safety/Service Director. The entire cost of all safety checks shall be paid by the owner of the taxicab.
(Ord. 9-95. Passed 1-23-95.)

721.08 VEHICLES REQUIRED.

Any taxicab that is more than twenty years old shall not be permitted to operate within the City and such taxicab shall be removed from service.
(Ord. 9-95. Passed 1-23-95.)

721.09 METER.

A standard taxicab meter shall be installed in all taxicabs operating within the City. Zone rates may be established for trips outside the City limits. All rates shall be posted within the cab. (Ord. 111-87. Passed 12-28-87.)

721.10 LETTERING.

Each taxicab operating within the City shall be marked in such a manner as to clearly indicate to the public the name of the company and that the taxicab is for hire. (Ord. 111-87. Passed 12-28-87.)

721.11 REGULATIONS AND PROHIBITIONS.

No person shall:

- (a) Drive any taxicab while under the influence of intoxicating liquor, or drink any intoxicating liquor whatsoever while transporting passengers.
- (b) Charge in excess of the rates fixed.
- (c) Fail or neglect or refuse to turn in to the Chief of Police within twenty-four hours all lost articles found in the taxicab.
- (d) Drive or operate a taxicab upon any street in the City unless the owner thereof is operating under and pursuant to a permit as hereinbefore provided and the operator has a permit as described below.
- (e) Fail to notify the Chief of Police within fifteen hours after an accident, giving the time and location of the accident, the name of any person injured, condition of the injured, character of injuries so far as known and in case of property damage, the estimated amount of such damage.
- (f) Any taxi driver issued a permit hereunder may have such permit suspended by the Chief of Police or Municipal Judge at any time for any reason necessary by the Chief of Police or Municipal Judge for the health, welfare and safety of the public and the residents of the City. A second conviction of any taxi driver for violation of any traffic law shall constitute grounds for suspension or revocation of his permit. A third conviction for violation of any traffic law shall automatically constitute revocation of such driver's permit and no new application for a new permit by such applicant can be filed for a period of six months thereafter. (Ord. 111-87. Passed 12-28-87.)

721.12 DRIVER'S REQUIREMENTS.

Before any person can drive a taxicab on the streets of the City, such person shall apply for a taxi driver's permit from the Chief of Police. No permit shall be issued to any person who has been convicted of any felony, or who has had his or her driver's license suspended within the prior three years or who has been convicted within the prior three years of the following traffic offenses:

- (a) Driving while under the influence of alcohol and/or drugs.
- (b) Driving under suspension.
- (c) Reckless operation.

Such permit shall carry the taxi driver's name, description, date of issuance, date of expiration, driver's signature, the rules set forth in Section 721.11 and the signature of the Chief of Police. Such permit shall be displayed in a conspicuous place in the taxicab so as to be plainly visible and readable from the front or back seat by day or night. There shall be a five dollar (\$5.00) fee for each application. Such permits shall be issued at the discretion of the Chief of Police. Such permits shall be for a period of one year and may be renewed upon payment of a three dollars (\$3.00) fee and approval by the Chief of Police. (Ord. 111-87. Passed 12-28-87.)

721.13 LOST ARTICLES.

Drivers of taxicabs shall promptly deliver to the Police Department all property of value left in their vehicles by passengers.
(Ord. 111-87. Passed 12-28-87.)

721.14 DISPOSITION OF FEES COLLECTED.

All fees for licenses and penalties provided for violation of provisions of this chapter shall be deposited with the City Treasurer in accordance with provisions of law and placed to the credit of the General Fund of the City.
(Ord. 111-87. Passed 12-28-87.)

721.15 TEMPORARY OPERATION OF ADDITIONAL CAB.

Each taxicab company operating within the City shall be permitted to temporarily operate one additional automobile which has been properly inspected and insured according to this chapter, during the period of time any regularly operated taxicab is out of operation.
(Ord. 111-87. Passed 12-28-87.)

721.16 CONDITION OF TAXICABS.

(a) Every taxicab shall be kept in a safe and sanitary operating condition. For the purpose of determining the condition of any licensed taxicab, the owner shall furnish to either the Director of Public Service and Safety or Council upon request, the written findings of a mutually acceptable garage mechanic.

(b) Whenever a taxicab is found not to be in a safe and sanitary operating condition, or whenever any of the requirements imposed by this chapter are not complied with, Council may suspend or revoke the license.

(c) Any taxicab put into service in the City shall be equipped with all safety equipment required by law.
(Ord. 111-87. Passed 12-28-87.)

721.17 NUMBER OF PASSENGERS.

No taxicab shall carry more passengers than the number designated as its seating capacity on the application for which the license was issued.
(Ord. 111 87. Passed 12-28-87.)

721.99 PENALTY.

(a) Whoever violates any provision of this chapter, shall be fined not more than one hundred dollars (\$100.00).

(b) Whenever the driver or owner of a taxicab is convicted of a violation of this chapter, in addition to any other penalty, the license issued for the taxicab involved may be revoked or suspended by the Mayor.
(Ord. 111-87. Passed 12-28-87.)

CHAPTER 725
Trailers and Trailer Parks

725.01	Definitions.	725.06	License fee.
725.02	Permitted parking.	725.07	License certificate.
725.03	Street parking.	725.08	License cancellation.
725.04	Trailer park license; sewage facilities.	725.09	Relation of provisions to other laws.
725.05	Use of City water service.	725.99	Penalty.

CROSS REFERENCES

Trailer parks - see Ohio R.C. Ch. 3733
 Licensing and fees by Board of Health - see Ohio R.C. 3733.03 et seq.
 Travel trailer defined - see Ohio R.C. 4501.01(K)
 State license plate fee - see Ohio R.C. 4503.04(C)
 Tax levy on house trailers - see Ohio R.C. 4503.06 et seq.
 Registers of information open to inspection - see Ohio R.C. 4503.062
 Falsification - see GEN. OFF. 525.02
 General licensing provisions - see BUS. REG. 701.01 et seq.

725.01 DEFINITIONS.

As used in this chapter:

- (a) "House trailer" means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation, or resting on a permanent foundation replacing such wheels, jacks or other temporary foundation. A structure which was at one time a house trailer does not become something other than a house trailer when and if the structure is affixed permanently upon real estate.
- (b) "House trailer park" means any site, lot, field or tract of land upon which six or more house trailers used for human habitation are parked free of charge or for revenue purposes.
 (Ord. 63-80. Passed 10-13-80.)

725.02 PERMITTED PARKING.

(a) No person shall park or establish, or permit to be parked or established any house trailer used for human habitation within the corporate limits of the City except as provided in subsections (b), (c) and (d) hereof.

(b) House trailers already parked and established within the City on December 10, 1952, and those parked and established in bona-fide and licensed trailer parks are not included within the prohibition of subsection (a) hereof.

(c) Temporary parking of house trailers shall be permitted on the site of permanent home construction by and for occupants of the trailers, but in no event shall such temporary parking exceed eight months.

(d) A house trailer allowed under subsection (b) hereof may be replaced at the same site by one new house trailer, provided that the old house trailer is removed from the site and disposed of properly and that the new house trailer is fitted onto a proper foundation, and that the owner or occupant of the new house trailer obtains a building permit for the installation of the new house trailer.

(Ord. 46-81. Passed 4-27-81.)

725.03 STREET PARKING.

Nothing in Section 725.02 shall be construed to prevent house trailers from using the streets of the City for highway purposes or to prevent the parking of house trailers on the streets of the City subject to the traffic laws and ordinances.

(Ord. 526. Passed 11-10-52.)

725.04 TRAILER PARK LICENSE; SEWAGE FACILITIES.

No person shall operate within the City a house trailer park without first obtaining an annual license therefor from the Service-Safety Director. The application for such license shall describe the proposed location of the trailer park, the proposed number of trailer parking spaces, which must be six or more and any additional information that the Director may require. Before issuing a license, the Director shall investigate and determine the available means of connecting the trailer park sewage system to the Municipally owned sewage system. No license shall be granted by the Director unless, in his opinion, adequate sewer mains and disposal plant facilities are available to properly handle the proposed increased volume of sewage without endangering the health and safety of the citizens of the City or rendering the City potentially liable for damages due to an overloading of the sewage disposal plant. No license shall be granted unless City sewage system facilities are available and adequate. No septic tank type of sewage treatment or other private means of sewage disposal shall be permitted. An absolute maximum of 200 trailer spaces may be licensed under this section by the Director.

(Ord. 526. Passed 11-10-52.)

725.05 USE OF CITY WATER SERVICE.

If the proposed trailer park proposes to use City water, a further endorsement by the Superintendent of the Water Service Commission shall be required on the license issued by the Service-Safety Director. The failure to secure this endorsement on the license and the subsequent use of City water shall render the license void and of no effect. The endorsement shall state that an adequate supply of City water is available in the City to serve the proposed increased use. The Superintendent, before endorsing the license, may require any information that he deems necessary from the applicant and shall not endorse any license unless and until he is satisfied that sufficient water is available to satisfy normal consumption and that such condition is likely to continue.

(Ord. 526. Passed 11-10-52.)

725.06 LICENSE FEE.

The fee to be paid for licenses issued under Section 725.04 shall be no dollars per year.

(Ord. 12-62. Passed 6-10-62.)

725.07 LICENSE CERTIFICATE.

The license certificate for licenses issued under Section 725.04 shall state the date when issued, the maximum number of trailer spaces permitted thereunder, the expiration date, which shall be one year from the date of issuance, and the endorsement required by Section 725.05, if applicable. (Ord. 526. Passed 11-10-52.)

725.08 LICENSE CANCELLATION.

The license issued under Section 725.04 or endorsement secured under Section 725.05 may be canceled by the Service-Safety Director or the Superintendent of the Water Service Commission if such license or endorsement is obtained by fraud or misrepresentation or for any other justifiable cause, upon the giving of thirty day's notice to the operator or his agent in charge. (Ord. 526. Passed 11-10-52.)

725.09 RELATION OF PROVISIONS TO OTHER LAWS.

The license required by this chapter shall be in addition to and not in lieu of any other provisions of these Codified Ordinances or other ordinances regulating house trailer parks. (Ord. 526. Passed 11-10-52.)

725.99 PENALTY.

Whoever violates any provision of this chapter shall be fined one hundred dollars (\$100.00). Whoever knowingly continues to violate any provision of this chapter after being notified of his violation by an appropriate City official shall be guilty of a misdemeanor of the fourth degree. If an offender fails to commence remedial action within seven days after such notice, he shall be deemed knowingly to continue the violation. (Ord. 63-80. Passed 10-13-80.)

CHAPTER 727
Secondhand Dealers

727.01	Definitions.	727.06	Tagging article.
727.02	Sign required.	727.07	Use of fictitious name or address.
727.03	Record information.	727.99	Penalty.
727.04	Daily reports to police.		
727.05	Retention of articles.		

CROSS REFERENCES

State law provisions - see Ohio R.C. Ch. 4737
Receiving stolen property - see GEN. OFF. 545.18

727.01 DEFINITIONS.

"Secondhand dealer" means a person operating a store, shop or other business outlet for the purpose of purchasing, selling, exchanging or receiving secondhand articles of any kind from individuals on a continuing basis. "Secondhand article" means any item which has previously been used or worn by another, except that a motor vehicle shall not be considered a secondhand article. A person who primarily purchases secondhand articles from a dealer, wholesaler or jobber is not a secondhand dealer.
(Ord. 5-81. Passed 2-23-81.)

727.02 SIGN REQUIRED.

Any person operating as a secondhand dealer in the City shall post in a conspicuous place in or upon his shop, store, motor vehicle, wagon, boat or other place of business, a sign having his name and occupation legibly inscribed thereon.
(Ord. 5-81. Passed 2-23-81.)

727.03 RECORD INFORMATION.

- (a) Each secondhand dealer, shall keep a separate book in which shall be written, in the English language, the following specified items:
- (1) A complete description, including serial number, where available, of any article listed in subsection (b) hereof, which has been purchased or received by the dealer; and
 - (2) The name, address, social security number, driver's license number and automobile license number of the vehicle of the person from whom the purchase or exchange was made; and
 - (3) The date when such purchase or exchange was made.

(b) This section shall apply in those instances where the article purchased or received by the dealer is any secondhand scrap, iron, old metal, canvas, rope, branded bottles, junk or lead pipe, household furniture or furnishings, household appliances, office equipment, coins, jewelry, clothing, weapons, bicycles, toys and/or electronic equipment.

(c) Every entry shall be numbered consecutively, commencing with the number one.

(d) All books or records which are required to be maintained as a result of this section shall be open to inspection by any of the following persons:

- (1) The Mayor;
- (2) The Service-Safety Director;
- (3) The Chief of Police; or
- (4) A police officer or any agent duly authorized by the Mayor, the Service-Safety Director, or the Chief of Police.

Upon demand by any of the previously specified persons, the secondhand dealer shall also produce and show the article or articles thus listed and described which are in his possession. (Ord. 5-81. Passed 2-23-81.)

727.04 DAILY REPORTS TO POLICE.

The secondhand dealer shall prepare and deliver each day to the Chief of Police or head of the Police Department before 12:00 noon, on forms to be furnished by the Chief of Police, a legible and correct copy written in English, from such book containing a complete description of each article purchased or received during the preceding day, the date the purchase was made, and a description as to name, address and license number of the automobile of the person from whom it was purchased.

(Ord. 5-81. Passed 2-23-81.)

727.05 RETENTION OF ARTICLES.

Secondhand articles purchased or exchanged shall be retained by the secondhand dealer-purchaser thereof for at least forty-eight hours before disposing of them in an accessible place, in the confines where such articles are purchased or received. However, this section shall not apply to purchases by a processor when buying directly from junk yards or from business concerns selling such articles in the course of business.

(Ord. 5-81. Passed 2-23-81.)

727.06 TAGGING ARTICLE.

Each secondhand dealer shall attach to each secondhand article made of nonferrous metal, in a visible and convenient place, a tag bearing the transaction entry number from the book required to be kept by Section 727.03.

(Ord. 5-81. Passed 2-23-81.)

727.07 USE OF FICTITIOUS NAME OR ADDRESS.

No person shall use a fictitious name or address when he sells or pawns merchandise to any pawnshop, junk yard, processor or secondhand store in the City.

(Ord. 5-81. Passed 2-23-81.)

727.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 5-81. Passed 2-23-81.)

CHAPTER 731
Transient Merchants

731.01	Definition.	731.04	License application and deposit.
731.02	License required.	731.05	Conduct.
731.03	License fee; duration.	731.99	Penalty.

CROSS REFERENCES

Littering - see GEN. OFF. 521.08
 Fraud - see GEN. OFF. 545.05
 Peddlers - see BUS. REG. Ch. 709

731.01 DEFINITION.

A transient merchant is a person who for a continuous period of seven days or less operates a store or other place in the City for the retail sale of agricultural products, goods, wares or merchandise, or who on the streets or traveling from place to place about the City, sells, bargains to sell or solicits orders for agricultural products, goods, wares or merchandise by retail, except for the following:

- (a) A person selling by sample only;
 - (b) A person selling agricultural articles or products which the person himself has grown;
 - (c) A person selling manufactured articles or products which the person himself has manufactured;
 - (d) A person selling articles or products on behalf of a charitable or educational organization;
 - (e) A person selling articles or products in a street fair approved by Council, including the Apple Festival, so long as the person is located in the fair area or Apple Festival area as such area is designated by Jackson City Council;
 - (f) A person selling articles or products in the City as part of a retail sales route by which he or she regularly sells articles or products in the City not less frequently than one day in every six-week period;
 - (g) A person who resides in the City; or
 - (h) A charitable or nonprofit organization.
- (Ord. 72-94. Passed 11-14-94.)

731.02 LICENSE REQUIRED.

After the effective date of this section, every person who commences to operate a store or other place in the City for the retail sale of agricultural products, goods, wares or merchandise, or who on the streets or traveling from place to place about the City, sells, bargains to sell, or solicits orders for agricultural products, goods, wares or merchandise by retail, shall apply for a license as set forth in Section 731.04, except that the following persons shall not be required to apply for a license:

- (a) Every person specifically exempted from the definition of "transient merchant" under Section 731.01 (a) through (g);
- (b) Every person who is a grantee in a deed conveying the place of his or her new business;
- (c) Every person who is a lessee in a written lease for a term longer than seven days for the place of his or her new business; and
- (d) Each employee of an applicant for a license under this section.
(Ord. 36-83. Passed 5-9-83.)

731.03 LICENSE FEE; DURATION.

The license fee charged to each transient merchant shall be fifty dollars (\$50.00) for each day during which the transient merchant transacts any retail business within the City. (Ord. 36-83. Passed 5-9-83.)

731.04 LICENSE APPLICATION AND DEPOSIT.

Applications for the license required by Section 731.09 shall be made to the Mayor or the Service-Safety Director upon forms furnished, and the applicant shall swear to the truth of the contents of the application and sign the application. In addition to the license application, the applicant shall furnish to the Service-Safety Director his or her permanent address, the identification number of his or her valid Ohio vendor's license still in effect and a deposit of three hundred fifty dollars (\$350.00). If the licensee closes business in the City within seven days after the issuance of the license, then the Service-Safety Director shall refund to the licensee the difference between the deposit and the total license fee owing to the City. After seven days from the issuance of the license, if the licensee presents to the Service-Safety Director satisfactory proof that he or she is not a "transient merchant" as defined in Section 731.01, then the entire deposit shall be refunded to the licensee.
(Ord. 36-83. Passed 5-9-83.)

731.05 CONDUCT.

Nothing in this chapter shall be interpreted to allow any conduct which is declared a nuisance in Section 709.01
(Ord. 36-83. Passed 5-9-83.)

731.99 PENALTY.

In addition to the penalty provided by Section 701.99, whoever violates this chapter and refuses to close his business upon notice by the Service-Safety Director is guilty of a misdemeanor of the fourth degree.
(Ord. 36-83. Passed 5-9-83.)

CHAPTER 733
Alarm Systems

733.01	Definitions.	733.05	Suspension, revocation and appeals procedure for permits.
733.02	Alarm permits.	733.06	Liability of City.
733.03	Automatic dialing devices.	733.07	Exemptions.
733.04	Equipment maintenance; inspection.	733.99	Penalty.

733.01 DEFINITIONS.

As used in this chapter:

- (a) "Alarm permit" means a permit issued by the Chief of Police to any owner or other person in control of a building, property or part thereof, located in the City, to install and maintain an alarm system.
- (b) "Alarm system" means any assembly of equipment and devices which signals, so as to be seen or heard outside the protected building or space, the presence of fire, smoke, robbery, burglary, vandalism or unauthorized intrusion.
- (c) "Interconnected alarm system" means an alarm system which directly or indirectly, automatically or manually, uses a telephone line to transmit an alarm or message upon activation of the alarm system.
- (d) "Local alarm system" means an alarm system that when activated only sounds a horn, bell, buzzer or other type of audible or visible alarm that is designed to be audible or visible beyond the premises being served, but which does not result in the transmission of a signal to any other location.
- (e) "Alarm permitholder" means a person, organization or company who has a permit issued to him by the Chief of Police.
- (f) "Appropriate Chief" means the City of Jackson Chief of Police or the City of Jackson Fire Chief.
- (g) "Automatic dialing device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice, message or code signal an emergency message indicating a need for emergency response.

- (h) "False alarm" means an alarm signal or message initiated and transmitted either automatically or manually through an alarm system, to the City, eliciting response by the Police or Fire Departments when fire, smoke, robbery, burglary, vandalism or unauthorized intrusion does not in fact exist, but does not include an alarm signal caused by hurricanes, tornadoes or other catastrophic acts of God not reasonably subject to control by the alarm manufacturer, installer or alarm permit holder.
(Ord. 83-89. Passed 11-13-89.)

733.02 ALARM PERMITS.

(a) Any residence or building or part thereof located within the City may be equipped with an alarm system for the purpose of detecting and signaling the presence of fire or unauthorized intrusion.

(b) Before an interconnected alarm system is installed in a residence or building, the owner shall apply for a permit from the Chief of Police. The Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The information contained in an alarm application shall be securely maintained and restricted to inspection only by the Chief of Police, Fire Chief or their designated representative.

(c) An alarm permit fee of five dollars (\$5.00) shall be charged annually for a permit issued under the provisions of this chapter. The initial and annual renewal fee shall be waived for permit holders sixty-five years and older for alarm systems on their residences only. An alarm permit shall be deemed renewed when the annual alarm permit fee is remitted to the City and the system has been approved by the appropriate Chief.

(d) Any person, organization or business which currently has an interconnected alarm system installed in their residence or place of business shall apply for an alarm permit within thirty days of the effective date of this section.

(e) When there has occurred any material change in the information previously submitted with respect to such alarm system the occupant of a building served by an alarm system, within ten days after a change in information previously submitted to the City, shall file an application supplement containing accurate information with respect to the date required by the respective Chief.
(Ord. 83-89. Passed 11-13-89.)

733.03 AUTOMATIC DIALING DEVICES.

(a) The City may subscribe to one or more telephone lines for burglar alarms, or for fire alarm purposes, or for similar purposes; and when any line is designated as provided for above, persons may, upon proper application and compliance with applicable laws, be granted a permit to install a device or devices which automatically select the designated telephone line for the purpose of playing a recorded message or to otherwise report an intrusion or other emergency.

(b) No person shall use or cause to be used, any telephone device or telephone attachment that automatically selects any telephone line allocated by the telephone company to the City or any of its departments or divisions, except a telephone line which shall be specifically designated by the Service Director for such purpose.

(c) All automatic dialing devices shall be reprogrammed to use the designated telephone line within ten days of notification of designation of the Service Director; additionally the message format shall be approved by the appropriate Chief prior to interconnection. (Ord. 83-89. Passed 11-13-89.)

733.04 EQUIPMENT MAINTENANCE; INSPECTION.

(a) All equipment used in installations for which a permit is required shall meet the applicable standards of the Underwriters Laboratories of the United States and of Canada, Factory Mutual, the National Fire Protection Association or other recognized industry standard. An applicant may be required to submit evidence of the reliability and suitability of the equipment to be installed.

(b) The Chief of Police and the Fire Chief or their designated representative shall have the authority, at reasonable times, and upon oral notice, to enter upon any premises within the City, to inspect only the installation and operation of an alarm system, the purpose of which is to report an emergency to the Police or Fire Departments. In the event the premises to be inspected is a private dwelling, such inspection shall only be done between the hours of 8:00 a.m. and 8:00 p.m. and only if the notice is in written form addressed to the permit holder and presented to a responsible adult. Under this chapter, such residences are only subject to the above inspection after three false alarms have originated from them. The written notice shall cite the specific false alarm history of that permit. Failure to allow reasonable inspection of such alarm system may be grounds for revocation of the alarm permit.

(c) The Chief of Police or Fire Chief may require that repairs or adjustments be made whenever he has determined that such are necessary to assure proper operation. Failure to make such repairs or adjustments may be grounds for revocation of the alarm permit. (Ord. 83-89. Passed 11-13-89.)

733.05 SUSPENSION, REVOCATION AND APPEALS PROCEDURE FOR PERMITS.

(a) Before a permit issued pursuant to this chapter may be suspended or revoked for any reason except as prescribed in Section 733.99(d), a hearing shall be held before the appropriate Chief. A notice setting forth the time, place and nature of the hearing shall be sent to the alarm permitholder no less than seven days prior to such hearing.

(b) After such hearing, the appropriate Chief shall either dismiss the case or shall forward a recommendation of revocation and/or suspension to the Service Director. Within ten days after receiving the recommendation, the Director shall approve or disapprove the recommendation and notify the permitholder accordingly.

(c) Any decision made by the Director pursuant to this section may be appealed by filing a written notice of appeal with the Council Clerk within five days of receipt of the Directors' decision. Such appeal shall be heard by Council within thirty days after the filing of the appeal and that body may affirm, amend or reverse the decision or take other action deemed appropriate.

(d) At the end of the revocation and/or suspension period, the alarm permitholder shall be required, if the holder intends to continue using his or her alarm system, to first refile an application and have it approved by the appropriate Chief.
(Ord. 83-89. Passed 11-13-89)

733.06 LIABILITY OF CITY.

The issuance of any permits in conjunction with this chapter shall not constitute acceptance by the City of any liability to maintain any equipment, to answer alarms or for anything in connection therewith.
(Ord. 83-89. Passed 11-13-89.)

733.07 EXEMPTIONS.

The provisions of this chapter are not applicable to home smoke detectors not intended to be heard outside the dwelling unit, nor to local alarm systems, or audible alarms affixed to automobile, boats, boat trailers, house trailers and recreation vehicles or other motor vehicles.
(Ord. 83-89. Passed 11-13-89.)

733.99 PENALTY.

(a) No person shall operate an alarm system without first obtaining a permit as required by this chapter, or after having a permit revoked or suspended, and after exhausting the right of appeal, fail to disconnect the alarm system. Violation of this section shall be a minor misdemeanor. Each day of such unpermitted use shall constitute a separate violation.

(b) No alarm permitholder shall allow more than two chargeable false alarms to be transmitted to the City's Emergency Police Communications Center during the immediate preceding two-year period. An alarm shall be classified as false if the responding police or fire personnel see no evidence of fire, smoke, robbery, burglary, vandalism or unauthorized intrusion. If the permitholder proves that the alarm was caused by an event not reasonably foreseeable and which could not have been prevented by the proper adjustment or presetting of the sensor threshold, the alarm shall be designated a nonchargeable false alarm. Violation of this section shall be a minor misdemeanor.

(c) After three officially chargeable false alarms in any permit year, the permitholder shall be charged one hundred dollars (\$100.00) each for the next three officially chargeable false alarms in any permit year. After a total of six false alarms in any permit year, the Chief of Police or the Fire Chief shall review the alarm holder's permit and recommend to the Service Director continuance of the permit or revocation of the permit for up to a maximum of six months. The alarm permitholder may appeal the City Service Director's decision to Council as provided for in Section 733.05. Council's decision shall be final. The Chief of Police or Fire Chief may order the disconnection of any alarm system upon forwarding a recommendation of suspension or revocation of an alarm permit to the City Service Director pending his review and any appeals. No permitholder shall fail to disconnect his alarm system upon order of the appropriate Chief as set forth herein. Violation of this section shall be a minor misdemeanor.

(d) No alarm permitholder shall knowingly allow his alarm system to be used by any person to create a false alarm as defined in Section 509.07. Violation of this section shall be a misdemeanor of the fourth degree. In addition to any other penalty prescribed by Section 501.99, the alarm permit held by such permitholder may be suspended or revoked for up to one year.
(Ord. 83-89. Passed 11-13-89.)

CHAPTER 735
Ice Cream Truck Operators

735.01	Definitions.	735.04	Denial or revocation of license.
735.02	License required.	735.99	Penalty.
735.03	Display of license.		

735.01 DEFINITIONS.

“Ice cream truck operators” means any individual or entity selling, displaying, or offering to sell ice cream or any other prepackaged food product, on a public street or public property, from a motorized vehicle commonly known as an ice cream truck.
(Ord. 118-06. Passed 5-22-06.)

735.02 LICENSE REQUIRED.

Any person or entity desiring to obtain or renew an ice cream truck operator’s license shall be required to file all of the following information with the Director of Public Service:

- (a) A valid state-issued identification card including legal name, date of birth and residence address of the applicant. If the applicant is a partnership or corporation, the information from all partners or officers is required.
- (b) A list of any person(s) who will operate or work within the ice cream truck, including the full legal name, date of birth, and residence address. A criminal background check conducted by the Jackson County Sheriff’s office, or other agency approved by the City, is required for each person who will operate or work from the ice cream truck. This list must be kept current with the City at all times.
- (c) The year, make, model and color of the motor vehicle that will be used as an ice cream truck and a valid sticker indicating passage of a motor vehicle inspection (MVI) conducted by the Ohio State Highway Patrol. Any vehicle used as an ice cream truck must maintain a valid MVI sticker at all times.
- (d) A copy of a registration certificate issued by the Ohio Bureau of Motor Vehicles is to be provided to the City for any vehicle to be operated as an ice cream truck.
- (e) Proof of valid insurance for the vehicle and liability insurance of no less than three hundred thousand dollars (\$300,000) with the City named as an additional insured. (Ord. 118-06. Passed 5-22-06.)

735.03 DISPLAY OF LICENSE.

The license provided by the City must be displayed at all times in a place upon the vehicle that is easily visible to the public.
(Ord. 118-06. Passed 5-22-06.)

735.04 DENIAL OR REVOCATION OF LICENSE.

The Director of Public Safety shall deny or revoke a license if it is found that the applicant, or any employee or contractor working on behalf of the applicant, has a conviction of any of the following:

- (a) Any misdemeanor or felony if the offense involved a sex crime.
 - (b) Any misdemeanor or felony if the offense involved a violent crime.
 - (c) Any misdemeanor or felony if the offense involved drugs.
 - (d) Any misdemeanor or felony if the offense involved a crime against a child.
- (Ord. 118-06. Passed 5-22-06.)

735.99 PENALTY.

Anyone who violates any provision of this chapter, or any person who operates an ice cream truck in the City without a valid license issued by the City, shall be subject to a fine of one hundred fifty dollars (\$150.00) per day.
(Ord. 118-06. Passed 5-22-06.)

CODIFIED ORDINANCES OF JACKSON

PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE

TITLE ONE - Streets and Sidewalks

- Chap. 901. Street Excavations.
- Chap. 905. Sidewalk Construction.
- Chap. 909. Gasoline Curb Service.
- Chap. 913. Vacating, Narrowing and Naming Streets.

TITLE THREE- Public Utilities

- Chap. 919. Utilities Generally.
- Chap. 921. Electric Service.
- Chap. 925. Sewers.
- Chap. 926. Protection of Sewers.
- Chap. 927. Sewer Rates.
- Chap. 929. Water Service.

TITLE FIVE- Public Services

- Chap. 941. Cemeteries.
- Chap. 945. Garbage.
- Chap. 949. Municipal Auditorium.
- Chap. 953. Parks.
- Chap. 957. Municipal Pool.

CODIFIED ORDINANCES OF JACKSON

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 Chap. 913. Vacating, Narrowing and Naming Streets.

CHAPTER 901
 Street Excavations

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|--|---|
| <p>901.01 Permit required.
 901.02 Permit application; deposit;
 issuance.
 901.03 Backfilling.
 901.04 Procedure for backfilling.
 901.05 Service pipe installation.
 901.06 Installation of piping under
 streets.</p> | <p>901.07 Payment of costs for backfilling;
 permit fee.
 901.08 Exceptions to provisions.
 901.09 Deposit of money collected.
 901.99 Penalty.</p> |
|--|---|

CROSS REFERENCES

- Power to establish and care for streets - see Ohio R.C. 715.19,
 717.01, 723.01
 Openings by municipality - see Ohio R.C. 723.02
 Excavation liability - see Ohio R.C. 723.49 et seq.
 Changing established grade - see Ohio R.C. 727.07
 Digging, excavating and piling earth on streets - see Ohio R.C.
 5589.10
 Abandoned excavations - see GEN. OFF. 521.03

901.01 PERMIT REQUIRED.

No person shall dig, open or excavate any public street, alley or other public place within the City, unless and until such person has first obtained a permit therefor from the Service-Safety Director as hereinafter provided.
 (Ord. 7-59. Passed 3-23-59.)

901.02 PERMIT APPLICATION; DEPOSIT; ISSUANCE.

Any person proposing to dig, open or excavate any street, alley or public place in the City shall first make application to the Service-Safety Director stating the location, extent and purpose thereof and the approximate time such opening or excavation will be required. He shall also, before beginning such opening, digging or excavation, deposit with the Director an amount of money, not less than two hundred dollars (\$200.00) plus the amount estimated by the Service-Safety Director reasonably to be required to pay labor and material for refilling, backfilling, tamping and resurfacing such opening or excavation. Upon receipt of such application and deposit the Service-Safety Director shall issue to the applicant a permit to make such opening or excavation, which permit shall specify the location and extent thereof, and the length of time such opening or excavation may remain. The permit shall also state the amount of the deposit. (Ord. 22-82. Passed 4-12-82.)

901.03 BACKFILLING.

When the purpose for which the opening or excavation was made has been accomplished and in no event later than the expiration of the time limit specified therefor in such permit, the person to whom such permit was issued shall notify the Service-Safety Director that the opening or excavation is ready to be closed. Thereupon, the Director shall cause the opening or excavation to be backfilled, refilled, tamped and resurfaced, in accordance with the engineering and construction practices hereinafter set forth in this chapter, in such manner as, in his judgment, will preserve and prevent subsidence in the surface of such street, alley or place. For such purpose the Director may employ such helpers as may be necessary. (Ord. 7-59. Passed 3-23-59.)

901.04 PROCEDURE FOR BACKFILLING.

In closing the openings, such person shall backfill and refill all such excavations and/or trenches in a solid manner with earth or clay free from rock, boulders or debris up to a point twelve inches below the top of the finished base of paving. At this point the opening shall be solidly rammed and filled with crushed air-cooled blast furnace slag No. 1 or 2. The workmanship on the street where the paving has been broken shall be finished in the same manner as finished paving before being excavated. No patching will be permitted. (Ord. 7-59. Passed 3-23-59.)

901.05 SERVICE PIPE INSTALLATION.

All service piping shall be laid on solid ground below frost line. Service pipe may be laid in the same trench with sewer pipe, providing that it is not less than one foot higher than the sewer pipe and is laid on a solid ledge of ground. (Ord. 7-59. Passed 3-23-59.)

901.06 INSTALLATION OF PIPING UNDER STREETS.

All piping under concrete street slab shall be installed so that it may be replaced or repaired without damaging the slab. (Ord. 7-59. Passed 3-23-59.)

901.07 PAYMENT OF COSTS FOR BACKFILLING; PERMIT FEE.

When backfilling, refilling, tamping and resurfacing has been completed in accordance with the specifications set forth in this chapter and to the satisfaction of the Service-Safety Director, the Director shall prepare a statement of the cost and expense thereof. After deducting from the deposit the amount of such cost and expense, the Service-Safety Director shall, upon application therefor, return the balance of such deposit to the holder of such permit. (Ord. 23-82. Passed 4-12-82.)

901.08 EXCEPTIONS TO PROVISIONS.

Nothing in Sections 901.01 to 901.07 shall apply to an officer, agent or employee of the City, acting in his official capacity, or to a contractor while engaged in work for the City, under a contract, requiring him to open or excavate any street, alley or public place, which contract clearly specifies the manner of performance in the contract and gives bond as required by law. (Ord. 7-59. Passed 3-23-59.)

901.09 DEPOSIT OF MONEY COLLECTED.

All sums collected by the Service-Safety Director, as provided in Section 901.07 shall be paid by him into the treasury of the City to the credit of the Street CMR fund. (Ord. 4-62. Passed 2-12-62.)

901.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

CHAPTER 905
Sidewalk Construction

- | | | | |
|--------|--|--------|----------|
| 905.01 | Permit required. | 905.99 | Penalty. |
| 905.02 | Conformance with Service-Safety
Director's plans. | | |

CROSS REFERENCES

- Construction or repair at owner's expense - see Ohio R.C.
729.01 et seq.
Notice to construct or repair sidewalks - see Ohio R. C. 729.03
et seq.

905.01 PERMIT REQUIRED.

No sidewalk shall be laid in the City unless a permit therefor is first obtained from the Service-Safety Director and the location, grade and width therefor are obtained from the Service-Safety Director.
(Ord. 1-92. Passed 2-10-92.)

905.02 CONFORMANCE WITH SERVICE-SAFETY DIRECTOR'S PLANS.

All sidewalks constructed in the City shall be of cement and conform to the plans and specifications for such sidewalks on file in the office of the Service-Safety Director, which plans are hereby approved and adopted by reference, as if set out herein.
(Ord. 7-59. Passed 4-11-22.)

905.99 PENALTY.

Whoever violates any provisions of this chapter shall be fined not more than one hundred dollars (\$100.00).

CHAPTER 909
Gasoline Curb Service

909.01	Gasoline distribution restrictions.	909.03	Enforcement.
909.02	Definition.	909.99	Penalty.

CROSS REFERENCES

Regulation of petroleum products - see Ohio R.C. 3741.13 et seq.
Combustible liquids; standards and orders of Fire Marshal - see Ohio R.C. 3737.17

909.01 GASOLINE DISTRIBUTION RESTRICTIONS.

(a) On and after October 14, 1940, no person shall sell or otherwise distribute gasoline from pumps or tanks on or under the sidewalks, streets or alleys of the City.

(b) On or after October 14, 1940, no person shall install any pumps, tanks or other equipment for the purpose of furnishing curb service as the same is defined in Section 909.02.

(c) The provisions of subsections (a) and (b) hereof shall not apply to any person who was furnishing curb service from pumps, tanks and equipment installed and in operation prior to October 14, 1940.

(d) No person, firm or corporation mentioned in subsection (c) hereof shall increase the number or size of pumps, tanks or other equipment on or after October 14, 1940. (Ord. 338A. Passed 10-14-40.)

909.02 DEFINITION.

As used in this chapter, "curb service" means the placing of gasoline in the tanks of any motor vehicle from gasoline pumps or tanks located on or under sidewalks, while such vehicle is situated on any public street or alley, and/or the placing of motor oil in any such motor vehicle. (Ord. 338A. Passed 10-14-40.)

909.03 ENFORCEMENT.

The Service-Safety Director is authorized and directed to remove any pumps, tanks or other equipment used or installed by any person, firm or corporation in furnishing curb service, as prohibited by Section 909.01. (Ord. 338 A. Passed 10-14-40.)

909.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

CHAPTER 913
Vacating, Narrowing and Naming Streets

913.01 Petitions; fee.

CROSS REFERENCES

Change of name, vacating and narrowing streets - see Ohio R.C.
723.04 et seq.

913.01 PETITIONS; FEE.

A fee is hereby imposed upon any person petitioning Council for vacation, narrowing or changing the name of a public street or alley in the corporate limits of the City. Such fee shall be equal to the actual publication costs involved in the proceeding including the cost of publication of necessary legislation.

Such fee shall be secured by a cash deposit left the Service-Safety Director in such amount as the Director deems necessary, at the time of presenting the petition involved.
(Ord. 627. Passed 4-12-55.)

TITLE THREE - Public Utilities
 Chap. 919. Utilities Generally.
 Chap. 921. Electric Service.
 Chap. 925. Sewers.
 Chap. 926. Protection of Sewers.
 Chap. 927. Sewer Rates.
 Chap. 929. Water Service.

CHAPTER 919
 Utilities Generally

919.01	Payment by check policy.	919.05	Dates of payment of electric, water, sewer and garbage bills.
919.02	Unpaid check charge.		
919.03	Unified utility deposits and billing.	919.06	Utility services for users outside the City.
919.04	Refund of deposit.		

CROSS REFERENCES

Library utility credit - see ADM. 125.04
 Electric service - see S.U.&P.S. Ch. 921
 Sewer rates - see S.U.&P.S. Ch. 927
 Water rates - see S.U.&P.S. 929.07

919.01 PAYMENT BY CHECK POLICY.

The chief clerk in each City utility department shall have the authority in his or her own sole discretion in any instance to refuse or to accept a personal check in payment of an outstanding utility bill.

- (a) Such clerk may refuse a tendered check when there is reason to believe that the check would not be paid by the drawee bank because of insufficient funds.
- (b) Such clerk may accept a check in payment of an outstanding utility bill only on the condition that the check is a certified or cashier's check.
- (c) Nothing in this chapter shall be interpreted as prohibiting the payment of utility bills by personal check.
 (Ord. 16-80. Passed 5-12-80.)

919.02 UNPAID CHECK CHARGE.

There shall be a charge of thirty dollars (\$30.00) for each check returned unpaid by a drawee bank because of insufficient funds. This charge shall be assessed against the drawer of the unpaid check and shall be in addition to any charge for actual utility usage. This charge may be added to the amounts regularly billed to the utility customer, and may be collected by any means presently used to collect utility charges, including turn-off. Notice of this charge for unpaid checks shall be prominently posted at the place or places at the City office provided for utility customers to pay their utility bills.
(Ord. 44-04. Passed 4-12-04.)

919.03 UNIFIED UTILITY DEPOSITS AND BILLING.

(a) Each new consumer of a City utility or service who is not the owner of the property shall make a unified utility deposit, the amount of which will depend upon the utility or service required, according to the following schedule:

- (1) Commercial accounts:
- | | | |
|----|-------------------------------------|--|
| A. | New water service | \$100.00 |
| B. | New garbage service | 25.00, or, if the
consumer has a dumpster, the utility shall be
the price of the first month of service. |
| C. | Electric service (not all electric) | 300.00 |
| D. | New all-electric service | 800.00 |
| E. | Sewer service | 100.00 |
- (2) Renter accounts:
- | | | |
|----|-------------------------------------|--|
| A. | New water service | 75.00 |
| B. | New garbage service | 25.00, or, if the
consumer has a dumpster, the utility shall be the price of the first
month of service. |
| C. | Electric service (not all electric) | 175.00 |
| D. | New all-electric service | 275.00 |
| E. | Sewer service | 75.00 |

The City's record of unified deposit shall show separately the amount deposited for each utility.

(b) In the event the property owner co-signs with a renter, then no deposit shall be required. (Ord. 40-08. Passed 3-10-08.)

919.04 REFUND OF DEPOSIT.

It shall be the policy of the City to return to consumer account utility customers all their deposits when a consumer account utility customer has finalized out their account and paid their account in full.

It shall be the policy of the City to return to property owner utility customers all their deposits when a consumer has paid their utilities on time for twelve consecutive months.

It shall be the policy of the City to return to renters, landlords, and land contract utility customers all their deposits when a renter, landlord, and land contract utility consumer account utility customer has finalized out their account and paid their account in full.

It shall be the policy of the City not to use the mail to return a utility customer a utility deposit amounting to one dollar (\$1.00) or less. In such a case the utility customer may claim his or her return of deposit at the appropriate service window.
(Ord. 94-04. Passed 6-14-04.)

919.05 DATES OF PAYMENT OF ELECTRIC, WATER, SEWER AND GARBAGE BILLS.

In all payments of electric, water, sewer and garbage bills, by U.S. mail, the date of the U.S. Government postmark on the envelope containing the payment shall govern and determine the date payments were mailed. The City shall retain the envelope bearing the U.S. Government postmark for a period of four months, after which time the envelope shall be destroyed and the amount of such bill shall not be disputed.
(Ord. 77-91. Passed 11-91.)

919.06 UTILITY SERVICES FOR USERS OUTSIDE THE CITY.

Any and all requests for Jackson City utility services for users outside the City of Jackson shall be presented to Jackson City Council for review and consideration. Jackson City Council directs that, except for single dwelling units, no City utility services shall be provided to users outside the City until such request has been presented to Jackson City Planning Commission, and returned to and approved by Jackson City Council. A single family dwelling located outside the City and requesting City utility services shall make such request directly to Jackson City Council.
(Ord. 116-05. Passed 10-24-05.)

CHAPTER 921
Electric Service

<p>921.01 Meters and transformers owned by City.</p> <p>921.02 Rules and regulations.</p> <p>921.03 Application for current; deposit.</p> <p>921.04 Billing schedule.</p> <p>921.05 Delinquent bills. discontinuance of service; additional charge.</p> <p>921.06 Domestic, commercial, electric home rates.</p> <p>921.061 Electric service rate increase.</p> <p>921.07 Industrial rates.</p> <p>921.08 Fuel adjustment clause.</p>	<p>921.09 Application of provisions.</p> <p>921.10 All electric homes.</p> <p>921.11 Private area lighting.</p> <p>921.12 Unpaid charges a lien.</p> <p>921.13 Contributions in aid to construction.</p> <p>921.14 Termination of electrical service.</p> <p>921.15 Large industrial economic development schedule.</p> <p>921.16 Service call rate.</p> <p>921.17 Electric tap fees.</p>
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CROSS REFERENCES

Power to regulate electricity equipment - see Ohio R.C. 715.27
 City consent for electrical fixtures and lines on public property - see Ohio R.C. 715.27, 4933.13, 4933.16
 Power to regulate electricity rates - see Ohio R.C. 743.26, 743.28, 4909.34 et seq.
 Contract for electricity - see Ohio R.C. 743.38, 4933.04
 Power to erect electric works - see Ohio R.C. 743.34
 Library utility credit - see ADM. 125.04

921.01 METERS AND TRANSFORMERS OWNED BY CITY.

All electrical current for light or power sold by the City to consumers shall be measured by a meter upon the premises of the consumer, which meter shall be furnished by, and remain the property of, the City. All transformers shall be installed and owned by the City. The Service Director shall keep a record of all meters and transformers owned by the City and the location thereof.

(Ord. 6-57. Passed 2-25-57.)

921.02 RULES AND REGULATIONS.

The Service Director shall establish proper rules and regulations governing the furnishing of electrical current to consumers.

(Ord. 6-57. Passed 2-25-57.)

921.03 APPLICATION FOR CURRENT; DEPOSIT.

After March 1, 1983, applicants for current shall be required to make a written application therefor and agree to conform to such rules and regulations as are then in effect, or as may be thereafter adopted. At the time of application, the consumer shall deposit money in accordance with Section 919.03. (Ord. 15-83. Passed 2-14-83.)

921.04 BILLING SCHEDULE.

(a) Bills for all electrical current finished shall be rendered once each month and shall be due fifteen days after the date of billing. (Ord. 121-82. Passed 9-27-82.)

(b) Bills for all electric homes may, at the option of the consumer, be placed on a budget plan by the consumer so informing the City during the month of May of each year with the year for billing purposes to begin on July first. Budget rates are to be determined by dividing the preceding twelve months bill by eleven with the twelfth month of the budget plan to be billed so as to adjust the year's bill for over or underpayment by the consumer. The Service Director shall have the authority to adjust these budget rates to reflect the increase or decrease in cost to the City of obtaining this current and in the billing rate in force within the area served.

(c) Consumers from other than all electric homes may petition the Electric Committee of Council for budget plan for their homes. The granting of such requests shall be entirely within the discretion of such committee.

(d) Anyone applying for a budget plan of electric service billing shall be current in his past electric bills or be found to be ineligible for such plan until such time as he becomes current in payment.

(e) All consumers using a budget plan for payment of electric service shall be subject to the ten percent (10%) delinquency charge established in Section 921.05(a) for late payments on their bill. (Ord. 10-78. Passed 3-27-78.)

921.05 DELINQUENT BILLS; DISCONTINUANCE OF SERVICE; ADDITIONAL CHARGE.

(a) A delinquency charge of ten percent (10%) but not less than twenty-five cents (25¢) shall be added to the user's account for each and every bill for electrical current which is not paid on or before the date listed in such bill. In the event the due date falls on a weekend or holiday recognized by the City, then the due date shall be the next business date. If a delinquent account continues to be unpaid after more than one billing, then the ten percent (10%) delinquency charge shall be added for each unpaid bill.

(b) The Service Director shall immediately disconnect wires leading to, and remove meters or transformers from the premises of any consumer whose bill is not fully paid within fifteen days from the due date and no electrical current shall thereafter be furnished to such consumer until the entire amount due the City for such current, plus a delinquency charge of ten percent of the amount then due, is paid in full.

(c) A turn-on charge of ten dollars (\$10.00) shall be made for turning the electricity of any consumer. (Ord. 116-93. Passed 11-8-93.)

921.06 DOMESTIC, COMMERCIAL, ELECTRIC HOME RATES.

(a) All bills for electric energy furnished by the City to domestic customers shall be computed in accordance with the rates per kilowatt hour (kwh) per month as measured by the meter or meters located upon the premises of such customer as follows:

<u>Inside Corporation</u>	<u>Per kwh</u>
First 20 kwh	\$ 15.04
Next 30 kwh	12.04
Next 150 kwh	8.74
Over 200 kwh	7.41
<u>Outside Corporation</u>	<u>Per kwh</u>
First 20 kwh	\$ 18.05
Next 30 kwh	14.45
Next 150 kwh	10.49
Over 200 kwh	8.89

The minimum bill for any domestic consumer residing within the corporate limits of the City shall be three dollars and one cent (\$3.01).

For all domestic consumers purchasing electric energy from the City whose residences are situated without the corporate limits of the City, the minimum bill shall be three dollars and sixty-one cents (\$3.61) per month.

(b) All bills for electric energy furnished by the City to all commercial consumers to be used for the express purposes of doing business shall be computed in accordance with the rates per kwh per month as measured by the meter and meters located upon the premises of such consumers as follows:

<u>Inside Corporation</u>	<u>Per kwh</u>
First 30 kwh	\$ 16.69
Next 70 kwh	12.12
Next 100 kwh	10.56
Next 800 kwh	9.22
Next 49,000 kwh	7.90
Over 50,000 kwh	7.82
<u>Outside Corporation</u>	<u>Per kwh</u>
First 30 kwh	\$ 18.36
Next 70 kwh	13.31
Next 100 kwh	11.62
Next 800 kwh	10.15
Next 49,000 kwh	8.68
Over 50,000 kwh	8.62

The minimum bills for any commercial consumer situated within the corporate limits of the City shall be five dollars and one cent (\$5.01) per month regardless of the number of kwh of energy supplied during any one month.

The minimum bill for commercial consumers whose place of business is situated outside the corporate limits of the City shall be five dollars and fifty-one cents (\$5.51) regardless of the number of kwh of energy supplied during any one month.

(c) All bills for electric energy for all energy purposes within their respective premises (commonly known as power for all electric homes) shall be computed in accordance with the rates per kwh per month as measured by the meter or meters located upon the premises of such consumer, as follows:

<u>Inside Corporation</u>	<u>Per kwh</u>
First 125 kwh	\$ 10.53
Next 75 kwh	8.80
Next 1,000 kwh	7.42
Over 1,200 kwh	6.55
 <u>Outside Corporation</u>	 <u>Per kwh</u>
First 125 kwh	\$ 11.57
Next 75 kwh	9.72
Next 1,000 kwh	8.17
Over 1,200 kwh	7.21

The minimum bills for all electric home consumers residing within the corporate limits of Jackson shall be thirteen dollars and sixteen cents (\$13.16) per month regardless of the number of kwh of energy supplied during any one month.

The minimum for all electric home consumers residing outside the corporate limits of Jackson shall be fourteen dollars and forty-six cents (\$14.46) per month regardless of the number of kwh of energy supplied during any one month.

(d) In the event a consumer situated either within or without the corporate limits of the City required the installation of "3-phase" electric service, the minimum monthly charge therefor shall be seven dollars and thirty-five cents (\$7.35).

(e) For services by the City on consumer's premises in connection with any defect or breakdown beyond the outlet side of the electric meter, the charge for such service shall be thirty dollars (\$30.00) per hour plus the cost of all materials supplied by the City. There shall be a minimum charge of fifty dollars (\$50.00) for any service call falling into the aforesaid category. (Ord. 33-04. Passed 3-22-04.)

921.061 ELECTRIC SERVICE RATE INCREASE.

The rates and charges of all customers of the City's electric services shall be increased by an amount equal to the excise (kilowatt-hour) tax imposed on the City's electric distribution system under Ohio R.C. 5727.81. Said increase shall become effective with the bills that include May 1, 2001 as part of the usage period and shall thereafter be automatically adjusted to reflect any change in the kilowatt-hour tax imposed by Ohio R.C. 5727.81. (Ord. 19-01. Passed 4-23-01.)

921.07 INDUSTRIAL RATES.

01/01/2002 thru 01/01/2003:

- (a) Rate. Industrial power shall be subject to availability. The billing rate for industrial power shall be as follows:
- | | |
|-----------------------|----------|
| Demand Charge per kw | \$7.80 |
| Energy Charge per kwh | \$.02674 |

- (b) Minimum Charge. The minimum monthly charge for industrial power shall be equal to the demand charge per kw multiplied by the kw of the billing demand.
- (c) Measurement and Determination of Demand. Billing demand shall be determined to be:
- (1) The measured 15-minute peak kw demand during the current month; or
 - (2) 50% of the highest measured 15-minute peak demand in the last twelve (12) months.
- (d) Delivery Voltage. The customer shall own, operate, and maintain all necessary substation and appurtenances thereto for receiving and purchasing all electric energy at the delivery voltage agreed upon by the customer and the City. The customer's demand and energy usage shall be measured as of the delivery voltage, or at the option of the City, at the secondary of customers' transformation voltage(s). If measured at secondary voltage, billing demand for energy shall be corrected for losses incurred.
- (e) Power Factor. The rate set forth herein for each delivery point is based upon the maintenance by the customer of an average monthly power factor of 85%, leading or lagging as shown by integrating instruments. When the average monthly power factor is above or below 85%, the kwh as metered will, for billing purposes, be multiplied by the following constants:

<u>Effective Monthly Power Factor</u>	<u>Constant</u>
1.00	.951
.95	.965
.90	.981
.85	1.000
.80	1.023
.75	1.050
.70	1.0835
.65	1.1255
.60	1.1785
.55	1.2455
.50	1.3335

Constants for other than the effective power factors given in the foregoing table will be determined from the same formula used to determine the given constants.
(Ord. 8-02. Passed 1-28-02.)

921.08 FUEL ADJUSTMENT CLAUSE.

The foregoing base rates shall be increased by the amount the monthly power supply costs to the City is greater than .036228 divided by .85 to cause (trigger a one-hundredth of a cent one-tenth of a mill) an increase (rounded calculation) in the power cost adjustment clause. In the event that the monthly power supply cost is less than .036228, the power cost adder shall be zero. (Ord. 32-93. Passed 4-26-93.)

921.09 APPLICATION OF PROVISIONS.

All the provisions and regulations provided or authorized by this chapter, except those regarding rates, shall apply to all electric current consumers, including both domestic and commercial. (Ord. 6-57. Passed 2-25-57.)

921.10 ALL ELECTRIC HOMES.

(a) The Service-Safety Director is hereby authorized to enter into individual contracts with domestic users of electric current in those instances in which such electric current will be supplied to an all electric home.

(b) As used in this section, "all electric home" means a home in which all energy requirements therein or thereat are furnished by electric service, including, but not limited to, heating, cooling, cooking and water heating and no other source of energy, such as gas, oil or coal is supplied thereto and such home is not equipped for the use of such other sources of energy or fuel.

An all electric home may be equipped with an alternate source of heat by the installation of a fireplace or stove as an integral and built-in unit of such home.

(c) The all electric home for which an application is made to supply electric energy will be wired and equipped by the owner or applicant, at his expense, in such manner that a suitable and adequate supply of electric energy may be furnished to the home and measured without increasing the hazards of fire or other casualty, or in such manner as the Director may prescribe. (Ord. 6-73. Passed 2-26-73.)

(d) (EDITOR'S NOTE: See Section 921.06 for rates for all electric homes.)

(e) The rates for electric energy chargeable to all kilowatt-hours of energy consumed by the customer under this section shall be increased or decreased, .0055¢ per KWH per each full one-half cent (.5¢) increase or decrease above or below twenty-three cents (23¢) in the average cost per 1,000,000 BTU of fuel consumed at the generating station of Columbus and Southern Ohio Electric Company during the second calendar month preceding the billing date and reflected in the billings by Columbus and Southern Ohio Electric Company to the City of Jackson, pursuant to the contract between them.

(f) The Director shall not enter into any contract or agreement with any person, firm or corporation to supply electric energy to an all electric home unless and until such contract or agreement contains a provision that the Director, or his duly authorized agent, shall have the right to enter into and upon the all electric home and the plot of ground upon which it is situated at any and all reasonable times to determine if the terms and provisions of this section are being adhered to and complied with. In the event the Director or his duly authorized agent, as a result of such inspection, finds and determines that the terms and provisions of this section are not being adhered to and complied with by the applicant, owner or occupier, the all electric home shall cease to be classified as such and the Directors shall forthwith modify the rates herein provided and established for such home, the rates charged domestic users as provided in Section 921.06(a), as the same now exists or as it may be hereafter amended.

(g) The Director shall not enter into any contract or agreement as provided in this section without an application first having been made therefor in writing by the owner or occupier of such residence on application forms to be supplied by the Director. Any such contract or agreement, so made pursuant to such application, shall be in writing, signed by the owner or occupier, shall be for a period of one year and thereafter renewable automatically for one year periods unless the customer gives notice in writing to the Director at least thirty days prior to the termination of the existing one year contract termination period that the customer desires such service to be discontinued. The terms and provisions of such agreement herein provided shall inure to and be binding upon the successors and assigns of the applicant. (Ord. 6-73. Passed 2-26-73.)

921.11 PRIVATE AREA LIGHTING.

(a) There is hereby made available to residential and general service customers inside and outside the City, where overhead secondary facilities are readily available, an area lighting of private areas by means of a mercury vapor lamp installed in a standard luminaire, controlled by a photo-electric relay mounted with a standard bracket on a wood pole and served by overhead facilities.

- (b) The rates for the mercury vapor lamps shall be as follows:

<u>INSIDE THE CITY</u>	
<u>Nominal Lamp Wattage</u>	<u>Rate per Lamp per Month</u>
175 watts	\$ 9.68
250 watts	12.41
400 watts	18.44
<u>OUTSIDE THE CITY</u>	
<u>Nominal Lamp Wattage</u>	<u>Rate per Lamp per Month</u>
175 watts	\$11.68
250 watts	14.75
400 watts	21.91

- (c) The hours of lighting shall be from dusk to dawn which will be approximately 4,000 hours per year.

(d) The City will replace the lamp bulbs for a fee which shall be equal to the actual cost of the bulb. All service and maintenance will be performed only during the regular schedule of working hours of the City. The customer shall promptly notify the City of outages.

(e) Bills for the use of the mercury vapor lamp and electrical current furnished for that use shall be rendered from the first to the tenth day inclusive of each calendar month and all current consumed up to the date of the last preceding meter reading and for the usage of the lamp shall be due and payable on or before the twentieth day of the same calendar month.

(f) The mercury vapor lamps will be available to the property owners only upon application to the Electric Department upon such forms as prescribed by the Service Director. Upon application and approval, the property owners shall be bound under the foregoing provisions for a term of not less than three years and the application shall set forth that the property owner agrees to be bound for such term. The application shall also include, but not be limited to, the following provisions:

- (1) The determination of the method of supply and type of facilities rests solely with the City.
- (2) The customer shall provide such cleared rights of way, licenses and permits as may be required to enable the City to supply the service applied for.
- (3) In the event poles and/or wire is required to be installed to put up the lamps, then the customer shall pay to the City an amount equal to the actual cost of putting up the poles and/or wire, which shall include, but not be limited to, labor, supplies, etc. This cost shall be calculated by the City. All fees shall be paid in advance.

- (4) The City shall have the sole discretion in deciding whether to supply the service and service may be denied by the City for any reason, including but not limited to, if, in the judgment of the City, a danger or nuisance will be created thereby. If service has been supplied, then service will be terminated if there is a danger or nuisance, and the applicant will not be bound in the future.
- (5) Rates contained herein are based upon continuous use of the facilities and are not applicable to seasonal usage.
(Ord. 58-04. Passed 5-10-04.)

921.12 UNPAID CHARGES A LIEN.

Electric charges shall be a lien on any premises supplied with City electric services and which maintains a connection with the City electric service lines. Such lien may, in the event of an unpaid bill, be certified by the City Auditor to the County Auditor and placed on the tax duplicate for collection.
(Ord. 6-79. Passed 2-12-79.)

921.13 CONTRIBUTIONS IN AID TO CONSTRUCTION.

- (a) The Service-Safety Director shall require from a new customer a contribution in aid to construction, based upon an annual cost to service analysis, as a condition to constructing new or expanded facilities for electric service.
 - (b) The annual cost to serve shall be the sum of the following components:
 - (1) Annual fixed costs of the distribution facilities related to the new customer's requirements.
 - (2) Annual purchased power costs based on the latest available purchased power costs related to the new customer's annual requirements.
 - (3) Annual fixed costs of the new local facilities necessary to provide the service requested.
 - (c) A contribution in aid to construction shall be required when the annual cost to serve exceeds the increase in annual revenue, or for loads of fifty kilowatts or less, when the local facilities cost exceeds the increase in annual revenue.
 - (d) The contribution in aid to construction is calculated as follows:
 - (1) For fifty kilowatts or less, the amount of the contribution in aid to construction is the difference between the local facilities costs and the estimated annual revenue.
 - (2) For loads over 50 KW, the amount of contribution in aid to construction is equal to the difference between the annual cost to serve as calculated and the estimated revenue for one year divided by the annual carrying charge rate, but not to exceed the installed cost of the new facilities.
 - (3) For facilities in excess of standard service, the amount of the contribution in aid to construction is equal to the difference between the local facilities cost for standard service and the actual local facilities cost. (Ord. 139-82. Passed 10-18-82.)

921.14 TERMINATION OF ELECTRICAL SERVICE.

Council hereby adopts and implements a policy to be followed in terminating electrical service to users of the City's electric service. A copy of the policy is attached to Ordinance 52-89 as Exhibit A and is incorporated herein.
(Ord. 52-89. Passed 7-15-89.)

921.15 LARGE INDUSTRIAL ECONOMIC DEVELOPMENT SCHEDULE.

The Large Industrial Economic Development Schedule ("economic development rate") for power purchase shall be available to all customers whose measured demand is [equal to or greater than 1,000 KW] and service is delivered directly from a primary distribution system.

- (a) Rate. The economic development rate shall be subject to availability. The billing rate under this rate shall consist of the following components:

Customer Charge	\$350.00/month
Demand Charge	1.25/KW month
Power Cost Recovery Adder	

- (b) Minimum Charge. The minimum monthly charge for the economic development rate shall be equal [to the demand charge per KW multiplied by the billed demand plus the monthly customer charge.]
- (c) Power Cost Recovery Adder. The power cost recovery adder shall be calculated based upon [power costs incurred by the City associated with providing service to customer.]
- (d) Measurement and Determination of Billed Demand. The billing demand shall be determined as the greater of the following:
- (1) Contract demand.
 - (2) The measured [60] minute peak KW demand during the current month, or
 - (3) Fifty percent (50%) of the highest measured [60] minute peak demand in the last twelve months.
- (e) Delivery Voltage. The customer shall own, operate and maintain all the necessary substation, transformers and appurtenances thereto for receiving and purchasing all electric energy at the delivery voltage agreed upon by the customer and the City. The customer's demand energy usage shall be measured at the delivery voltage [plus three percent (3%) for losses].
(Ord. 17-93. Passed 3-30-93.)

921.16 SERVICE CALL RATE.

(a) For service by the City on a consumer's premises in connection with any defect or breakdown in the electric, water or sewer, beyond the tie-in with the main line, the charge for such service shall be as follows:

- (1) Call out charges after hours to turn on delinquent accounts shall be charged at a rate of \$250.00 plus delinquent and current charges.
- (2) Call out charges after hours on a holiday shall be \$405.00 plus delinquent and current charges.
- (3) Call out charges after hours to turn on, turn off, or check the utility shall be \$75.00 if it is not the City's problem.

(b) There shall be a charge of \$20.00 to turn on water and there shall be a charge of \$20.00 to turn on electric. The turn ons shall be performed only during normal business hours.

(c) No utility services shall be shut off on a Friday, or on the day before a holiday. (Ord. 94-04. Passed 6-14-04.)

921.17 ELECTRIC TAP FEES.

Any consumer who desires to tap into the City's electric service shall be charged tap fees as follows:

- (a) Residential 200 AMP aerial service or underground service shall be charged \$400.00 if the work is performed during normal work hours. This shall be for the tap fee only, and shall not include any other costs that may arise.
- (b) 3 Phase Aerial or underground service shall be charged \$600.00 if the work is performed during normal work hours. This shall be for the tap fee only, and shall not include any other costs that may arise.
- (c) Any additional fees and costs which may be associated with the tap in, said additional costs to be added to the fees set forth in Section 921.17(a) and (b). (Ord. 38-04. Passed 4-26-04.)

CHAPTER 925
Sewers

<p>925.01 Definitions.</p> <p>925.02 Use of public sewers required; prohibited discharges; private disposal systems; sewer and toilet installation.</p> <p>925.03 Unavailable public sewers; memorandum for private systems.</p> <p>925.04 Conformance to State regulations; public sewer connection; private facilities, maintenance.</p> <p>925.05 Permit required for connecting with or opening sewer.</p> <p>925.06 Classes of permits, fees.</p> <p>925.07 Installation of sewers, costs; deposits.</p> <p>925.08 Separate sewer required for each building.</p> <p>925.09 Use of old building sewers.</p> <p>925.10 Required pipe materials.</p> <p>925.11 Size and slope of sewer.</p> <p>925.12 Entrance into building; grade; depth.</p> <p>925.13 Removal of sewage where gravity flow not possible.</p> <p>925.14 Excavations.</p> <p>925.15 Installation specifications.</p> <p>925.16 Building sewer connections.</p> <p>925.17 Notification to Superintendent that sewer is ready for inspection.</p>	<p>925.18 Safety requirements; restoring pavement.</p> <p>925.19 Laying pipe in street; permission required.</p> <p>925.20 Settlement of surface over a drain; notification, repair expense.</p> <p>925.21 Connections to interior of buildings.</p> <p>925.22 Supervision of drain-laying; permit display.</p> <p>925.23 License required for sewer work; homeowner's exception.</p> <p>925.24 Discharge of storm or surface water into sanitary sewer prohibited.</p> <p>925.25 Proper discharge of storm water and unpolluted drainage.</p> <p>925.26 Traps.</p> <p>925.27 Grease, oil and sand interceptors. (Repealed)</p> <p>925.28 Preliminary treatment of certain wastes. (Repealed)</p> <p>925.29 Preliminary treatment facilities; owner's expense. (Repealed)</p> <p>925.30 Manholes. (Repealed)</p> <p>925.31 Tests and analyses. (Repealed)</p> <p>925.32 Special agreements. (Repealed)</p> <p>925.33 Inspectors, authority. (Repealed)</p> <p>925.99 Penalty.</p>
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CROSS REFERENCES

Power to regulate water closets and privies - see Ohio R.C. 715.40
 Power to construct sewerage system - see Ohio R.C. 715.40, 717.01
 Compulsory sewer connections - see Ohio R.C. 729 .06
 Regulations to control house sewers and connections - see Ohio R.C. 729.51
 Assessments - see Ohio R.C. 729.07 et seq

925.01 DEFINITIONS.

As used in this chapter:

- (a) "B.O.D." (denoting biochemical oxygen demand) means that quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in parts per million by weight.
- (b) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (c) "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
- (d) "Combined sewer" means a sewer receiving both surface runoff and sewage.
- (e) "Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- (f) "Industrial wastes" means the liquid wastes from industrial processes as distinct from sanitary sewage.
- (g) "Natural outlet" means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (h) "Person" means any individual, firm, company, association, society, corporation or group.
- (i) "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (j) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (k) "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by public authority.
- (l) "Sanitary sewer" means a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- (m) "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface and storm waters as may be present.
- (n) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
- (o) "Sewage works" means all facilities for collecting, pumping, treating and disposing of sewage.
- (p) "Sewer" means a pipe or conduit for carrying sewage.
- (q) "Shall" is mandatory; "may" is permissive.
- (r) "Storm sewer" or "storm drain" means a sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- (s) "Superintendent" means the Service-Safety Director or his authorized deputy, agent or representative.
- (t) "Suspended solids" means solids that either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- (u) "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.
(Ord. 500. Passed 3-24-52.)

925.02 USE OF PUBLIC SEWERS REQUIRED; PROHIBITED DISCHARGES;
PRIVATE DISPOSAL SYSTEMS; SEWER AND TOILET
INSTALLATION.

(a) Use of Public Sewers Required. No person shall place, deposit or permit to be deposited in any unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, human or animal excrement, garbage or other objectionable waste.

(b) Discharge into Natural Outlet Prohibited. No person shall discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any sanitary sewage, industrial wastes or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

(c) Private Disposal Systems. Except as hereinafter provided in subsection (d) hereof and Sections 925.03 and 925.04, no person shall construct or maintain any privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

(d) Installation of Sewers and Toilet Facilities. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, are hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, provided that the public sewer is within 200 feet of the property line.
(Ord. 84-85. Passed 8-26-85.)

925.03 UNAVAILABLE PUBLIC SEWERS; MEMORANDUM FOR
PRIVATE SYSTEMS.

(a) Where a public sanitary or combined sewer is not available under the provisions of Section 925.02(c), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.
(Ord. 500. Passed 3-24-52.)

(b) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written memorandum from the Service-Safety Director to the County Health Commissioner that the applicant's property is not within 200 feet of a public sewer.

(c) The memorandum from the Superintendent shall be presented to the County Health Commissioner, before that office takes action as to the issuance of a permit as required under the sanitary regulations of Jackson County. (Ord. 556. Passed 8-10-53.)

925.04 CONFORMANCE TO STATE REGULATIONS; PUBLIC SEWER
CONNECTION; PRIVATE FACILITIES, MAINTENANCE.

(a) Private System to Conform to State Regulations. The type, capacities, location and layout of a private sewage disposal system shall comply with the provisions of the Ohio Revised Code and all regulations of the Department of Public Health of the State of Ohio and the Ohio Environmental Protection Agency. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet. (Adopting Ordinance)

(b) Connection Required when Public Sewer Becomes Available. At such time as a public sewer becomes available to a property served by a private sewage system, as provided in Section 925.02(c), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(c) Owner to Maintain System in a Sanitary Manner. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

(d) Interpretation of Requirements. No provision contained in Sections 925.03 and 925.04 shall be construed to interfere with any additional requirements that may be imposed by the County Health Commissioner.
(Ord. 500. Passed 3-24-52.)

925.05 PERMIT REQUIRED FOR CONNECTING WITH OR OPENING SEWER.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
(Ord. 500. Passed 3-24-52.)

925.06 CLASSES OF PERMITS, FEES.

There shall be two classes of building sewer permits:

- (a) For residential and commercial service, and
- (b) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of twenty-five dollars (\$25.00) for residential, commercial or sewer permits shall be paid to the City, through the office of the Service-Safety Director at the time the application is filed, and the Director shall issue all permits hereunder.

No taps shall be made on the City sewer system by any individuals and the City only shall have the authority to make taps. The Director shall have the right to reject any permits hereunder and upon such rejection the fee shall be returned forthwith.
(Ord. 9-76. Passed 3-22-76.)

925.07 INSTALLATION OF SEWERS; COSTS; DEPOSIT.

The Street Department shall install all building sewers from the public sewer in the street or alley to the property line. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the property owner. Hereafter during the construction of new public sewer lines, building sewers shall be constructed for all existing dwellings, commercial and industrial buildings along the public sewer main from the main to the property line. In the case of unimproved real estate, building sewers shall be provided for each platted lot along the public sewer main from the main to the property line. All costs and expenses of the building sewer from the main to the property line shall be a charge against the property benefitted and must be paid in full before a connection to such building sewer is established from the building drain. Maintenance and repair of building sewers between the public sewer and the property line shall be performed by the Street Department and charged to the property owner. The Service-Safety Director shall

require a deposit sufficient to cover the cost and expense involved before performing maintenance and repair work. All funds collected under this section and Section 925.06 shall be paid into the Sewer Construction Fund.
(Ord. 608. Passed 11-8-54.)

925.08 SEPARATE SEWER REQUIRED FOR EACH BUILDING.

A separate and independent building sewer shall be provided for every building, except present sewer structures in use on April 24, 1952, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
(Ord. 500. Passed 3-24-52.)

925.09 USE OF OLD BUILDING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of this chapter.
(Ord. 500. Passed 3-24-52.)

925.10 REQUIRED PIPE MATERIALS.

The building sewer shall be cast iron soil pipe, ASTM specifications (A74-42) or equal; vitrified clay sewer pipe, ASTM specification (C13-44T) or equal; or other suitable material approved by the Superintendent. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipe with leaded joints may be required by the Superintendent where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Superintendent.
(Ord. 500. Passed 3-24-52.)

925.11 SIZE AND SLOPE OF SEWER.

The size and slope of the building sewer shall be subject to the approval of the Superintendent, but in no event shall the diameter be less than four inches. The slope of such four inch pipe shall be not less than one-fourth inch per foot.
(Ord. 500. Passed 3-24-52.)

925.12 ENTRANCE INTO BUILDING; GRADE; DEPTH.

Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipe and fittings.
(Ord. 500. Passed 3-24-52.)

925.13 REMOVAL OF SEWAGE WHERE GRAVITY FLOW NOT POSSIBLE.

In all buildings in which any building drain is too low to permit gravity of flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.
(Ord. 500. Passed 3-24-52.)

925.14 EXCAVATIONS.

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specification (C12-19) except that no backfill shall be placed until the work has been inspected.

(Ord. 500. Passed 3-24-52.)

925.15 INSTALLATION SPECIFICATIONS.

The following are specifications for sewer installation as set by the State Health

Department:

- (a) Joints for vitrified clay bell and spigot pipe shall be compression joints as defined by ASTM Designation C-425. Poured joints and joints of the slip seal type will not be approved.
- (b) For concrete sanitary sewer pipe flexible watertight joints conforming to ASTM Designation C-443 will be required.
- (c) If satisfactory materials other than clay or concrete are used for sanitary sewer pipe the joints shall meet standards equal to the standards set forth above for clay and concrete pipe.
- (d) Manholes shall be either poured-in-place concrete or precast concrete manhole sections. Precast concrete manhole sections shall conform to ASTM Designation C-478 and the joints between sections shall conform to ASTM Designation C-443.
- (e) Revisions of the specifications referred to herein will be accepted provided the revisions upgrade the quality of sewer construction.
- (f) Sanitary sewer specifications shall include provisions for testing the tightness of the sewer by an infiltration or exfiltration process or by any other approved process. The testing as well as the sewer construction must be under the direction of a qualified engineer or a competent inspector directed by an engineer.
- (g) Building sewers shall be constructed in accordance with specifications equal to those indicated above.
- (h) Sanitary sewer plans submitted for approval shall either be accompanied by separate contract specifications or sewer specifications noted on the plans.
- (i) In all new construction, where foundation drains are installed, the foundation drains must discharge to the surface water drainage system directly or through a sump pump installation.

(Ord. 30-70. Passed 11-9-70.)

925.16 BUILDING SEWER CONNECTIONS.

The connection of a building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches in diameter or less, and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of approximately forty-five degrees. A forty-five degree ell may be used to make such connection, with the spigot and cut so as not to extend past the inner surface of the public sewer.

The invert of the building sewer at the point of connection shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings may be used for the connection only when approved by the Superintendent.

(Ord. 500. Passed 3-24-52.)

925.17 NOTIFICATION TO SUPERINTENDENT THAT SEWER IS READY FOR INSPECTION.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.
(Ord. 500. Passed 3-24-52.)

925.18 SAFETY REQUIREMENTS; RESTORING PAVEMENT.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
(Ord. 500. Passed 3-24-52.)

925.19 LAYING PIPE IN STREET; PERMISSION REQUIRED.

No person shall lay any pipe or conduit for any purpose whatsoever in any street within five feet on either side of a public sewer in any street without permission of the Superintendent.
(Ord. 500. Passed 3-24-52.)

925.20 SETTLEMENT OF SURFACE OVER A DRAIN; NOTIFICATION, REPAIR EXPENSE .

Any settlement of the surface over a drain on any street or public way occurring within six months after the laying of the drain shall be repaired by the Service-Safety Director at the expense of the drain-layer, if the repairs are not made by the drain-layer within twenty-four hours after notice to repair is given to the drain-layer by the Director.
(Ord. 500. Passed 3-24-52.)

925.21 CONNECTIONS TO INTERIOR OF BUILDINGS.

Connections to the interior of buildings or any work in the interior of buildings shall be made only by the owner himself or a plumber duly licensed to do such work in accordance with the provisions of the Ohio Revised Code and the rules of the Board of Health, and the licensed drain-layer is strictly prohibited from extending his work into the interior of buildings. However, a licensed plumber may lay drain.
(Ord. 500. Passed 3-24-52.)

925.22 SUPERVISION OF DRAIN-LAYING; PERMIT DISPLAY.

The owner himself or a licensed drain-layer shall give his personal supervision to the drain-laying work and shall be present during the excavating for the same. The permit for the work issued by the Superintendent must be kept on the line of work and shown to the Service-Safety Director or his authorized agent or to any officer of police upon demand.
(Ord. 500. Passed 3-24-52.)

925.23 LICENSE REQUIRED FOR SEWER WORK; HOMEOWNER'S EXCEPTION.

With the exception of the owner of the building, no person shall uncover, make any connections with or openings into, alter or disturb any public sewer or appurtenance thereof without first obtaining a license from the Superintendent.
(Ord. 500. Passed 3-24-52.)

925.24 DISCHARGE OF STORM OR SURFACE WATER INTO SANITARY SEWER PROHIBITED.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 500. Passed 3-24-52.)

925.25 PROPER DISCHARGE OF STORM WATER AND UNPOLLUTED DRAINAGE.

Storm water and any other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged into a storm sewer or natural outlet upon approval of the Superintendent.

(Ord. 500. Passed 3-24-52.)

925.26 TRAPS.

(a) A trap for the interception of grease, oil and mud shall be provided on a connection from a hotel, restaurant, club, food and bakery preparation establishment, commercial or institutional kitchen and from a public garage, automobile washing station, slaughter or packing house. Such trap shall be installed to the satisfaction of the Director of Public Service.

(b) Grease, oil and mud traps where existing shall be pumped and cleaned on a bimonthly basis by a qualified service organization and a confirming report forwarded by the business operator to the Superintendent of Sewers prior to the last day of the bimonthly period.

(c) Whoever violates the provisions of this section shall be subject to the provisions of Section 925.99.

(Ord. 25-93. Passed 5-10-93.)

EDITOR'S NOTE: Former Sections 925.27 through 925.33 were repealed by Ordinance 69-83, passed June 13, 1983. See Chapter 926 for regulations covering the protection of sewers.

925.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00) and shall be liable to the City for any expense, loss or damage occasioned by the City by reason of such violation.

CHAPTER 926
Protection of Sewers

EDITOR'S NOTE: Chapter 926 as codified herein was adopted by Ordinance 10-94, passed March 14, 1994. Amendments to Ordinance 10-94 will be indicated by legislative histories placed at the end of the new or amended sections.

926.01	Purpose and policy.	926.22	Search warrants.
926.02	Definitions.	926.23	Confidential information.
926.03	General discharge prohibitions.	926.24	Records retention.
926.04	National Categorical Pretreatment Standards.	926.25	Enforcement.
926.05	State and Federal requirements.	926.26	Cease and desist orders.
926.06	Supplementary limitations.	926.27	Annual publication of enforcement actions.
926.07	Trucked and hauled wastes.	926.28	Operational upsets.
926.08	Pretreatment required.	926.29	Charges for damages to system.
926.09	Permit to install.	926.30	Emergency suspensions.
926.10	Dilution.	926.31	Water supply severance.
926.11	Protection from accidental discharge.	926.32	Termination of discharge.
926.12	Monitoring facilities.	926.33	Performance bond.
926.13	Administrative orders.	926.34	Liability insurance.
926.14	Wastewater discharge disclosure data.	926.35	Public nuisance.
926.15	Bypass.	926.36	Falsifying information.
926.16	Anticipated changes in discharge.	926.37	Right to amend.
926.17	Analytical requirements.	926.38	Special agreements.
926.18	Sample collection.	926.39	Severability.
926.19	Timing.	926.40	Remedies nonexclusive.
926.20	Discharge reporting requirements.	926.41	Pretreatment charges and fees.
926.21	Right of entry for inspection and sampling.	926.42	Administrative fines.
		926.43	Injunctive relief
		926.99	Penalty

CROSS REFERENCES

Untreated sewage - see Ohio R.C. 3701.59
Interference with sewage flow - see Ohio R.C. 4933.24
Tampering - see GEN. OFF. 541.04, 545.19
Sewers - see Ch. 925
Sewer rates - see Ch. 927

926.01 PURPOSE AND POLICY.

(a) This chapter sets forth uniform requirements for discharge into the City wastewater collection and treatment system and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code * 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403).

No person shall discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City and/or to the POTW without first having complied with the terms of this chapter.

(b) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting Municipal sludge;
- (2) To prevent the introduction of pollutants into the City wastewater system which will pass through the system into the receiving waters or the atmosphere or otherwise be incompatible with the system; and
- (3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- (4) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (5) To provide fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) To enable the City of Jackson to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works are subject.

(c) This chapter shall apply to the City and persons outside the City who are, by contract or agreement with the City, users of the City POTW. The chapter authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

926.02 DEFINITIONS.

The meaning of terms used in this chapter shall be as follows:

- (1) "Act" means the Clean Water Act (33 U.S.C. 1251 et seq.) as amended.
- (2) "Approval Authority" refers to the State of Ohio as the Approval Authority.

- (3) "Authorized representative" means a responsible corporate officer in charge of a principal business function, one who performs decision making functions for a corporation and/or a manager having responsibility for overall operations of a facility and/or general partner or proprietor and/or designee appointed by a responsible corporate officer.
- (4) "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Celsius, expressed in as a concentration. (e.g., mg/l)
- (5) "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.
- (6) "Building sewer" means the extension from the building drain to the POTW or other place of disposal.
- (7) "Bypass" means the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- (8) "Categorical pretreatment standards" means the national pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW by specific industrial discharges.
- (9) "Dilution" means increased use of potable or process water or mixing of separate waste streams.
- (10) "Director" means the Safety-Service Director or his authorized deputy, agent or representative.
- (11) "Environmental Protection Agency or EPA" refers to the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (12) "Existing Source" means any sources of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (13) "Grab Sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (14) "Indirect Discharge or Discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (15) "Industrial User" means a source of indirect discharge of any user who discharges an Industrial waste into the POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.
- (16) "Industrial waste" means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources.

- (17) "Instantaneous Maximum Allowable Discharge Limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (18) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources; both, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement of the POTW's NPDES permit or of prevention of sewage sludge use or disposal in compliance with all State and Federal regulations.
- (19) "Medical Wastes" refers to isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (20) "New Source" is any facility from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards, provided that the facility is constructed at a site at which no other source is located; or the facility totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the facility are substantially independent of an existing source at the same site.
- (21) "Noncontact Cooling Water" refers to water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (22) "NPDES" means the National Pollutant Discharge Elimination System permit program as administered by the U.S. Environmental Protection Agency (U.S.EPA) or State.
- (23) "O&M" means Operation and Maintenance.
- (24) "Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and other substances except sewage and industrial wastes.
- (25) "Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES.
- (26) "Person" means any individual, firm, company, association, society, corporation or group.
- (27) "pH" is a measure of the acidity or alkalinity of a solution, expressed in standard units.
- (28) "POTW" (Publicly-owned treatment works) means the sewage treatment works and the sewer and conveyance appurtenances discharging there to, owned and operated by the Authority.
- (29) "Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., PH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

- (30) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (31) "Pretreatment Requirements" refers to any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (32) "Pretreatment Standards or Standards" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (33) "Prohibited Discharge Standards or Prohibited Discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 926.03 of this chapter.
- (34) "Properly shredded garbage" means the wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particulars will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch in any dimension.
- (35) "Residuals" means any material (liquid, sludge, slurry, ash, solid) which shall be disposed of after use in or removal from an industrial activity, including pretreatment, but not discharged to the POTW. Residuals shall not include noncontact cooling waters.
- (36) "Sanitary sewer" means a conduit which carries wastewater to a wastewater treatment facility and in which storm, surface and groundwaters are not intentionally admitted.
- (37) "Septic Tank Waste" refers to any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (38) "Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- (39) "Sewage" means the spent water of a community. It may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and storm water that may be present.
- (40) "Sewage treatment works" means an arrangement of devices and structures for treating municipal sewage, sludge, and industrial waste.
- (41) "Shall" is mandatory and not merely directory.
- (42) "Significant Industrial User" means:
- A. Except as provided in part B., of this section, the term Significant Industrial User includes:
1. All industrial users subject to categorical pretreatment standards; and
 2. Any other industrial user that: discharges an average of twenty-five thousand 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater; contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW's treatment plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

- B. The Director may at any time, on his own initiative or in response to a petition received from an industrial user, determine that a noncategorical industrial user is not a Significant Industrial User if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standards or requirements.
- (43) "Significant Noncompliance" occurs if an industrial user's violations meet one or more of the following criteria:
- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC= 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except PH);
 - C. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - D. Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
 - E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 - F. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - G. Failure to accurately report noncompliance;
 - H. Any other violation or group of violations which the Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.
- (44) "Slugload" means any pollutant, including oxygen-demanding pollutants, released in a discharge at an extraordinary rate and/or concentration which causes interference to the POTW, or pass through to receiving stream; also any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 926.03 of this Chapter.
- (45) "Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

- (46) "Storm Water" refers to any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (47) "Superintendent" refers to the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.
- (48) "Suspended solids" means solids that float on the surface of, or are in suspension in, water, wastewater or other liquids and are quantified by laboratory procedures set forth in "Standard Methods for the Examination of Water and Wastewater."
- (49) "Toxic pollutant" means any substance or combination of substances, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions including malfunctions in reproduction or physical deformation, in such organism or its offspring. These substances include, but are not limited to, those listed in Appendix A of this chapter.
- (50) "Upset" means an exceptional incident in which an industrial user's treatment system is unintentionally and temporarily in noncompliance with pretreatment standards. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (51) "User" means any person, residence or establishment that discharges an effluent to the POTW.
- (52) "Wastewater". See "sewage."
- (53) "Wastewater treatment plant." See "sewage treatment works."

926.03 GENERAL DISCHARGE PROHIBITIONS.

No user shall contribute or cause to be discharged, directly or indirectly, any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (a) Any gasoline, benzene, naphtha, fuel oil or other liquid, solid or gas which by reason of its nature or quantity is sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW. At no time shall wastestreams exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
- (b) Discharges of petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin are prohibited if discharged in amounts that can pass through or cause interference.
- (c) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit at its point of entry to the POTW or which causes the influent to the POTW to exceed 104 degrees Fahrenheit (40 degrees Centigrade).
- (d) Any garbage that has not been properly shredded.

- (e) Any waters or wastes having a pH less than 5.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewerage works.
- (1) When an Industrial User continuously measures the pH of wastewater pursuant to a requirement of the City of Jackson Pretreatment Program; the Industrial User shall maintain the pH of such wastewater within the range set forth in the City of Jackson Sewer Use Ordinance, Section 926.03 (e), except excursions from the range are permitted subject to categorical pretreatment standards and the following limitations:
- A. The total time during which the pH values are above the 10.0 upper limit value shall not exceed 7 hours and 26 minutes any calendar month; and
- B. No individual excursion above the 10.0 upper limit value shall exceed 60 minutes.
- For purposes of this section, an excursion is an unintentional and temporary incident in which the pH value of discharged wastewater exceeds the range set forth in the City of Jackson Sewer Use Ordinance, Section 926.03 (e).
- (f) Any water or wastes containing a toxic pollutant in sufficient quantity to injure or interfere with or cause upset to any aspect of the publicly-owned and operated sewage treatment plant, to constitute a hazard to humans or animals, to create any hazard in the receiving waters of the sewage treatment plant or to exceed the limitations set forth by an applicable categorical pretreatment standards. (Ord. 41-94. Passed 6-27-94.)
- (g) Any toxic, noxious or malodorous liquids, gases or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life, or are in concentrations sufficient to cause acute worker health and safety problems or prevent entry into the sewers for their maintenance and repair.
- (h) Any substance, in sufficient quantity to cause the POTW's sludges or scums to be in noncompliance with disposal criteria, guidelines or regulation or to cause the POTW to violate its NPDES permit.
- (i) Any solid or viscous substance which will, or may, cause obstruction to flow in a sewer or impair the operation of wastewater pumping facilities or in any way interfere with the operation of the POTW.
- (j) Any substance with objectionable color not removed in the City's wastewater treatment plant.
- (k) Any water or waste containing over 100 mg/l of fats, oils or greases of animal or vegetable origin.
- (l) Any radioactive substance except:
- (1) When the user is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
- (2) When the waste is discharged in strict conformity with current regulations of the Ohio EPA and the Nuclear Regulatory Commission regulations and recommendations for safe disposal; and
- (3) When the user is in compliance with all rules and regulations of all other applicable regulatory agencies; and
- (4) When there is no harmful effect on personnel, sludges or the receiving stream.

- (m) Storm water, surface water, ground water, roof runoff, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent. Industrial cooling or unpolluted process waters may be discharged into a storm sewer or natural outlet upon approval of the Director, but will be subject to the Ohio EPA permit to discharge (NPDES).
- (n) Pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- (o) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 926.07 of this Chapter.
- (p) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (q) Medical wastes, except as specifically authorized by the Superintendent.
- (r) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (s) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.
- (t) Any discharge of hazardous waste.

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

926.04 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

National categorical pretreatment standards as promulgated by the U.S. EPA pursuant to the Act shall be met by all dischargers of the regulated industrial categories.

POTW may determine Equivalent Mass and Concentration Limits using categorical pretreatment standards and the average daily production and flow. Industrial users must promptly notify the POTW of expected production changes. Equivalent Mass and Concentration Limits are made legally enforceable where they are established; they are deemed pretreatment standards which industrial users will be required to comply with in lieu of the promulgated standards.

Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water. Applications for intake pollutant credit must be made to the POTW instead of the U.S. EPA. The POTW may also waive the "same body of water" requirement if it finds that no environmental degradation will result.

926.05 STATE AND FEDERAL REQUIREMENTS.

State and federal requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than the limitations of this or any other applicable local ordinance.

926.06 SUPPLEMENTARY LIMITATIONS.

(a) No discharger shall discharge or cause or allow to be discharged into the sewerage system any pollutant in concentrations above those specifically permitted in administrative orders issued by the Director. Administrative orders shall impose maximum discharge concentration limits or mass based limits where appropriate. In the absence of such administrative orders, no person shall discharge any of the following pollutants, except as such pollutants may occur, and only in the concentrations such pollutants may occur, in normal domestic sewage: Cadmium, Chromium - Total, Chromium Hexavalent, Copper, Lead, Nickel, Zinc, Mercury, Arsenic, Selenium, Molybdenum, Silver, Gold, Platinum, Palladium.

(b) The admission into the public sewers of any waters or waste having any or all of the following characteristics shall be subject to review and approval of the Director:

- (1) A five-day biochemical oxygen demand greater than 300 parts per million by weight; or
- (2) Containing more than 350 parts per million by weight of suspended solids; or
- (3) Containing any quantity of substances having the characteristic described in Section 926.03; or
- (4) Having an average daily flow greater than two percent (2%) of the average daily sewage flow of the City.

(c) The City may impose mass limitations on individual dischargers, when in the opinion of the Director it is necessary to attain the objectives set forth in Section 926.01.

(d) The City reserves the right to establish discharge limitations more stringent than those contained in this chapter, when in the opinion of the Director it is necessary to attain the objectives set forth in Section 926.01.

926.07 TRUCKED AND HAULED WASTES.

Pursuant to Section 927.07; No person shall access the sewer system or POTW for any activity including discharge of hauled septic or industrial wastes except at locations and at times as designated by the Director. Any removal of manhole lids, or other access to the sewer system for the purpose of discharging wastes at times and/or locations other than those designated by the Superintendent or without the expressed permission of the Superintendent shall be considered a violation and shall be subject to enforcement action including fines and penalties allowed under Section 926.99 (Penalty).

Such waste shall not violate Section 926.03 of this Chapter or any other requirements established by the City. The Superintendent may require septic tank waste haulers and haulers of industrial waste to obtain wastewater discharge permits.

The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

No load may be discharged without prior consent of the Superintendent. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

926.08 PRETREATMENT REQUIRED.

(a) Users shall provide necessary pretreatment of wastewater to comply with applicable discharge limitations contained in Sections 926.03 to 926.06. Any facilities to pretreat wastewater shall be provided, operated and maintained at the user's expense. Detailed plans showing the existing pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City. The review of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to City under the provision of this chapter. Any subsequent changes in the method of operation or upgrading of pretreatment facilities which were in use at the effective date of this section shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

(b) Where necessary in the opinion of the Director, the industrial user shall provide, at his expense, such pretreatment as may be necessary to reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 926.03 or to control the quantities and rates of discharge of such waters or wastes.

(c) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(d) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

(e) Grease, oil and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director and shall be located so as to be readily and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense and remain in continuous efficient operation at all times.

(f) Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

(g) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

926.09 PERMIT TO INSTALL.

A Permit to Install (PTI) shall be required of industrial users when new facilities will be required to meet the objectives of this chapter, showing detailed plans, specifications and any other pertinent information relating to proposed pretreatment facilities, including operating procedures and shall be submitted for approval of the Ohio EPA with a copy being submitted to the City; no construction of such facilities shall commence until the PTI is approved in writing in accordance with Ohio R.C. 6111.31, 6111.44 and 6111.45.

All such facilities shall be operated according to Section 926.08. Such approval does not, in any way, guarantee that the facilities will function satisfactorily or that it will not be necessary to enlarge or to otherwise modify the facilities to make them capable of providing satisfactory pretreatment. It remains the responsibility of the user to assure compliance with all discharge limitations.

926.10 DILUTION.

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitation on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Prohibition of dilution applies to both local limits compliance and categorical pretreatment standards.

926.11 PROTECTION FROM ACCIDENTAL DISCHARGE.

(a) Each user shall provide protection from accidental discharge to the sewerage system of wastes prohibited or restricted by this chapter. Such required protection may include walls or dikes, separate storage, removal of drain lines from locations where significant quantities of prohibited materials are maintained or other appropriate procedures to assure the prevention of discharge to the City sewerage system.

(b) Plans for installation of such control facilities or operating procedures shall be submitted to the Director for approval prior to construction or at the time such control facilities are found to be necessary by either the user or the Director. The review and approval of such plans and operating procedures shall not relieve the user of responsibility for preventing the discharge of unacceptable materials to the City sewerage system.

(c) Industrial users both categorical and non-categorical must notify the POTW immediately in the event of any discharge, including slug loads, with the potential to cause problems at the POTW. Users shall notify the department through an emergency spill number (614-286-1137) or by other means to be established by the Department, immediately upon accidental loss of prohibited materials or those unacceptable for discharge to enable counter measures to be taken to minimize damage to the wastewater treatment system and/or the receiving waters.

Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Director within five days, which specifies:

- (1) A description of the accidental discharge, the cause of it and impact on the discharger's compliance status.
- (2) Duration of noncompliance including exact dates and times, and the time compliance is expected to occur.
- (3) Steps taken or which will be taken to reduce, eliminate and prevent reoccurrence of the accidental discharge.

Such notification will not relieve users of liability for any consequential expense, loss or damage to the wastewater treatment system or for any fines and/or penalties imposed on the department which results from the violative discharge.

(d) Any direct or indirect connection or entry point for prohibited or deleterious wastes to the sewerage system shall be eliminated. Where such action is impractical, the Director may give permission to place appropriate notices at entry points to warn against discharge of such wastes in violation of this chapter.

(e) The Superintendent may require any user to develop, submit for approval, and implement a Slug Control Plan. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

- (1) Description of discharge practices; including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge.
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge as described in this Section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

926.12 MONITORING FACILITIES.

(a) Industrial users who shall provide pretreatment of wastewaters as a result of any Federal, State or Local regulation, industrial users who are being surcharged for extra-strength wastewaters or any industrial user designated by the City shall be required to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer(s) which connect to the POTW. The requirement of flow-measurement devices shall be determined on a case-by-case basis by the City. Monitoring facilities shall be situated on the discharger's premises, unless so specified by the City, and shall be constructed and maintained in accordance with local construction standards and specifications.

(b) When required by the City, the owner of any property served by a building sewer carrying industrial wastes shall install suitable facilities together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, control and measurement of the wastes. Such manholes, when required, shall be easily accessible to the Authority and safely located. The manholes, necessary meters and appurtenances shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible and in proper operating condition at all times. Regardless of whether or not monitoring facilities are required by the City, the owner shall provide convenient access to all sampling points deemed necessary by the City such that independent sampling can be carried out by the City.

926.13 ADMINISTRATIVE ORDERS.

The Director shall issue, at any time deemed necessary, an administrative order to any user to control the user's discharge to the sewerage system and ensure compliance with any regulation established by this chapter including, but not limited to, the following:

- (a) The general and specific discharge prohibition;
- (b) Compliance with specific local discharge limits;
- (c) The applicable federal categorical pretreatment standards;
- (d) Compliance with applicable reporting requirements.

An administrative order shall be in the form of a written notice from the Director and may be served upon any user by a duly authorized representative of the Director by certified mail with return receipt requested.

An administrative order shall be issued for a specified time period, not to exceed five (5) years from the effective date of the order. Each administrative order will indicate a specified date upon which it will expire.

An administrative order shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Any person, including the user, may petition the Director to reconsider the terms of an administrative order within thirty (30) days of notice of its issuance.

The Director may modify an administrative order for good cause.

The Director may revoke an administrative order for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Director of changed conditions pursuant to Section 926.16 of this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge disclosure form;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Director timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or wastewater discharge disclosure form;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the administrative order or this chapter.

Wastewater administrative orders shall be voidable upon cessation of operations or transfer of business ownership. All wastewater administrative orders issued to a particular user are void upon the issuance of a new administrative order to that user.

A user with an expiring wastewater administrative order shall submit an updated Wastewater Discharger Disclosure Form, in accordance with Section 926.14 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater administrative orders.

926.14 WASTEWATER DISCHARGER DISCLOSURE DATA.

(a) All industrial users proposing to connect to the POTW shall plan and construct pretreatment and/or monitoring facilities when necessary to comply with applicable Federal, State and City regulations before connecting to the POTW. Detailed plans and operating procedures of proposed monitoring and/or pretreatment facilities shall be submitted to the City before construction of the facilities and shall be approved by the City before construction.

(b) All industrial users proposing to connect to the POTW shall submit to the City, in units and terms appropriate for evaluation, the following information at least ninety days before the proposed date of connection to the POTW.

- (1) Company name and address, including name of operator and owner.
- (2) Standard Industrial Classification (SIC) number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, as amended.
- (3) Anticipated wastewater constituents and characteristics, including but not limited to those described in Section 926.03.

- (4) Anticipated pattern of discharge; average and peak flow rates in gallons per day, describing daily, monthly and seasonal variations, time and duration of discharges. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.
- (5) Site plans, floor plans, mechanical, and plumbing plans and details to show all building drains, buildings, sewers, inspection manholes, sampling chambers and appurtenances by size, location and elevation, and all points of discharge.
- (6) Products to be produced by type, amount, process, and rate of production.
- (7) Type and amount of raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be discharged to the POTW and a description of plant processes.
- (8) Number of employees, hours of operation and proposed hours of operation.
- (9) All disclosure forms shall be signed by a principal executive officer of the discharger and a qualified engineer.
- (10) List of any environmental control permits held by or for the facility.
- (11) Results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. The sample shall be representative of daily operations.
- (12) Sampling must be performed in accordance with procedures set out in Section 926.18 of this Chapter.

(c) The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge disclosure form, the Director will determine whether or not to issue an Administrative Order.

(d) All users not required to obtain a wastewater administrative order shall provide appropriate reports to the City as the City may require.

926.15 BYPASS.

For the purpose of this section, "bypass" means the intentional diversion of wastestream from any portion of a user's treatment facility; and "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Industrial user's may bypass pretreatment systems for essential maintenance if standards or requirements are not violated and prior notice is given to the POTW, at least ten (10) days before the date of the bypass, if possible. All other bypasses are prohibited and the POTW may take enforcement action. Prohibited bypasses may be excusable when bypass was unavoidable to prevent loss of life, personal injury, severe property damage, or where there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass.

The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

926.16 ANTICIPATED CHANGES IN DISCHARGE.

All industrial users tributary to the POTW who anticipate significant changes in the quantity or characteristics of their discharge to the POTW shall promptly notify the Director in advance of these substantial changes in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p). All industrial users must contact the POTW twenty days prior to any changes in their discharge.

926.17 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with "Standard Methods for the Examination of Water and Wastewater."

926.18 SAMPLE COLLECTION.

The user must collect wastewater samples using flow proportional composite collection techniques, except samples for oil and grease, temperature, PH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

In the event flow proportional sampling is infeasible, the City may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

Samples collected by the City for the purpose of determining compliance by industrial users shall be split and a portion given to the industrial user upon request. The City will bill the user appropriately for the cost of sampling and analyses performed to determine compliance.

The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as needed to ensure their accuracy.

926.19 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

926.20 DISCHARGE REPORTING REQUIREMENTS.

(a) Compliance Date Report. Within ninety days following the date for final compliance by the discharger with applicable categorical pretreatment standards set forth in this chapter or ninety days following commencement on the introduction of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City a report including new production, the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons, and information

as described in Section 926.14 of this chapter. Also required is the production data from industrial users subject to production based standards, and long term production rate data for industrial users with equivalent limits. The report shall state whether the applicable categorical pretreatment standards or requirements are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable categorical pretreatment standards or requirements. If needed a compliance schedule shall be prepared according to requirements in Section 926.25. All reports shall be signed by an authorized representative of the discharger or his designee, in accordance with Part (d) of this Section.

(b) Periodic Compliance Reports. All industrial users shall submit periodic compliance reports indicating the nature and concentration of pollutants in their discharge. The frequency of monitoring and reporting shall be as prescribed in the Industrial User's Wastewater Administrative Orders. This report shall include a record of all measured or estimated average and maximum daily flows, including the nature and concentration, or production and mass information where required by the City; the report shall also contain all results of sampling and analysis of the discharge. In addition, this report shall include a description of the type and amount of residuals generated by the user during the reporting period and a description of how and where these residuals were disposed of.

If sampling performed by any Industrial User indicates a violation, the User shall notify the City within twenty-four hours of becoming aware of the violation. The user shall repeat the sampling and analysis and submit the results within thirty (30) days after becoming aware of the violation. Results of sampling above the minimum required shall be reported if analysis were conducted according to methodology in Section 926.17 of this chapter.

All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working orders at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

These reports shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in Part (d) of this Section.

(c) Baseline Monitoring Report Deadline for New Sources. New sources and existing sources that become industrial users subsequent to promulgation of categorical standards are required to submit baseline monitoring reports at least 90 days prior to the commencement of discharge. Elements to be contained in the baseline monitoring report are listed in Section 926.14 of this Chapter. New Sources are required to install and start-up technology prior to discharge and to achieve compliance within the shortest time feasible, not to exceed 90 days after commencement of discharge. If needed a compliance schedule shall be prepared according to requirements in Section 926.25. All reports shall be signed by an authorized representative of the discharger or his designee, in accordance with Part (d) of this Section

(d) Reporting Signatories and Certification. All wastewater discharge applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation."

926.21 RIGHT OF ENTRY FOR INSPECTION AND SAMPLING.

(a) The City may inspect the pretreatment and/or the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the City or its representatives, upon presentation of credentials of identification, to enter upon the premises of the discharger at all reasonable hours for the purposes of inspection, sampling or records examination, including the authority to copy records of the industrial user. The City shall have the right to set up on the discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(b) The City shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, repair, sampling and maintenance of any portion of the wastewater works lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(c) While performing the necessary work on private properties referred to hereof, the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees, and the City shall indemnify the company against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

(d) All sampling or analytical techniques should adhere to those set forth in Section 926.17 and 926.18 of this chapter.

(e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.

(f) Unreasonable delays in allowing the City access to the user's premises shall be a violation of this chapter.

926.22 SEARCH WARRANTS.

If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the proper court of this County.

926.23 CONFIDENTIAL INFORMATION.

Information furnished by an industrial user to the City shall be available to the public or other governmental agency without restriction, unless the user demonstrates that the release of such information would endanger its competitive position. Upon the request of the discharger that is furnishing the report, portions of the report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the NPDES permit and/or the pretreatment programs. Wastewater constituents and characteristics shall not be recognized as confidential information. Information accepted by the City as confidential shall not be transmitted to any governmental agency by the City until and unless a ten-day notification is given to the discharger.

926.24 RECORDS RETENTION.

All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment plant shall maintain such records of production and related factors, effluent flows and pollutant amounts and concentrations of such pollutants that are necessary to demonstrate compliance with the requirements of this chapter and any applicable State or Federal pretreatment standards or requirements. Such records shall be made available upon request by the City.

Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. All records shall be retained by the industry for at least three years.

926.25 ENFORCEMENT.

(a) When a user is in violation of any limitation or requirement of this chapter or any other applicable Federal or State law, the Director shall serve a written notice to such user, stating the nature of the violation. Within twenty days of the receipt of the violation notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. If the violation is not corrected by timely compliance, the user shall appear before Council to show reason why enforcement action should not be taken and or a compliance schedule prepared. A written notice specifying the time and place for the meeting, the proposed enforcement action, the reason for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the meeting. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(b) The following conditions shall apply to the compliance schedule:

- (1) When the City finds that a user has violated, or continues to violate, any provision of this chapter, an administrative order or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come

into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be disconnected unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance schedules may also contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance schedule may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance schedule relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (2) The schedule shall contain increments of progress in the form of milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required or the user to meet the applicable pretreatment standards, for example, hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc. and/or all steps to be taken to achieve compliance.
- (3) No increment referred to in subsection (b)(1) hereof shall exceed nine (9) months.
- (4) No later than fourteen days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Director, as a minimum, whether or not it complied with the increment of progress to be met on such milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established.
- (5) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment.

(c) Any discharger or interested party shall have the right to request, in writing, an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such an inquiry is made by a discharger and deals with matters of compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply.

926.26 CEASE AND DESIST ORDERS.

When the City finds that a user has violated, or continues to violate, any provision of this chapter, an administrative order, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

926.27 ANNUAL PUBLICATION OF ENFORCEMENT ACTIONS.

A list of all dischargers who were the subject of enforcement proceedings pursuant to this chapter during the twelve previous months shall be published annually by the City in the largest daily newspaper, published in the City. This publication shall summarize the enforcement actions taken against the dischargers during the same twelve months, who were in significant noncompliance of applicable pretreatment requirements.

926.28 OPERATIONAL UPSETS.

Any discharger who experiences an upset in operations which causes an unintentional and temporary state of noncompliance with this chapter because of factors beyond the reasonable control of the user shall inform the Director within twenty-four hours of first awareness of the upset. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Director within five days which specifies:

- (a) A description of the upset, the cause of it and the impact on the discharger's compliance status.
- (b) Duration of noncompliance including exact dates and times, and the time compliance is expected to occur.
- (c) Steps taken or which will be taken to reduce, eliminate and prevent reoccurrence of the upset.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for any noncompliance with this chapter which arises out of violations alleged to have occurred during the period of the upset.

Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

926.29 CHARGES FOR DAMAGES TO SYSTEM.

When a discharge of wastes by any user causes an obstruction of, damage or impairment to any part of the sewer system or treatment facilities, a charge shall be levied by the City against such user for the cost of the work required to clean, clear, repair and/or replace the part of the system or facilities affected by such discharge. The City shall add this charge to the user's usual service charges, surcharges or fees.

926.30 EMERGENCY SUSPENSIONS.

The City may take action necessary to deny new or increased wastewater discharges and/or immediately halt a wastewater discharge by any user if:

- (a) Imminent endangerment to the health or welfare of people, to the environment or to the POTW is presented.
- (b) A discharge would cause the City to violate its NPDES permit.
- (c) A user fails to factually report wastewater constituents or characteristics.
- (d) A user fails to report significant changes in wastewaters constituents or characteristics.
- (e) A user refuses reasonable access to its premises for the purpose of monitoring and inspection.

Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in Section 926.32 of this order are initiated against the user.

A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under Section 926.25 and 926.32 of this chapter.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

926.31 WATER SUPPLY SEVERANCE.

Whenever a user has violated or continues to violate any provision of this chapter, administrative orders, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

926.32 TERMINATION OF DISCHARGE.

In addition to the provisions in Section 926.13 of this chapter, any user who violates the following conditions is subject to discharge termination:

- (a) Violation of wastewater administrative orders conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Section 926.03 of this chapter.

Such user will be notified thirty (30) days prior to the proposed termination of its discharge and be offered an opportunity to show cause under Section 926.25 of this Chapter why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

926.33 PERFORMANCE BONDS.

The City may decline to issue or reissue an administrative order to any user who has failed to comply with any provision of this chapter, a previous administrative order, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City of Jackson, in a sum not to exceed a value determined by the Director to be necessary to achieve consistent compliance.

926.34 LIABILITY INSURANCE.

The City may decline to issue or reissue an administrative order to any user who has failed to comply with any provision of this chapter, a previous administrative order, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

926.35 PUBLIC NUISANCES.

A violation of any provision of this chapter, administrative order, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Jackson Codified Ordinances governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

926.36 FALSIFYING INFORMATION.

No person shall make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained in accordance with this chapter, or falsify, tamper with or render inaccurate any monitoring device or method required. Additionally, the Director may terminate treatment services and/or revoke administrative orders in cases involving falsification or tampering as well as being subjected to punishment under the criminal laws of the City and/or any civil penalties.

926.37 RIGHT TO AMEND.

The City reserves the right to amend this chapter and the terms and conditions hereof, in order to assure compliance by the City with all applicable Local, State and Federal laws and regulations. All national categorical pretreatment standards adopted after the promulgation of this chapter shall be adopted by the City as part of this chapter. The discharger shall be informed of any proposed changes in this chapter at least thirty days prior to the effective date of the change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance.

926.38 SPECIAL AGREEMENTS.

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor by the industrial concern, providing the objectives set forth in Section 926.01 and categorical pretreatment standards are attained. Such payment shall be regulated as set forth in Section 927.05.

926.39 SEVERABILITY.

The provisions of this chapter are severable, and if any provision of this order, or application of any provision of this chapter to any circumstance, is held invalid, the application of such provisions to other circumstances, and the remainder of this chapter shall not be affected thereby.

926.40 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user.

926.41 PRETREATMENT CHARGES AND FEES.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City of Jackson's Pretreatment Program which may include:

- (a) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (b) Fees for reviewing and responding to accidental discharge procedures and construction;
- (c) Fees for filing appeals;
- (d) Fees for issuing administrative orders including the cost of processing the order.
- (e) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

926.42 ADMINISTRATIVE FINES.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten (10) percent of the unpaid balance, and interest shall accrue thereafter at a rate of ten (10) percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

926.43 INJUNCTIVE RELIEF.

When the Director finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any pretreatment standard or requirement, the Director may petition the appropriate Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

926.99 PENALTY.

If any person discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this chapter, Federal or State pretreatment requirements or any order of the city, or who falsifies information pertaining to any waste discharge or reporting requirements, or who knowingly renders inaccurate any monitoring

device or method required under this chapter, or who willfully or negligently violates any provision of this chapter, the Director of Law may, following the authorization of such action by Council, commence an action for appropriate legal and/or equitable relief in the proper court of this County. Such a violation shall be a first degree misdemeanor, punishable by a one thousand dollar (\$1,000) per violation per day fine and actual damages incurred by the POTW per violation per day as long as the violation continues. Each day or portion thereof, during which a violation occurs shall be considered a separate offense.

Any person who has violated the provisions of this chapter, Federal or State pretreatment requirements, or any order or permit of the City issued hereunder, shall be liable for a civil penalty of one thousand dollars (\$1,000) per violation per day fine for as long as the violation continues. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

APPENDIX A
PRIORITY TOXIC POLLUTANTS
TABLE I. EPA'S PRIORITY TOXIC POLLUTANTS

1. acenaphthene	40. 4-chlorophenyl phenyl ether	88. vinyl chloride (chloroethylene)
2. acrolein	41. 4-bromophenyl phenyl ether	PESTICIDES AND METABOLITES
3. acrylonitrile	42. bis (2-chloroisopropyl) ether	89. aldrin
4. benzene	43. bis (2-chloroethoxy) methane	90. dieldrin
5. benzidine	HALOMETHANES (other than those listed elsewhere)	91. chlordane (technical mixtures and metabolites)
6. carbon tetrachloride (tetrachloromethane)	44. methylene chloride (dichloromethane)	DDT AND METABOLITES
CHLORINATED BENZENES (OTHER THAN DICHLOROBENZES)	45. methyl chloride(chloromethane)	92. 4,4'-DDT
7. chlorobenzene	46. methyl bromide(bromomethane)	93. 4,4'-DDE (p,p'-DDX)
8. 1,2,4-trichloro benzene	47. bromoform (tribromomethane)	94. 4,4'-DDD (p,p'-TDE)
9. hexachlorobenzene	48. dichlorobromomethane)	ENDOSULFAN AND METABOLITES)
CHLORINATED ETHANES (including 1-2-3 dichloroethane, 1, 1, 1, trichloroethane and hexachloroethane)	49. trichlorofluoromethane	95. a-endosulfan-Alpha
10. 1, 2 dichloroethane	50. dichlorofluoromethane	96. b-endosulfan-Beta
11. 1, 1, 1,-trichloroethane	51. chlorodibromomethane	97. endosulfan sulfate
12. hexachloroethane	52. hexachlorobutadiene	ENDRIN AND METABOLITES
13. 1, 1 - dichloroethane	53. hexachlorocyclopentadiene	98. endrin
14. 1,1, 2 - trichloroethane	54. isophorone	99. endrin aldehyde
15. 1,1,2,2-tetrachloroethane	55. naphthalene	HEPTACHLOR AND METABOLITES
16. chloroethane	56. nitrobenzene	100. heptachlor
CHLOROALKYL ETHERS (chloromethyl, chloroethyl and mixed ethers)	NITROPHENOLS (including 2, 4- dinitrophenol and dinitrocresol)	101. heptachlor epoxide
17. bis (chloromethyl) ether	57. 2-nitrophenol	HEXACHLOROCYCLOHEXANE (all isomers)
18. bis (2-chloroethyl) ether.	58. 4-nitrophenol	102. a-BHC-Alpha
19. 2-chloroethyl vinyl ether (mixed) chlorinated naphthalene	59. 2,4-dinitrophenol	103. b-BHC-Beta
20. 2-chloronaphthalene	60. 4,6-dinitro-o-cresol	104. r-BHC (lindane)-Gamma
CHLORINATED PHENOLS (other than those listed elsewhere; includes trichlorophenols and chlorinated cresols)	NITROSAMINES	104. g-BHC-Delta
21. 2, 4, 6 - trichlorophenol	61. N-nitrosodimethylamine	POLYCHLORINATED BIPHENYLS (PCB's)
22. parachloro metacresol	62. N-nitrosodiphenylamine	106. PCB-1242 (Arochlor 1242)
23. chloroform (trichloromethane)	63. N-nitrosodi-n-propylamine	107. PCB-1254 (Arochlor 1254)
24. 2-chlorophenol	64. pentachlorophenol	108. PCB-1221 (Arochlor 1221)
DICHLOROBENZENES	65. phenol	109. PCB-1232 (Arochlor 1232)
25. 1, 2-dichlorobenzene	PTHALATE ETHERS	110. PCB-1248 (Arochlor 1248)
26. 1,3-dichlorobenzene	66. bis (2-ethylhexyl) phthalate	111. PCB-1260 (Arochlor 1260)
27. 1, 4-dichlorobenzene	67. butyl benzyl phthlate	112. PCB-1016 (Arochlor 1016)
DICHLOROBENZIDINE	68. di-n-butyl phthalate	113. toxaphene
28. 3,3'-dichlorobenzidine	69. di-n-octyl phthalate	114. antimony (total)
DICHLOROETHYLENES(1, 1- dichloroethylene and 1,2 dichloroethylene)	70. diethyl phthalate	115. arsenic (total)
29. 1, 1-dichloroethylene	71. dimethyl phthlate	116. asbestos (fibrous)
30. 1, 2-trans-dichloroethylene	POLYNUCLEAR AROMATIC HYDROCARBONS	117. beryllium (total)
31. 2, 4-dichlorophenol	72. benzo (a) anthracene (1,2-benzphenanthrene)	118. cadmium (total)
DICHLOROPROPANE AND DICHLOROPROPANE	73. benzo (a) pyrene (3,4-benzopyrene)	119. chromium (total)
32. 1,2-dichloropropane	74. 3,4-benzofluoranthene	120. copper (total)
33. 1,2-dichloropropylene (1,3-dichloropropene)	75. benzo (k) fluoranthane (1,12-benzofluoranthene)	121. cyanide (total)
34. 2, 4-dimethylphenol	76. chrysene	122. lead (total)
DINITROTOLUANE	77. acenaphthylene	123. mercury (total)
35. 2,4-dinitrotoluene	78. anthracene	124. nickel (total)
36. 2,6-dinitrotoluene	79. benzo (ghi) perylene (1,12-benzoperylene)	125. selenium (total)
37. 1, 2-diphenylhydrazine	80. fluorene	126. silver (total)
38. ethylbenzene	81. phenanthrene	127. thallium (total)
39. fluoranthene	82. dibenzo (a,h) anthracene (1,2,5,6-dibenzanthracene)	128. zinc (total)
HALOETHERS (other than those listed elsewhere)	83. undeno (1,2,3-cy) pyrene (2,3-o-phenylenepyrene)	129. 2,3,7,8-tetrachlorodibenzo-p- dioxin (TCDD)
	84. pyrene	
	85. tetrachloroethylene	
	86. toluene	
	87. trichloroethylene	

(Ord. 14-91. Passed 1-28-91.)

CHAPTER 927
Sewer Rates

927.01	Definitions.	927.09	Discharge of septic tank wastes.
927.02	Public policy.	927.10	Collection of sewer charges.
927.03	Sewer Revenue Fund; uses.	927.11	Rendering of sewer bills.
927.04	Rules and regulations.	927.12	Delinquent bills.
927.05	Sewer rates.	927.13	Charges a lien on premises served; discontinuance of service.
927.06	Rates for users not subject to minimum monthly charge.	927.14	City exemption to charges. (Repealed)
927.07	Determination of charges; meters.	927.15	Service call rate.
927.08	Establishment of special rates.	927.99	Penalty.

CROSS REFERENCES

Rates established by Council - see Ohio R.C. 729.49

Library utility credit - see ADM. 125.04

Superintendent of Sewers - see ADM. 139.01

Water Service Commission - see ADM. Ch. 171

927.01 DEFINITIONS.

As used in this chapter:

- (a) "Sanitary sewage" means the waste from water closets, urinals, lavatories, sinks, bath tubs, showers, household laundries, cellar floor drains, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains and stable floor drains.
- (b) "Industrial wastes" means the liquid waste resulting from any commercial, manufacturing or industrial operation or process. (Ord. 501. Passed 3-24-52.)

927.02 PUBLIC POLICY.

It is hereby determined and declared to be necessary to the protection of the public health, safety, welfare and convenience of the City, to establish and collect charges upon all lots, lands and premises served or having connections with the municipal sewerage systems. (Ord. 501. Passed 3-24-52.)

927.03 SEWER REVENUE FUND; USES.

The funds received from the collection of the rates and charges provided in Section 927.05 to 927.09 inclusive, shall be deposited daily with the City Treasurer, who shall keep the same in a separate fund designated "Sewer Revenue Fund."

Subject to the provisions of any ordinance or indenture of mortgage authorizing and securing the issuance of mortgage revenue bonds for sewerage system, moneys in the Fund shall be used for payment of the cost and expense of the operation, maintenance, repair and management of the system and for the payment of debt charges on bonds issued for new construction and improvements of the system. Any surplus in the Fund, over and above the requirements mentioned before may be used for the enlargement and replacement of the system and parts thereof, but shall not be used for the extension of the system to serve unsewered areas or for any other purpose whatsoever.
(Ord. 501. Passed 3-24-52.)

927.04 RULES AND REGULATIONS.

The Service-Safety Director shall make and enforce such rules and regulations as he may deem necessary for the enforcement of the provisions of this chapter and for the safe, economical and efficient management and protection of the sewerage system.
(Ord. 501. Passed 3-24-52.)

927.05 SEWER RATES.

(a) Definitions.

- (1) "User charge" means that charge assessed users of the sewage system to recover the cost of operation, maintenance and replacement of the sewage collection and sewage treatment system, and the cost of rendering bills and collecting sewer service charges.
- (2) "Operation and maintenance costs" means the cost incurred in the act of keeping all facilities for collecting, pumping, treating and disposing of sewage, in a good state of repair and functioning properly, including the replacement of such facilities when necessary.
- (3) "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.
- (4) "Debt service" means the funds used for the retirement of and interest on bonds and/or notes authorized and issued by the City to construct sewage system facilities.
- (5) "Sewer service charge" means the total charge levied against users of the sewage system for sewer service. The charge shall include user charges plus the cost of debt service.
- (6) "Commercial user" means any user of the sewage systems not specifically categorized as residential or industrial, and generally classified in the Standard Industrial Classification (SIC) Manual in Division F - Wholesale Trade; Division G - Retail Trade; Division H - Finance, Insurance and Real Estate; portion of Division I - Services; and Division J - Public Administration.

- (7) "Industrial user" means any nongovernmental user of the publicly owned treatment works identified in the SIC Manual of the U.S. Office of Management and Budget, as amended and supplemented, under the following division: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communication, Electric, Gas and Sanitary Service; and Division I - Services. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic waste or wastes from sanitary conveniences.
- (8) "Residential user" means any user discharging domestic wastes from the buildings or premises that are used as a permanent place for human occupancy such as single-family dwellings, rowhouses, townhouses, mobile homes, garden and standard apartments and high rise apartments. Transient lodging, considered commercial in nature, is not included.
- (9) "Institutional user" means any user discharging domestic waste from buildings or premises that are used as and for social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.
- (10) "Governmental user" means any user discharging domestic wastes from buildings or premises that are used as and for legislative, judicial, administrative and regulatory activities of federal, state and local governments.

(b) Sewer Service Charges. The following are hereby fixed as the fair, proportional and reasonable rates for sewer service charges and user charges based upon the metered consumption of water. All users discharging waste to the sewage collection system shall be billed for wastewater treatment services including governmental or institutional users such as schools, municipal utilities or other public buildings.

(1) Minimum bill.

<u>Meter Size</u>	<u>Billing Charge</u>	<u>Administrative Charge</u>	<u>Sewers and Plant I/I Charge</u>	<u>Total Minimum Charge</u>
5/8"	\$2.16	\$2.12	\$2.23	\$6.51
3/4"	2.16	3.18	3.35	8.69
1"	2.16	5.31	5.57	13.04
1-1/2"	2.16	10.61	11.13	23.90
2"	2.16	16.96	17.80	36.92
3" Turbine	2.16	37.09	38.93	78.18
4" Compound	2.16	52.96	55.61	110.73
4" Turbine	2.16	63.56	66.72	132.44
6" Compound	2.16	105.93	111.20	219.29

(2) Commodity charges.

Commodity charges (First 1,000,000 gallons per month):

Capital \$3.23/1,000 gallons

OM & R

3.27/1,000 gallons

Total:

6.50/1,000 gallons

Commodity charges (Over 1,000,000 gallons per month):

Capital \$.37/1,000 gallons

OM & R\$3.27/1,000 gallons3.64/1,000 gallons

On July 1 of each year the Capital portion of each Commodity charge of the rate will increase by the following schedule:

2004 \$0.28/1000 gallons

2005 \$0.27/1000 gallons

(3) There shall be a deposit of fifty dollars (\$50.00) required on all new sewer services.

- (4) Annual review of charges. The sewer service charge and user charges shall be reviewed annually by the City in order to determine whether or not they are sufficient to defray the fixed charges, amortization costs, and annual cost of operation and maintenance of the sewage system. If the difference between the total revenue derived and the total annual cost is sufficient to justify an increase or decrease in the sewer service charge or user charges, the City will adjust the rates as required.

Every other year, grantees must review the wastewater contribution of users, total OM & R costs and the adequacy of user charges.

Each user shall be notified at least annually, in conjunction with a regular bill, of the rate and that portion of the sewer service charge which is attributable to operation, maintenance and replacement costs of wastewater treatment services.

- (5) Late payment charges. Payment of bills are due on the date listed on said bill. In the event the due date is on a weekend or holiday recognized by the City, then the due date shall be on the next business day.

A delinquent charge of ten percent (10%) of the total amount of a sewer charge shall be added to the charges hereinabove set forth if such amount is not paid on or before the due date of such bill.

(c) Surcharges.

- (1) The following terms, as used in this subsection shall have the meanings ascribed to them as shown:

- A. "Normal sewage" means sewage which, when analyzed shows, by weight, a daily average of not more than 350 parts per million of suspended solids, and not more than 300 parts per million of biochemical oxygen demand (BOD).
- B. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.
- C. "BOD" (denoting biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedure, in five days at twenty degrees Centigrade, expressed in parts per million by weight.

- (2) Sewage or industrial wastes above normal sewage strength, but acceptable for discharge into the sanitary sewage system, shall be subject to a surcharge. The surcharge shall be determined on the basis of either or both of two constituents of water or wastes:
 - A. Total suspended solids, and/or
 - B. Five-day BOD at twenty degrees Centigrade and as herein provided.
- (3) When either or both the total suspended solids and the BOD of a water or waste accepted for admission to the system exceeds the values of their constituents for normal sewage, the excess concentration in either or both, as the case may be, shall be subject to a daily surcharge as follows:
 - A. Pounds of excess suspended solids per day x \$0.187/lb = suspended solids surcharge.
 - B. Pounds of excess BOD per day x \$0.155/lb = BOD surcharge.
- (4) In addition to the surcharge the user will pay the user charges as defined in subsection (b) hereof. The pounds of BOD per day and/or pounds of suspended solids per day, above the concentrations previously described for normal strength sewage that are discharged to the sewage system, shall be determined by the City or its authorized representative.

In addition to a surcharge on BOD and suspended solids, the City shall have the right to surcharge any user for the discharge of any other pollutant into the sewage system or for any other reason that it deems necessary and appropriate, such as excessively high rates of discharge. (Ord. 142-03. Passed 11-10-03.)

927.06 RATES FOR USERS NOT SUBJECT TO MINIMUM MONTHLY CHARGE.

(EDITOR'S NOTE: The provisions of former Section 927.06 as enacted by Ordinance 5-71, passed April 12, 1971, are now obsolete and no longer codified herein.)

927.07 DETERMINATION OF CHARGES; METERS.

(a) On premises using water exclusively supplied by the City and having a water meter acceptable to the Service-Safety Director the quantity of water used, as measured by the meter, shall determine the sewer charge thereon, as provided in this chapter.

(b) On premises either using water exclusively supplied by the City or exclusively supplied from other sources, where the quantity of water used is not measured by a water meter or is measured by a water meter not acceptable to the Service-Safety Director, the owner or other interested party shall, at his expense install and maintain a water meter acceptable to the Director and the quantity of water used, as measured by such meter, shall determine the sewer charge thereon, as provided in this chapter.

(c) On premises using water supplied both by the City, and from other sources, which in either case is not measured by a water meter or is measured by a water meter not acceptable to the Service-Safety Director, the owner or other interested party shall, at his expense, install and maintain water meters satisfactory to the Director to measure all such supplies of water, and the quantity of water used to determine the sewer charge thereon shall be the sum of the quantities of water measured by such several meters, as provided in this chapter

(d) In the event it can be shown to the satisfaction of the Service-Safety Director with respect to any premises, that a portion of the water from any source used thereon does not and cannot enter the system, then in each such case, the owner or other interested party may at his expense install and maintain separate water meters where necessary so as to show to the satisfaction of the Director that portion of the water used which is discharged into the system, and the quantity of water used, as measured by such meter or meters showing discharge into the system shall determine the sewer charge thereon, as provided in this chapter.
(Ord. 501. Passed 3-24-52.)

927.08 ESTABLISHMENT OF SPECIAL RATES.

Over and above the charges established by Sections 927.05 and 927.06 there may be established in special instances and upon special agreement between the City and the owner of any lot, parcel of land or premises served by the system, such additional charges for industrial wastes of unusual strength or composition which are accepted by the City for treatment as may be determined to be fair and equitable.

Each such special agreement and the charges established thereby shall not become effective until ratified by ordinance duly passed by Council.
(Ord. 501. Passed 3-24-52.)

927.09 DISCHARGE OF SEPTIC TANK WASTES.

(a) The charge for accepting tankage shall be twenty dollars (\$20.00) per 1,000 gallons. Any volume more or less shall be prorated on that basis.

(b) Only wastes from septic tanks shall be accepted for discharge into the sewers. Any wastes originating from any other source shall not be accepted without written approval of the Director of Public Service and Safety or the Director of Wastewater.

(c) Gallonage of wastewater shall be known and specified and is to be determined by the volume and the number of loads if more than one load is being discharged.

(d) Discharging shall occur between the hours of 8:00 a.m. to 11:00 a.m. and 12:00 noon to 3:00 p.m., Monday through Friday. Hours on Saturdays and holidays shall be from 8:00 a.m. to 11:00 a.m. only.

(e) Discharging shall be in a manhole designated by the City which will be described as manhole #3 and will be clearly marked and locked at all times other than during discharging. This shall be the only point permitted for disposal for reasons of control and convenience.

(f) Prior to discharging the load, the hauler shall report to the Administration Building of the Wastewater Treatment Plant (the first building) and sign a form in triplicate, stating the nature of the wastes and gallonage. The fee for accepting the wastes shall be calculated and appear on the aforementioned form. This form shall also be signed by a representative of the City. One copy of the form is to be given to the hauler, one retained at the plant and the third is to be submitted to the Memorial Building for billing purposes.

(g) A representative of the City shall accompany the hauler to manhole #3 and unlock the cover and also verify the contents of the load. After discharge is complete, the City employee shall lock the cover.

(h) During periods of abnormally high wastewater flows or severe conditions, no tankage shall be allowed per discretion of the Director of Wastewater.

(i) Failure to comply with these guidelines shall render the hauler liable to enforcement and penalties as set forth in this chapter.
(Ord. 43-87. Passed 5 -11-87.)

927.10 COLLECTION OF SEWER CHARGES.

The rates and charges established by this chapter shall become effective April 1, 1952, and thereafter shall be billed and become payable as provided in Section 927.11. Bills shall be prepared and necessary ledgers and records kept by the sewage service clerk and cashier under the direction of the Service-Safety Director.
(Ord. 520. Passed 10-13-52.)

927.11 RENDERING OF SEWER BILLS.

The sewer charges provided in this chapter shall be computed on a monthly basis and shall be payable monthly at the office of the Service-Safety Director. Charges established in respect to any premises served by the City waterworks system shall be included on and be payable with the City water bill for such premises. In respect to premises not so served, shall be billed and payable at the same time, respectively as City water bills are rendered and become payable.

Any building or premises making connection with the sewerage system and using the system after April 1, 1952, shall be charged a per diem pro rata amount based upon the monthly minimum charge, from the time such sewer connection is made to the commencement of the next following period applicable to such premises, except that should the measure service exceed the minimum charge, the measured rate or rates shall be charged.
(Ord. 625. Passed 3-1-55.)

927.12 DELINQUENT BILLS.

Payment of bills are due on the date listed on said bill. In the event the due date is on a weekend or holiday recognized in the City, then the due date shall be on the next business day.

A delinquent charge of ten percent (10%) of the total amount of a sewer charge shall be added to the charges hereinabove set forth if such amount is not paid on or before the due date of such bill. (Ord. 116-93. Passed 11-8-93.)

927.13 CHARGES A LIEN ON PREMISES SERVED; DISCONTINUANCE OF SERVICE.

Each sewer charge established and made pursuant to this chapter is hereby made a lien upon the premises charged therewith and if the same is not paid within thirty days after penalty date, it shall be certified to the County Auditor in which such premises are situated, who shall place the same on the tax duplicate, with the interest and penalties allowed by law, and be collected as other municipal taxes are collected. The City shall also have the right, in event of nonpayment as aforesaid, to discontinue service to such premises of water supplied by the City waterworks system until such unpaid sewer charges have been fully paid.
(Ord. 501. Passed 3-24-52.)

927.14 CITY EXEMPTION TO CHARGES.

(EDITOR'S NOTE: Former Section 927.14 was repealed by Ordinance 20-94, passed April 11, 1994.)

927.15 SERVICE CALL RATE.

For services by the City on a consumer's premises in connection with any defect or breakdown beyond the tie-in with the main line, the charge for such service shall be twenty-five dollars (\$25.00) per hour, plus the costs of all materials supplied by the City. There shall be a minimum charge of fifty dollars (\$50.00) for any service falling into the aforesaid category.
(Ord. 56-97. Passed 7-14-97.)

927.99 PENALTY.

Whoever violates Section 927.07 shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed upon each day during or on which the violation occurs or continues.

It shall be a complete defense to an action brought for a violation of Section 927.07 to show that the unmetered water does not and cannot enter the sanitary sewage system or in case a water meter properly installed fails to function properly, that such offender was not aware of such defective condition or had not had a reasonable time, not to exceed thirty days, to repair such defective meter. It shall also be a complete defense to an action brought under Section 927.07 to show that the unmetered water was supplied by the municipally owned water-works system which system installs and maintains meters for its customers.

CHAPTER 929
Water Service

<p>929.01 Collection of water rents and service charges.</p> <p>929.02 Rendering of water bills.</p> <p>929.03 Estimated bills.</p> <p>929.04 Delinquent bills, discontinuance of service and penalty.</p> <p>929.05 Charges a lien of premises served.</p> <p>929.06 Application for service deposit; service charge for checking leaks.</p> <p>929.07 Water rates.</p> <p>929.08 Base rate control; conditional use. (Repealed)</p> <p>929.09 Industrial water rates. (Repealed)</p> <p>929.10 Water rates, fire hydrants.</p> <p>929.11 Fee for water turn-on. (Repealed)</p> <p>929.12 Start and termination of service, minimum charge.</p> <p>929.13 Additional water rates for sprinkler heads.</p>	<p>929.14 Customers' responsibilities.</p> <p>929.15 Right of entry to premises.</p> <p>929.16 Separate service.</p> <p>929.17 Frost protection; claims against damage.</p> <p>929.18 Meter required.</p> <p>929.19 Discontinuance of service.</p> <p>929.20 Use of free water.</p> <p>929.21 Security deposit; turn-on order.</p> <p>929.22 Liability for damage of meter from freezing.</p> <p>929.23 Approval of meter setting.</p> <p>929.24 Unmetered leak.</p> <p>929.25 Turn-on, turn-off authority.</p> <p>929.26 Cross-connections prohibited.</p> <p>929.27 Violations.</p> <p>929.28 Backflow prevention.</p>
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CROSS REFERENCES

Compulsory water connections - see Ohio R.C. 729.06, 743.23
 Water supply - see OAC Ch. 4101:2-51-37
 Backflow- see OAC Ch. 4101:2-51-38
 Library utility credit - see ADM. 125.04

929.01 COLLECTION OF WATER RENTS AND SERVICE CHARGES.

All water rents and service charges shall be payable at the office of the City Clerk. Such clerk shall be charged with the duty of receiving and collecting all water rents and service charges and accounting therefore in the manner prescribed by law. The clerk shall establish and maintain such ledgers, books, records and an accounting system as may be required by reason of such collections. When any account is delinquent and within the rules established by the Service-Safety Director, water service should be terminated, and the same shall be immediately certified by the clerk to the Superintendent. Whenever requested by the Director, the clerk shall report the conduct of his office relating to the collection of water rents and service charges. (Ord. 55-80. Passed 8-25-80.)

929.02 RENDERING OF WATER BILLS.

All accounts for water service shall be rendered and billed on a monthly basis. The rates and regulations hereinafter provided shall apply to all such monthly accounts. (Ord. 552. Passed 5-15-53.)

929.03 ESTIMATED BILLS.

Estimated monthly accounts based either on the prior twelve months' water consumption or on the prior month's water consumption may be used in rendering statements to consumers, providing that an actual meter reading shall be made or attempted to be made at least once every three months. (Ord. 6-86. Passed 2-24-86.)

929.04 DELINQUENT BILLS, DISCONTINUANCE OF SERVICE AND PENALTY.

(a) All charges for the consumption of water by any of the consumers served by the City shall be due and payable on or before the due day on each monthly bill. If the due date falls on a weekend or holiday recognized by the City, then the due date shall be the next business day. If the bill is not paid on or before such due date, a delinquency charge of ten percent (10%) shall be added to the account.

(b) The Service-Safety Director and/or the Superintendent of the Water Service Department shall terminate such service of any consumer whose bill is not fully paid within fifteen days after the due date as set forth in subsection (a) hereof, and no water shall be furnished thereafter to such consumer until the entire amount due the City for such water, plus a delinquency charge of ten percent (10%) of the amount then due, is paid in full.

(c) A turn-on charge of five dollars (\$5.00) shall be made for turning on the water of any consumer. (Ord. 116-93. Passed 11-8-93.)

929.05 CHARGES A LIEN OF PREMISES SERVED.

Water charges shall be a lien on any premises supplied with City water and maintaining a connection with the City mains and may be certified by the City Auditor to the proper county officials and placed on the tax duplicate for collection. (Ord. 552. Passed 5-15-53.)

929.06 APPLICATION FOR SERVICE DEPOSIT; SERVICE CHARGE FOR CHECKING LEAKS.

(a) After March 1, 1983, water service may be obtained by any property owner upon his own signature or by a tenant upon his signature and a deposit according to Section 919.03. If such deposit is insufficient to pay the actual charges for such services, such charges remaining unpaid shall be a lien on the premises as provided in Section 929.05.

(b) A service charge of five dollars (\$5.00) shall be assessed against the user and/or the property for checking for water leaks inside the area whose service is registered by the water meter. (Ord. 16-83. Passed 2-14-83.)

929.07 WATER RATES.

The charges for metered water service for all customers inside the City and for customers outside the City shall be as follows:

IN-CITY:

First	2,000	Minimum	\$ 7.10
Next	10,000		4.92
Next	20,000		4.59
Next	48,000		3.54
Next	150,000		2.83
Next	770,000		2.02
All over	1,000,000		1.30

OUTSIDE CITY:

First	2,000	Minimum	\$ 8.53
Next	10,000		5.90
Next	20,000		5.52
Next	48,000		4.25
Next	150,000		3.39
Next	770,000		2.42
All over	1,000,000		1.48

SIZE METERMINIMUM CHARGE PER MONTH

5/8 inch (in city)	\$ 7.10
5/8 inch (outside city)	8.53
3/4 inch (outside city)	10.71
1 inch	13.40
1 1/2 inch	31.02
2 inch	53.53
3 inch	122.50
4 inch	214.10

(Ord. 32-04. Passed 4-12-04.)

929.08 BASE RATE CONTROL; CONDITIONAL USE.

(EDITOR'S NOTE: Former Section 929.08 was repealed by Ordinance 81-80, passed December 8, 1980.)

929.09 INDUSTRIAL WATER RATES.

(EDITOR'S NOTE: Former Section 929.09 was repealed by Ordinance 81-80, passed December 8, 1980.)

929.10 WATER RATES, FIRE HYDRANTS.

The rates and charges provided in Sections 929.07 and 929.09 shall not apply to water used from fire hydrants in which cases the following charge shall apply on a yearly basis:

For first 107 hydrants	\$7,200.00 per year
Each additional hydrant	48.00 per year
Water used for sewer flushing	6.00 per hour

(Ord. 594. Passed 6-16-54. =)

929.11 FEE FOR WATER TURN-ON.

(EDITOR'S NOTE: Former Section 929.11 was repealed by Ordinance 81-80, passed December 8, 1980.)

929.12 START AND TERMINATION OF SERVICE, MINIMUM CHARGE.

Pro rata minimum charges, based upon a thirty-day month, may be made in determining proper charges for the start and termination of water service for any consumer. (Ord. 552. Passed 5-15-53.)

929.13 ADDITIONAL WATER RATE FOR SPRINKLER HEADS.

In addition to other water rates provided by this chapter, there shall be a fee for sprinkler heads at the following rates:

<u>Number of Heads</u>	<u>Fee (each head)</u>
First 100	\$.10
Next 200	.08
Next 200	.06
Next 200	.04
All over 700	.02

(Ord. 76-80. Passed 11-10-80.)

929.14 CUSTOMERS' RESPONSIBILITIES.

Consumers must keep their service pipes and fixtures in order and their waste cocks in order at their own expense. The service pipe inside the premises or City lot must be at least three feet underground. Consumers shall reimburse the Water Department for any expense entailed by the Department in construction and maintenance of service lines between the main and curb lines of the street.

(Ord. 88-80. Passed 12-8-80.)

929.15 RIGHT OF ENTRY TO PREMISES.

The officials and employees of the Water Department may enter at reasonable hours, having given prior notice, into any house or building supplied with water to examine pipes, meters and connections and to place, replace or remove any meter, pipe, instrument or connection that is a part of the water works system.

(Ord. 88-80. Passed 12-8-80.)

929.16 SEPARATE SERVICE.

(a) No owner or occupant of any premises supplied with water from the Water Department will be allowed to supply water to any other person without express written authority from the Department. Each premises must be supplied with independent service pipes from the main. If any such owner or occupant does supply or permit any unauthorized use of the water by the owner or occupant of any other premises he shall be liable to the Department for full additional service.

(b) No service pipes connected with the mains by one ferrule shall be extended into two distinct premises or across lots on adjoining premises unless separate stop cocks are placed on the outside of such premises on the sidewalk opposite thereto, and also an additional main stop opposite the ferrule, satisfactory to the Superintendent of the Department. In case the Department permits two or more consumers to be supplied through one service pipe and either of the parties fails to pay the water rent when due, or if either violates any rule of the Department, the water may be turned off from such premises until the rent is paid and these rules are complied with.

(c) Where two or more premises are supplied with water from the same opening the Water Department shall charge the same rate as if each premises had a separate attachment. Multi-unit dwellings shall be metered for each dwelling unit.

(Ord. 88-80. Passed 12-8-80.)

929.17 FROST PROTECTION; CLAIMS AGAINST DAMAGE.

All water consumers shall keep their service pipes and connections in good repair and protect them from frost at their own expense. They shall prevent waste, and no claim may be made against the City by reason of any breaking of any service pipe or connection, or damage arising from shutting off water to repair mains, or for any other reason arising out of water service. (Ord. 88-80. Passed 12-8-80.)

929.18 METER REQUIRED.

No new service will be allowed by the Water Department, unless specifically authorized, without the use of a meter furnished by the Department for the purpose of measurement of water used.

(Ord. 88-80. Passed 12-8-80.)

929.19 DISCONTINUANCE OF SERVICE.

(a) Wherever two or more parties are supplied with water from the same service line, on failure of any one of these parties to pay any indebtedness to the Water Department when due, or to comply with established rules and regulations of the Department, the water supply of the whole service line will be discontinued.

(b) The Water Department shall have the right to discontinue the use of water to any consumer indebted to it in any manner whatsoever until such indebtedness is removed.
(Ord. 88-80. Passed 12-8-80.)

929.20 USE OF FREE WATER.

No person shall take water for private use from any public building for which free use of water may be provided by law or from any public watering through fountain, hydrant or other opening without written consent of an official of the Water Department.
(Ord. 88-80. Passed 12-8-80.)

929.21 SECURITY DEPOSIT; TURN-ON ORDER.

Water will not be turned on until proper security has been paid in accordance with City ordinance. In addition any unpaid overdue account must be paid in full before a turn-on order will be issued.
(Ord. 88-80. Passed 12-8-80.)

929.22 LIABILITY FOR DAMAGE OF METER FROM FREEZING.

In the event of freezing of a meter due to improper protection within a building, the party served by the meter shall pay for the parts required to repair it. Meters located in curb boxes will be repaired at the expense of the Water Department in the event of freezing.
(Ord. 88-80. Passed 12-8-80.)

929.23 APPROVAL OF METER SETTING.

Meter settings within buildings must be approved by the Water Department prior to installation. (Ord. 88-80. Passed 12-8-80.)

929.24 UNMETERED LEAK.

If a water consumer fails to repair an unmetered leak upon his premises, after due notification by the Water Department, the Department may shut off the consumer's water service until the leak is repaired.
(Ord. 88-80. Passed 12-8-80.)

929.25 TURN-ON, TURN-OFF AUTHORITY.

Only officers and employees of the Water Department shall have authority to turn water on or off at the curb cock, and no other person shall be permitted to turn the water on or off without a permit from the proper official. This section shall not apply to plumbers turning on water for testing purposes.
(Ord. 88-80. Passed 12-8-80.)

929.26 CROSS-CONNECTIONS PROHIBITED.

If, upon inspection by an official of the Water Department, a cross-connection between a sewer, private water supply or other instance of endangering the public water supply is discovered, service will be discontinued until the cross-connection is eliminated to the satisfaction of the Department.
(Ord. 88-80. Passed 12-8-80.)

929.27 VIOLATIONS.

The Department shall have the right to turn off the water service of any consumer who violates any provision of this chapter.
(Ord. 88-80. Passed 12-8-80.)

929.28 BACKFLOW PREVENTION.

(a) If, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent shall give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expense, install such an approved device at a location and in a manner approved by the Superintendent and shall have inspections and tests made of such approved devices as required by the Superintendent.

(b) No person, firm or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary or emergency water supply other than the regular public water supply of the City may enter the supply or distributing system of the Municipality, unless such private, auxiliary or emergency water supply and the method of connection and use of such supply shall have been approved by the Superintendent of Water and by the Ohio Environmental Protection Agency.

(c) It shall be the duty of the Superintendent of Water to cause surveys and investigations to be made of industrial and other properties served by the public water supply where actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the Superintendent shall deem necessary.

(d) The Superintendent of Water or his or its duly authorized representative shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the City for the purpose of inspecting the piping system or systems thereof. On demand the owner, lessees, or occupants of any property so served shall furnish to the Superintendent any information which he may request regarding the piping system or systems or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the Superintendent, be deemed evidence of the presence of improper connections as provided in this section.

(e) The Superintendent of Water is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions shall have been eliminated or corrected in compliance with the provisions of this section.
(Ord. 11-89. Passed 3-13-89.)

929.29 SERVICE CALL CHARGE.

For services by the City on a consumer's premises in connection with any defect or breakdown beyond the outlet side of the water meter, the charge for such service shall be twenty-five dollars (\$25.00) per hour, plus the costs of all materials supplied by the City. There shall be a minimum charge of fifty dollars (\$50.00) for any service falling into the aforesaid category.
(Ord. 68-97. Passed 7-28-97.)

TITLE FIVE - Public Services
 Chap. 941. Cemeteries.
 Chap. 945. Garbage.
 Chap. 949. Municipal Auditorium.
 Chap. 953. Parks.
 Chap. 957. Municipal Pool.

CHAPTER 941
 Cemeteries

941.01	Sexton; appointment.	941.16	Payment of charges.
941.02	Management and control, generally.	941.17	Cemetery Fund, perpetual care.
941.03	Equipment; maintenance.	941.18	Perpetual and annual care; fees.
941.04	Extra labor.	941.19	Effective date of charges.
941.05	Interments and disinterments.	941.20	Pricing of cemetery lots.
941.06	Record of graves and removals.	941.21	Burial permit; contents.
941.07	Police power.	941.22	Planting of shrubbery and trees prohibited.
941.08	Maintenance of roadways.	941.23	Corner stones.
941.09	Lots: survey, plat and recording; prices.	941.24	Public telephone provided.
941.10	Sale of lots.	941.25	Burial of pets prohibited.
941.11	Payment of purchase price.	941.26	Grave vaults or liners.
941.12	Records of sales.	941.27	Pouring foundations.
941.13	Transfer of ownership.	941.28	Mausoleums.
941.14	Section S.	941.99	Penalty.
941.15	Opening and closing graves; charges.		

CROSS REFERENCES

Burials may be prohibited - see Ohio R.C. 759.05
 Management and control - see Ohio R.C. 759.09
 Cemetery Endowment Fund - see Ohio R.C. 759.12, 759.15
 Burial permits - see Ohio R.C. 3705.24 et seq.
 Burial of indigent persons - see Ohio R.C. 5101.521

941.01 SEXTON; APPOINTMENT.

A Sexton, to be appointed by the Mayor, shall be employed regularly, shall give his full time to his duties as hereinafter described, and shall be paid such salary as Council shall from time to time determine. (Ord. 591. Passed 6-14-54.)

941.02 MANAGEMENT AND CONTROL, GENERALLY.

Under the direction and control of the Service-Safety Director, the Sexton shall have full charge and control of, and shall direct all improvements in, the public cemeteries of the City, such as grading, laying out avenues, roadways and grounds and keeping the same in proper condition, and shall direct the care and culture of trees, shrubbery and flowers, as may be permitted in the cemeteries.
(Ord. 591. Passed 6-14-54.)

941.03 EQUIPMENT; MAINTENANCE.

The Sexton shall at all times be charged with, and have custody and control of, and shall keep in good order and repair, all personal property, tools, implements, supplies, materials and effects of whatever kind or description belonging to the City, and in any way pertaining to the use and management of the cemeteries and he shall be responsible under his bond for the proper care, preservation and safe keeping of the same. He shall prepare and keep continuously up to date an inventory of all such property.
(Ord. 591. Passed 6-14-54.)

941.04 EXTRA LABOR.

During mowing season, which shall be determined by the Sexton with the approval of the Service-Safety Director, the Sexton shall be allowed extra help at such prices per hour or per day as may be fixed by Council. Extra labor between mowing seasons shall be used on a temporary basis, for opening and closing graves or for other emergencies. The existence of an emergency condition shall be determined by the Sexton with the approval of the Director. Payment for extra labor shall be made upon the order of the Director out of the Cemetery Fund.
(Ord. 591. Passed 6-14-54.)

941.05 INTERMENTS AND DISINTERMENTS.

The Sexton shall have charge and direction of all interments, disinterments or removals of the dead. No dead body shall be removed or disinterred by the Sexton unless upon the written order of the Service-Safety Director, and when not forbidden by any proper order of the Board of Health or Health Officer.
(Ord. 591. Passed 6-14-54.)

941.06 RECORDS OF GRAVES AND REMOVALS.

The Sexton shall keep and maintain a record book of the location of all graves and removals as they are made from time to time in various lots in such cemeteries.
(Ord. 591. Passed 6-14-54.)

941.07 POLICE POWER.

The Sexton shall be vested with police powers, and shall keep and preserve order in and about all cemeteries and enforce the provisions of this chapter and any other ordinance of the City or State respecting public cemeteries and the interment or disinterment of the dead. (Ord. 591. Passed 6-14-54.)

941.08 MAINTENANCE OF ROADWAYS.

The Street Department shall maintain present roadways and drives and provide the labor and material for the construction of new roadways and drives.
(Ord. 591. Passed 6-14-54.)

941.09 LOTS: SURVEY, PLAT AND RECORDING; PRICES.

No cemetery lot shall be sold until the ground has been surveyed, platted and recorded in a plat book provided for that purpose and kept in the office of the Sexton, nor until the prices of lots have been fixed by the Service-Safety Director.
(Ord. 591. Passed 6-14-54.)

941.10 SALE OF LOTS.

The Sexton shall exhibit the lots for sale to persons desiring to purchase the same, and when a lot or part of lot is selected, the Sexton shall furnish to the purchaser a card, signed by the Sexton, stating the section, number of lot, size of parcel and price thereof. When so advised by such card, the Service-Safety Director shall arrange for the sale of such lot or parcel, and the terms of payment, and, upon full payment of the purchase price, shall execute and deliver to the purchaser a deed therefor.
(Ord. 591. Passed 6-14-54.)

941.11 PAYMENT OF PURCHASE PRICE.

If not paid for in full at the time of purchase, lots may be sold upon the following terms: one-third cash on day of sale, one-third within one year thereafter, and the remaining one-third within two years from the date of purchase. Such deferred payments shall be secured by the promissory note of the purchaser, and such payments shall not bear interest until due. No deed shall be delivered until the entire purchase price has been paid, nor shall a burial permit authorizing burial on such lot be issued until the full purchase price has been paid.

Upon default in the payment of the purchase price of any lot purchased after July 1, 1954, the City shall have the right, upon first giving thirty days written notice by registered mail addressed to the purchaser of record, or, if the name and/or address of such purchaser cannot be ascertained, by publication for one time in a newspaper published in the City, to declare the sale of such lot cancelled; and thereupon all rights of such purchaser of such lot shall be terminated, and any payments thereon shall stand forfeit to the City as liquidated damages for failure to purchase such lot.
(Ord. 591. Passed 6-14-54.)

941.12 RECORDS OF SALES.

Duplicate records of all sales and transfers and of the ownership of all lots shall be made, one of which shall be kept in the office of the Service-Safety Director and the other in the office of the Sexton. The Director shall promptly report to the Sexton all sales, forfeitures and transfers of lots, to the end that the duplicate records shall correspond.
(Ord. 591. Passed 6-14-54.)

941.13 TRANSFER OF OWNERSHIP.

No sale or transfer of a lot by a owner, except by descent, shall be effective or binding upon the City until the instrument of conveyance thereof is presented to the Service-Safety Director for transfer on his records. Transfers by descent shall be made by affidavit. A fee of twenty-five dollars (\$25.00) shall be charged for making every such transfer.
(Ord. 58-97. Passed 7-14-97.)

941.14 SECTION S.

(a) The plat of a part of Fairmount Cemetery not heretofore surveyed and platted was, on July 11, 1975, surveyed and platted by Ohio Mining Consultants, 240 Huron Street, Jackson, Ohio, and containing sixty-four lots consecutively numbered Lot Number 1 to

and including Lot Number 64, is hereby designated as Section S in the cemetery and the plat thereof shall be recorded in a plat book provided for that purpose and kept in the office of the Sexton of Fairmount Cemetery in accord with existing ordinances.

(b) Lots in Section S may be exhibited for sale by the Sexton at costs and prices hereinafter set forth.

(c) Lots consecutively number 1 through 16 and each being twelve feet in width and eighteen feet in depth, shall be sold for one hundred dollars (\$100.00) per lot with mandatory perpetual care provided therefor at a cost of one hundred dollars (\$100.00).

(d) Lots consecutively numbered 17 through 64 and each being twelve feet in width and twenty-four feet in depth shall be sold for one hundred fifty dollars (\$150.00) per lot with mandatory perpetual care provided therefor at a cost of one hundred dollars (\$100.00).

(e) No lot in Section S shall be sold or agreed to be sold for the prices herein set forth until a contract for the perpetual care thereof is made and entered into by the purchaser simultaneously with the purchase of the lot in Section S.

(f) No sale of any lot in Section S shall be made for a fractional part of a lot. (Ord. 23-75. Passed 9-8-75.)

941.15 OPENING AND CLOSING GRAVES; CHARGES.

Charges for opening and closing graves in any cemetery operated by the City shall be as follows:

(a)	During the week, except holidays	\$350.00
(b)	On weekends and holidays	450.00
(c)	When funeral is in compliance with the rules of the Ohio Department of Welfare, the regular fees and charges, as above provided, shall not apply.	
(d)	When funeral is that of an infant	150.00
(e)	Ashes	100.00

(Ord. 8-94. Passed 3- 14-94.)

941.16 PAYMENT OF CHARGES.

Charges for opening and closing graves shall be paid in full and all delinquencies for annual care including the current year shall be paid in full, before a burial permit is issued. Persons taking exclusive care of their own lots, prior to January 1, 1953, who make written affidavit of such fact, shall have burial permits issued if all delinquencies from January 1, 1953 to the time of the request for the burial permit, and the delinquencies for the current year are paid. (Ord. 591. Passed 6-14-54.)

941.17 CEMETERY FUND, PERPETUAL CARE.

The Service-Safety Director shall accept and receive, by agreement, gift, devise, bequest or otherwise, money to provide a permanent fund of the cemetery, which shall be handled and invested as provided in Ohio R.C. 759.12 and 759.15, and the income of which shall be applied by the Director to the perpetual care of the lot or lots as agreed by the Director. No sums shall be received by the Director which are less than the minimum charges for perpetual care hereinafter provided for the size of lot designated. Bequests and devises in wills shall be accepted for a period of one year at the rates and charges for perpetual care heretofore in effect.
(Ord. 591. Passed 6-14-54.)

941.18 PERPETUAL AND ANNUAL CARE; FEES.

(a) Fees and charges for perpetual and annual care, which shall include, fertilizer, seeding, mowing and cleaning, shall be as follows:

- | | |
|--------------------|-------------------------|
| (1) Perpetual care | \$35.00 per grave space |
| (2) Annual care | 30.00 |

(b) The City Clerk shall establish an appropriate account for the receipt and disbursement of funds relating to agreements for perpetual care.

No funds paid pursuant to an agreement for perpetual care shall be used for any purpose other than perpetual care or the payment of annual fees and charges for the lot described in such agreement.

(Ord. 9-94. Passed 3-14-94.)

941.19 EFFECTIVE DATE OF CHARGES.

The charges and fees provided in this chapter shall be effective on and after July 14, 1954, except as to annual care charges which shall be billed at the rates herein provided on or about January 1, 1955, and each year thereafter. Annual care charges shall be compulsory for all lots not having perpetual care.

(Ord. 591. Passed 6-14-54.)

941.20 PRICING OF CEMETERY LOTS.

(a) The Sexton and Service-Safety Director shall designate lots or parts of lots which in their opinion are choice and select lots as "choice and select".

(b) The price of choice and select lots shall be twenty-five cents (25¢) per square foot.

(c) Other lots shall be priced at twenty cents (20¢) per square foot.

(d) Old age pensioners not owning burial plots are exempt from these regular per square foot prices. The price of a single grave plot for an old age pensioner shall be twenty dollars (\$20.00). Such fee shall be automatically increased or decreased to conform with the fee set by the State Department of Welfare.

(Ord. 591. Passed 6-14-54.)

941.21 BURIAL PERMIT, CONTENTS.

Each burial permit shall specify the number and the name of the owner of the lot upon which such burial is to be made. No burial permit shall be issued for the burial of the body of any person not a member of the immediate family of the owner of the lot upon which burial is proposed to be made, except upon the written consent thereto of such owner, which consent shall be filed and preserved by the Service-Safety Director. (Ord. 591. Passed 6-14-54.)

941.22 PLANTING OF SHRUBBERY AND TREES PROHIBITED.

The planting of rosebushes, barberry, large shrubbery or trees of any kind, size or type prohibited. (Ord. 78-91. Passed 11-11-90.)

941.23 CORNER STONES.

Corner stones shall not exceed eight inches in width, and shall not extend above ground level. Borders or curbing and any type of fencing, either permanent or temporary, are not allowed. (Ord. 96-98. Passed 10-26-98.)

941.24 PUBLIC TELEPHONE PROVIDED.

A telephone shall be maintained in the office or toolhouse of Fairmount Cemetery, for the use of patrons. (Ord. 591. Passed 6-14-54.)

941.25 BURIAL OF PETS PROHIBITED.

No pets or other animals shall be buried or interred in the Fairmount Cemetery. (Ord. 4-86. Passed 1-13-86.)

941.26 GRAVE VAULTS OR LINERS.

Prior to burial in a grave in the Fairmount Cemetery, the grave must be prepared by inserting a vault or grave liner in the grave. The vault or grave liner shall be constructed of concrete or other material approved by the Sexton. (Ord. 1-86. Passed 1-13-86.)

941.27 POURING FOUNDATIONS.

All foundations poured in Fairmount Cemetery are to be of not less than 5 bag mix Portland Cement, Air Entrained for outdoor exposure. Foundations shall be no less than twenty-four inches deep at their shallowest depth. Said foundation shall project above the ground two inches at its lowest point. Foundations poured in sub-freezing temperature shall be protected in such a way as to insure that no freezing of the concrete shall occur. No foundation is to be poured until it is inspected as to size and depth by the Service/Safety Director or his appointee. (Ord. 96-98. Passed 10-26-98.)

941.28 MAUSOLEUMS.

There shall be no mausoleums or any other structures that are intended or designed to contain vaults, caskets, or other containers used in the aboveground interment of bodies, allowed in Fairmount Cemetery. This section is not intended to prevent the construction of monuments or any below-ground interment. (Ord. 97-98. Passed 10-26-98.)

941.99 PENALTY.

Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00). (Ord. 75-93. Passed 9-13-93.)

CHAPTER 945
Garbage

945.01	Definitions.	945.10	Burning and burying prohibited.
945.02	City to provide garbage and refuse collection.	945.11	Littering.
945.03	Collection rates for residences.	945.12	Scattering paper.
945.031	Senior citizen discount rate for garbage collection.	945.13	Depositing harmful substances in streets.
945.04	Collection rates for businesses.	945.14	Utility users deemed recipients of garbage service.
945.05	Preparation for collection.	945.15	Fees to be added to electric bills.
945.06	Containers.	945.16	Exemption from charges; proof.
945.07	Franchise required.	945.17	Application for exemption.
945.071	Number of franchises permitted.	945.18	Deposit for certain nonresident customers.
945.072	Franchisees to provide customer lists.	945.19	Collection and disposal of brush.
945.073	No franchise fee required for certain services.	945.20	Garbage surcharge.
945.08	Authorized collector.	945.99	Penalty.
945.09	Ownership of refuse; scavenging prohibited.		

CROSS REFERENCES

Collection and disposal of garbage - see Ohio R.C. 715.43, 717.01
 Employment of scavengers - see Ohio R.C. 3707.39
 Disposal and transportation upon public ways - see Ohio R.C. 3767.20 et seq.
 Vehicle loads dropping, sifting, leaking - see TRAF. 339.08
 Littering - see GEN. OFF. 521.08

945.01 DEFINITIONS.

As used in this chapter:

- (a) "Resident" means the inclusion of all families or heads of a household, or any one or more individuals, living in all types of residential units, including single dwellings and parts of multiple resident units, to which separate utility services are furnished by the City.
- (b) "Refuse" means and includes municipal waste consisting of certain discarded products incident to housekeeping and commercial enterprises as further defined under the sections pertaining to garbage and rubbish.
- (c) "Garbage" means and includes all waste, animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. It shall include spoiled fruit and small dead animals killed by traffic and found on the streets and alleys, but it shall not include sewage and other water carried wastes.
- (d) "Rubbish" means and includes miscellaneous waste materials and refuse from housekeeping and ordinary mercantile enterprises, including packing boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles, metals, rubbish, etc.

- (e) "Construction waste" means waste from building construction, alterations or repair and dirt from excavations. Unusual or special manufacturing or trade wastes are not classified as municipal waste. This type of waste will not be collected by the City.
- (f) "Brush" means and includes weeds, brush, briars, thistles, tree limbs and parts, and other waste from normal gardening and yard keeping activities. This type of waste shall be collected and disposed of in accordance with Section 945.19. (Ord. 28-88. Passed 4-11-88.)

945.02 CITY TO PROVIDE GARBAGE AND REFUSE COLLECTION.

The City, through its officers, employees and agents shall provide garbage and refuse collection, removal and disposition service for all residents and operators of a business, of and in the City, who desire to avail themselves of such service. (Ord. 47-79. Passed 7-7-79.)

945.03 COLLECTION RATES FOR RESIDENCES.

(a) The following rates shall be charged each and every residential customer, whether residing inside or outside the City, for the garbage and refuse collection, removal and disposition services provided for their benefit by the City:

<u>Beginning Date</u>	<u>Rate Per Residential Customer</u>
February 1, 1989	\$ 7.80
February 1, 1990	8.80
January 1, 1991	9.50

(b) Any residential customer, whether residing inside or outside the City, who for any reason is absent from their residence, may make application to the Service-Safety Director stating that no one will be in residence at the property and that no rubbish, garbage or refuse will be set out, either in the alley or at the curbside of this residence for a particular month. If the application is approved and if no pick-up service is in effect or required for the calendar month, then the collection rate shall be three dollars and fifty cents (\$3.50) for the month. If any pick-up service is in effect or required during any part of a calendar month, then the customer shall pay the rates for full service as set forth in subsection (a) hereof.

(c) Bills shall be due on the twentieth of each month. In the event the twentieth falls on a weekend or holiday recognized by the City, then the due date shall be the next business day. Upon failure of a resident or nonresident to pay the collection rate on or before the due date of a month, a delinquency charge of ten percent of the amount then due shall be charged to such resident or nonresident.

(d) Beginning November 1, 1990, there shall be a garbage surcharge in an amount of one dollar (\$1.00) per month, such surcharge to be in addition to the rates as set forth in subsection (a) hereof. (Ord. 116-93. Passed 11-8-93.)

945.031 SENIOR CITIZEN DISCOUNT RATE FOR GARBAGE COLLECTION.

- (a) A discounted garbage rate of \$7.50 is hereby established for residents who are:
 - (1) At least sixty-two years of age and
 - (2) Who do not reside with anyone under the age of sixty-two years of age.

(b) Eligible customers must request and complete an application for the discount from the City Utilities Office. The Utilities Superintendent shall determine eligibility and notify customers who are deemed to be ineligible for the discount. (Ord. 61-04. Passed 4-26-04.)

945.04 COLLECTION RATES FOR BUSINESSES.

(a) The following monthly charges shall be made against each and every operator of a business, commercial or industrial operation, who avails himself of the garbage and refuse collection, removal and disposition service, one pick-up per week, provided for his benefit by the City:

<u>Business</u>	Effective Feb. 1, <u>1989</u>	Effective Feb. 1 <u>1990</u>	Effective Jan. 1, <u>1991</u>
Garages and service stations	\$21.00	\$22.25	\$22.95
Restaurants and rest homes	18.00	19.25	19.95
Laundrymats and dry cleaners	21.00	22.25	22.95
Hotels and Motels	21.00	22.25	22.95
Department stores	15.00	16.25	16.95
Furniture stores	15.00	16.25	16.95
Barber and beauty shops	15.00	16.25	16.95
Dentist and doctor offices	15.00	16.25	16.95
Banks	15.00	16.25	16.95

Business garbage collection service to manufacturers, supermarkets, grocery stores and any business not previously mentioned shall be negotiated by the Service-Safety Director at rates consistent with those listed above. The Service-Safety Director shall also negotiate rates for collection service to a customer for pick-up more frequently than once a week. These negotiated rates shall be reviewed periodically by Council or by a committee of Council.

(b) The charges in subsection (a) hereof are based upon weekly pick-up services. For each additional pick-up service, if desired, the charge will be arrived at by negotiating with the Service-Safety Director.

(c) The Director is hereby authorized and directed to determine and fix fees for parties or firms, not above mentioned, based upon the cost of service provided.

(d) Each and every operator of a business, commercial or industrial operation who avails himself of the garbage and refuse collection shall pay such collection rate on or before the twentieth day of each month or a delinquency charge of ten percent (10%) shall be added to such account for failure to pay the account on or before the twentieth day of each month.

(e) Beginning November 1, 1989, there shall be a garbage surcharge in an amount of one dollar and fifty cent (\$1.50) per month on all collection rates for businesses, such surcharge to be in addition to the rates as set forth in subsection (a).

(f) Beginning November 1, 1989, there shall be of fee of two dollars and fifty cent (\$2.50) per month for customers using dumpsters. This amount is in addition to the fees set forth in subsections (a) and (e).

(g) The garbage and refuse collection, removal and disposition services provided for the benefit of every operator of a business, commercial or industrial operation, whether inside or outside the City, who avails himself of the garbage and refuse collection, removal and disposition service, shall be for garbage and refuse generated on the business, commercial or industrial operation premises only and in no event shall the garbage and refuse picked up at at business, commercial or industrial operation include garbage and refuse which was generated at a site other than that of the premises of the business, commercial or industrial operation. (Ord. 49-90. Passed 6-25-90.)

945.05 PREPARATION FOR COLLECTION.

- (a) Garbage, Domestic. All garbage shall be drained of all free liquid and shall be wrapped in several thicknesses of paper.
- (b) Garbage, Commercial. Garbage from hotels, clubs, restaurants, institutions and other establishments for group eating other than private residences need not be wrapped. Garbage resulting from handling, preparation or distribution of food and food products for consumption off the premises from such establishments, such as markets, commission houses, grocery stores, fruit and vegetable stands, bakeries, canneries, butcher shops and similar establishments, need not be wrapped. Such unwrapped garbage and waste shall be collected by the City under such rules and regulations as the Service-Safety Director shall from time to time establish. Undrained garbage of a liquid or semi-liquid nature will not be collected whether in containers or not.
- (c) Small Dead Animals. Small dead animals, killed by traffic and found upon streets and alleys, will be collected upon notification to the City.
- (d) Rubbish. Rubbish that is larger than can be contained in containers shall be securely tied and bundled in bundles not to exceed fifty pounds in weight and placed at the curb or alley. Parts of trees or shrubs shall be tied in bundles not to exceed three feet in length and eighteen inches in diameter. (Ord. 3-62. Passed 1-22-62.)

945.06 CONTAINERS.

No owner, tenant or lessee of any public or private premises shall permit the accumulation upon his premises of any garbage or rubbish unless it is placed and maintained as provided herein:

- (a) Provisions for Containers. The occupant or occupants of every single dwelling, two-family building, multiple unit or apartment building, where waste accumulates shall provide, keep clean and in place, proper containers as herein defined. These containers must be portable.
- (b) Broken Containers. Containers that are badly broken or otherwise fail to meet the requirements of this chapter may be classified as rubbish and after due notice to the owner may be collected as rubbish by the City.
- (c) Containers for Garbage. Portable containers for garbage shall be adequate in size and number to hold one week's accumulation and shall have a capacity of not less than ten nor more than thirty gallons, except that a household needing only one container a week for garbage may use one below the minimum size required and except where the Service-Safety Director issues a special permit

for a container of different size. The container shall be of substantial metal construction provided with handles or bails and a tight fitting cover, and no single container shall weigh more than seventy-five pounds when filled. The same type container shall be used for garbage mixed with other refuse. No garbage or food wastes of any description shall be placed in an uncovered container.

- (d) Containers for Rubbish. Portable containers for refuse other than garbage, shall be adequate in size and number to hold one week's accumulation of material. However, they shall not weigh more than seventy-five pounds when full. Containers shall be of reasonable substantial construction to permit handling.
- (e) Location of Containers. All containers shall be located at the curb or alley line. Containers shall not be placed under the eaves of any building in such a manner that water from the roof will enter them and any container filled or partially filled with ice or water will not be emptied.
(Ord. 3-62. Passed 1-22-62.)

945.07 FRANCHISE REQUIRED.

(a) No person shall transport for a fee any garbage, rubbish or other waste material collected from other persons within the City limits through the streets or alleys of the City unless Council has by ordinance granted specifically to that person a franchise for hauling of garbage, rubbish and other waste materials.

(b) Council hereby declares that the hauling of garbage, rubbish and other waste materials is a public utility for purposes of Section 4 of Article XVIII of the Ohio Constitution.

(c) The City desires fully to control hauling of garbage, rubbish and other waste materials within the City in order to assure the adequacy of collection, transportation and disposal of such garbage, rubbish and other waste materials.

(d) The City may grant franchises for the hauling of garbage, rubbish and other waste materials only to itself and to any other individual, entity or corporation which makes application for a franchise and has such application accepted by and approved by the City. The costs of any franchise granted pursuant to this section shall be ten thousand dollars (\$10,000) per year. (Ord. 146-01. Passed 12-10-01.)

(e) Once granted, a franchise for the hauling of garbage, rubbish or other waste material may be revoked by ordinance or resolution adopted in the usual manner provided by statute. (Ord. 12-95. Passed 2-13-95.)

945.071 NUMBER OF FRANCHISES PERMITTED.

There shall be no more than three (3) franchises issued within the City of Jackson. (Ord. 23-02. Passed 3-25-02.)

945.072 FRANCHISEES TO PROVIDE CUSTOMER LISTS.

Each franchisee operating under a franchise issued by the City shall, on a quarterly basis, provide the City with a list of all customers that the franchisee is providing or has provided services to during the quarter. (Ord. 23-02. Passed 3-25-02.)

945.073 NO FRANCHISE FEE REQUIRED FOR CERTAIN SERVICES.

The City may issue a franchise, as needed and as the City deems necessary, to providers of services for medical waste disposal, commercial compactors, and recycle dumpsters. No franchise fee shall be required of any provider of services for medical waste disposal, commercial compactors and recycle dumpsters.

Franchises issued for services for medical waste disposal, commercial compactors, and recycle dumpsters under this section shall not be subject to the requirements of Section 945.071.

The franchisee providing services for medical waste disposal, commercial compactors, and recycle dumpsters under this section shall be subject to the client list reporting requirements set forth in Section 945.072.

A franchise fee shall be required for all other services, including but not limited to roll-offs and temporary clean-up containers. (Ord. 46-08. Passed 4-28-08.)

945.08 AUTHORIZED COLLECTOR.

It shall be unlawful for any person other than Municipal street and alley cleaners, Municipal refuse collectors or other authorized persons to interfere with garbage and rubbish placed in the streets, alley and public places of the City, for collection by Municipal authorities, or to interfere in any manner with garbage and refuse receptacles in the City. (Ord. 3-62. Passed 1-22-62.)

945.09 OWNERSHIP OF REFUSE; SCAVENGING PROHIBITED.

All junk and other materials on the disposal sites of the City are the property of the City and no person is allowed to separate and collect, carry off or dispose of same, except under the direction of the Service-Safety Director. (Ord. 3-62. Passed 1-22-62.)

945.10 BURNING AND BURYING PROHIBITED.

No person, shall, within the limits of the City, throw any garbage upon the ground or bury the same on any premises public or private or burn the same except in a heating plant so designed as to thoroughly consume the same without causing a nuisance of smoke ash or offensive odors or burn the same in any manner that may constitute a fire hazard. (Ord. 3-62. Passed 1-22-62.)

945.11 LITTERING.

No person shall deposit or cause to be deposited, sort, scatter or leave any rubbish, earth, ashes, cinders, sawdust, ice, glass, manure, filth, paper, dirt, grass, leaves, twigs, brush, garbage or other offensive material in any public street, alley or public property of the City, nor on any private vacant property, except in approved private or public dumps, and except where certain of these materials are used in a normal manner for improving property by grading, fertilizing or surfacing. (Ord. 3-62. Passed 1-22-62.)

945.12 SCATTERING PAPER.

Old newspapers, handbills and waste paper, floor sweepings or other litter shall not be scattered or thrown upon public or private property but shall be deposited in public or private receptacles. (Ord. 3-62. Passed 1-22-62.)

945.13 DEPOSITING HARMFUL SUBSTANCES IN STREETS.

No person shall deposit or leave in any public street, alley or public place or in any private place or premises any glass, broken or not broken, any metals, stones, earthenware, tacks, cinders or other substance of a nature likely to cause injury to travelers or pedestrians, or to injure any animal, or which might injure, cut or puncture any pneumatic tire. (Ord. 3-62. Passed 1-22-62.)

945.14 UTILITY USERS DEEMED RECIPIENTS OF GARBAGE SERVICE.

For all purposes in connection with the enforcement of this chapter, all residents and nonresidents of the City, obtaining any utility service from the City, including electric, water or sewer, and all operators of a business, commercial or industrial establishment, whether within or outside the City, obtaining any utility service from the City, including electric, water or sewer, shall be considered recipients of the use and benefit of the garbage and refuse collection, removal and disposition, commercial or industrial service provided by the City. The fact that they are receiving utility services from the City shall be prima-facie evidence of the fact that they are availing themselves of such service, and/or the benefit of such service. This section shall exclude any commercial or industrial customer who pays for dumpster service to the City or any vendor with a current franchise fee in the City. (Ord. 14-04. Passed 1-26-04.)

945.15 FEES TO BE ADDED TO ELECTRIC BILLS.

The monthly fees and charges, provided for above, against each resident of the City, as hereinbefore defined, and against each operator of a business, commercial or industrial establishment within the City, as hereinbefore defined, shall for billing purposes only, be added to the bill for electric current each month and billed with the bill for electric current. (Ord. 3-62. Passed 1-22-62.)

945.16 EXEMPTION FROM CHARGES; PROOF.

(a) Any operator of a business, commercial or industrial establishment within the City as hereinbefore defined, may be exempted from the City's garbage and trash collection services, and from garbage and trash charges, only upon presentation to the Service-Safety Director of proof that such service is provided by an alternate commercial trash hauler licensed by the City in accordance with Section 945.07.

(b) Any resident within the City as hereinbefore defined, may be exempted from the City's garbage and trash collection services and from garbage and trash charges, only upon presentation to the Service-Safety Director of a certificate from the County or State Health Department showing that the resident uses a healthful, sanitary and lawful alternative method of disposing of all of the resident's garbage and trash. A resident may not be exempted from garbage and trash charges merely because the resident himself hauls garbage and trash away from the residence, or engages any other person to haul garbage and trash away from the residence. Licensed commercial trash haulers are not authorized to haul garbage and trash away from private residences. (Ord. 39-84. Passed 4-23-84.)

945.17 APPLICATION FOR EXEMPTION.

All operators of a business, commercial or industrial establishment within the City, and residents, as hereinbefore defined, seeking to be exempted from the payment of garbage and trash charges, shall make written application for such exemption to the Service-Safety Director, who shall consider such application and either grant or deny the exemption. (Ord. 39-84. Passed 4-23-84.)

945.18 DEPOSIT FOR CERTAIN NONRESIDENT CUSTOMERS.

Every user of the garbage and refuse collection service who is not a resident, and who does not receive electric service from the City, shall make a deposit to the City of ten dollars (\$10.00) as a condition for using the garbage and refuse collection service. (Ord. 78-80. Passed 11-10-80.)

945.19 COLLECTION AND DISPOSAL OF BRUSH.

If any resident hires or employs any person, whether an individual or a business entity, to cut and remove brush from the resident's premises, then the resident shall be solely responsible for the collection, removal and proper disposal of the brush from the resident's premises.

If any resident cuts and removes brush from the resident's premises, and the resident has not hired or employed any person, whether an individual or business entity, to perform the cutting and removal of the brush, then the City will collect, remove and dispose of the brush if the brush has been properly placed in an appropriate pick-up location. (Ord. 29-88. Passed 4-11-88.)

945.20 GARBAGE SURCHARGE.

Each and every residential, business, commercial and industrial garbage customer shall be charged a monthly surcharge of one dollar (\$1.00). This surcharge shall terminate on June 30, 2002. (Ord. 27-01. Passed 6-11-01.)

945.99 PENALTY.

Whoever violates any provision of this chapter shall be fined by a one hundred dollar (\$100.00) per violation per day fine as long as the violation continues. Each day or portion thereof during which a violation occurs shall be considered a separate offense. (Ord. 24-02. Passed 2-25-02.)

CHAPTER 949
Municipal Auditorium

949.01	Use; deposit fee.	949.13	Removal of equipment by licensee; waiver for loss or damage.
949.02	Application; permit.	949.14	License termination, unusual occurrence.
949.03	Utilities; chairs.	949.15	Allocation of refund.
949.04	Janitorial services; fee.	949.16	Extended use.
949.05	Security protection required.	949.17	License revocation.
949.06	Juvenile entertainment; supervision.	949.18	Lease agreement.
949.07	Building control; authority.	949.19	Fee schedule for playing basketball in auditorium.
949.08	License assignment; permission.	949.20	Fees for other uses.
949.09	License refusal.	949.21	Part-time employee.
949.10	Decorative materials; permission.		
949.11	Stage rigging, apparatus, equipment changes; licensee expense; approval.		
949.12	Use of other facilities; extra charges for utilities.		

CROSS REFERENCES

Lease or sale of Municipal property - see Ohio R.C. 721.01
Use of public buildings - see Ohio R.C. 721.23

949.01 USE; DEPOSIT FEE.

Any person, desiring the use of such auditorium located in the Municipal Building on Broadway Street in the City, for a purpose or use at which a charge of money or anything of value shall be made or requested to gain admission or at which a donation of money or anything of value shall be requested or solicited of any person or persons attending such event prior to, during or subsequent to the performance or event shall first deposit with the Mayor or Service-Safety Director the sum of two hundred fifty dollars (\$250.00) for each period of use of twenty-four consecutive hours or less. (Ord. 19-71. Passed 6-28-71.)

949.02 APPLICATION; PERMIT.

The person, desiring the use of such auditorium shall then apply to the Mayor or Service-Safety Director for a permit to use such auditorium which application shall be in writing and shall contain the following:

- (a) The full and correct name and address of the person, making or in whose behalf such application is made;
- (b) The activity, function, use, event, purpose or performance intended to be done, performed, promoted or staged;
- (c) The amount of the admission charge to be made or solicited;
- (d) The time at which such activity, function, use, event or performance shall begin and the time it is expected to terminate;

- (e) The full and correct name, age and address of the person making such application and his or her connection with or authority to represent the person, on whose behalf such application is made; and shall release and discharge the City, all officials and representatives thereof from any claim for damages to person or property resulting from the use of such auditorium by such licensee and covenant and agree to hold and save such City, all officials and representatives thereof harmless from any loss, claim or damage resulting therefrom; and such additional information deemed necessary or desirable by the Mayor or Service-Safety Director.
(Ord. 19-71. Passed 6-28-71.)

949.03 UTILITIES; CHAIRS.

Upon the granting of the application to use such auditorium, the City shall furnish to such licensee heat, water, light and 250 folding chairs. Additional chairs will be provided by the City at a rental of ten dollars (\$10.00) for each additional 100 chairs or fractional part thereof for each period of use of twenty-four consecutive hours or less.
(Ord. 19-71. Passed 6-28-71.)

949.04 JANITORIAL SERVICES; FEE.

The City shall not provide janitorial or maid service to the licensee and such licensee shall pay to the City an additional sum of twenty dollars (\$20.00) for each period of use of twenty-four consecutive hours or less and the janitor regularly employed by the City will perform for such licensee ordinary janitorial services.
(Ord. 19-71. Passed 6-28-71.)

949.05 SECURITY PROTECTION REQUIRED.

Each licensee shall provide adequate security protection and, for such purpose, shall do one of the following:

- (a) Employ at his expense a minimum of two police officers of the City at the rate of twenty dollars (\$20.00) each for six hours or less for any use or event, or
(b) Provide at his expense security arrangements acceptable to the Mayor or the Service-Safety Director, provided that such acceptance is expressed in writing.
(Ord. 36-81. Passed 4-11-81.)

949.06 JUVENILE ENTERTAINMENT; SUPERVISION.

Any licensee who intends the use of such auditorium primarily for juvenile entertainment must provide such supervision as may be deemed necessary by the Chief of Police. (Ord. 19-71. Passed 6-28-71.)

949.07 BUILDING CONTROL; AUTHORITY.

The auditorium, including the keys thereto, shall at all times be under the control of the Service-Safety Director and he or his representative and the Chief of Police, and any police officer of the City shall have the right to enter the premises at any and all times during the period covered by the license to use such auditorium.
(Ord. 19-71. Passed 6-28-71.)

949.08 LICENSE ASSIGNMENT; PERMISSION.

No licensee shall assign or attempt to assign such license or any privilege granted thereunder without the consent in writing first having been obtained from the Mayor of Service-Safety Director.
(Ord. 19-71. Passed 6-28-71.)

949.09 LICENSE REFUSAL.

The Mayor or the Service-Safety Director is authorized to refuse to grant a license to any person, to use such auditorium if such intended use would be contrary to sound public policy or if such intended use would be objectionable to the public, or if such intended use is reasonably expected to be for an illegal or immoral purpose, in whole or in part. (Ord. 19-71. Passed 6-28-71.)

949.10 DECORATIVE MATERIALS; PERMISSION.

No licensee shall install or attach any decoration or other materials to any part of the auditorium or the building in which it is located that may cause damage to the building in such installation, attachment or removal, and no bunting, tissue paper, plastics or other inflammable materials shall be used for decorative purposes or otherwise, except under express arrangements made therefor with the Mayor or the Service-Safety Director and the Fire Chief as to the extent and the manner of use of such materials. (Ord. 19-71. Passed 6-28-71.)

949.11 STAGE RIGGING, APPARATUS, EQUIPMENT CHANGES, LICENSEE EXPENSE; APPROVAL.

Each licensee shall accept the premises in the condition he finds them, and in the event any licensee determines it necessary to remove or change the location of any stage rigging, apparatus or equipment, such changes shall be made at his sole expense and any change in stage rigging, apparatus or equipment shall, at the sole expense of the licensee, be restored to the place and condition in which such were found. No licensee shall erect or attempt to erect any stand, platform, railing or other structure in the auditorium until and unless a plan or description thereof is filed with and approved by the Mayor or the Service-Safety Director. (Ord. 19-71. Passed 6-28-71.)

949.12 USE OF OTHER FACILITIES; EXTRA CHARGES FOR UTILITIES.

The licensee and his customers and performers shall be permitted to use the dressing rooms, showers, lavatories and toilet facilities located in the rooms adjacent to the auditorium. In the event the application for the license to use such auditorium indicates the intended purpose of such use will result in the consumption of electric current or water greater in quantity than as in ordinary use or in the event the Mayor or Service-Safety Director determines such fact after such license has been issued, the licensee will, after notice by the Mayor or Director, pay forthwith an amount estimated by the Mayor or Director sufficient to defray the cost of such electric current or water used or to be used in excess of ordinary use. (Ord. 19-71. Passed 6-28-71.)

949.13 REMOVAL OF EQUIPMENT BY LICENSEE; WAIVER FOR LOSS OR DAMAGE.

The licensee shall remove all his equipment and effects immediately after the use of such auditorium and shall leave the same in a neat and orderly manner, and in the event such equipment and effects are not so removed by the licensee, the City officials or employees may remove such at the licensee's expense or, in the alternative, charge rental for the continued use of such auditorium at the rates herein set forth.

In the event such equipment and effects of the licensee are removed from the auditorium by City officials or employees, the licensee waives any claim for loss or damage thereto and

discharges and releases the City, its officials and employees from any such claim for damage to or loss of such equipment and effects and consents that such may be sold at private or public sale, without notice to the licensee or to anyone owning such equipment and effects or claiming an interest therein, to pay any unpaid rental, costs, charges or expenses of such licensee remaining due and unpaid, including the costs and expenses of such removal and sale. (Ord. 19-71. Passed 6-28-71.)

949.14 LICENSE TERMINATION, UNUSUAL OCCURRENCE.

In the event of fire, casualty, or other unforeseen occurrence which renders impossible the fulfillment by the City of any license issued hereunder, such license shall immediately terminate; and in such event, the licensee shall pay only for the time the premises are actually used by it and the licensee shall, as a condition to the issuance of such license, waive any claim for loss or damage resulting from such termination. (Ord. 19-71. Passed 6-28-71.)

949.15 ALLOCATION OF REFUND.

Any licensee, his agents, servants, employees, invitees, customers or guests, shall use and occupy the premises in a neat, clean, and orderly manner and shall not violate or permit the violation of any law, statute, ordinance or regulation.

- (a) Any licensee, immediately after the completion of his use of such auditorium and the complete removal of his equipment and effects or the equipment and effects brought into such auditorium or used in connection with such license, shall report such fact to the Mayor or Service-Safety Director who, after a reasonable time, not exceeding thirty-six hours, shall carefully examine the auditorium and all facilities adjacent thereto and equipment and furnishings owned or supplied by the City as a part thereof, and if he determines that no loss thereof has occurred or damage thereto has been sustained and such auditorium and the facilities adjoined thereto and equipment and furnishings owned or supplied by the City are returned and restored to it in the same condition as they were at the time such license was issued, reasonable wear and tear from use excepted, and all charges for janitor services and police protection have been paid in full, the Mayor or Director shall refund to such licensee the sum of one hundred dollars (\$100.00).
- (b) In the event loss or damage has occurred and such auditorium and the facilities adjacent thereto and equipment and furnishings owned or supplied by the City are not returned and restored to the City by the licensee in the same condition as they were at the time such license was issued, reasonable wear and tear from use excepted, no refund to the licensee shall be made and the Mayor or Director shall as soon as reasonably convenient, determine the nature and extent of such loss or damage and the cost of repairing, replacing or restoring the same to the condition existing immediately prior to the issuance of such license, which cost shall be deducted from the sum of one hundred dollars (\$100.00) allocated for refund to the licensee in the event no loss or damage had been sustained, and in the event such loss or damage exceeds one hundred dollars (\$100.00), the licensee shall immediately pay to the City any such amount in excess of one hundred dollars (\$100.00).
- (c) In the event such licensee fails or refuses to pay any such amount in excess of one hundred dollars (\$100.00) in addition to all other remedies and means to collect such amount, such licensee or any person, firm, association or corporation

referred to in the application for such license shall not be granted a license or permit to use such auditorium at any future time until any and all such amounts are paid in full.

(Ord. 19-71. Passed 6-28-71.)

949.16 EXTENDED USE.

The provisions of this chapter shall not apply to or be interpreted to apply to one request per year to use such auditorium, dressing rooms, showers, lavatories and toilet facilities located in the rooms adjacent to the auditorium in the event such request is made by or on behalf of any use sponsor, intending to use such auditorium and facilities for:

- (a) Any activity or function sponsored or presented by the schools of Jackson Local School District of Jackson County, Ohio;
- (b) Any political meeting or function at which no admission is charged and no donation or contribution is solicited or requested;
- (c) Any interdenominational religious meeting, function or activity at which the public is invited to attend;
- (d) Any sports or athletic event sponsored or presented by the Jackson Local School District of Jackson County, Ohio, or the Recreation Commission of the City;
- (e) Any lodge, fraternal organization or union having an order, chapter, or headquarters in the City;
- (f) Any activity or use sponsored by the City, or any department thereof; by the County of Jackson, Ohio, the State, or by the Federal government, or subsidiary departments or divisions established by such governments;
- (g) Any convention, cooking school, exhibition, lecture or musical that is open to the general public and at which no admission is charged or no donation or contribution is solicited or requested; and
- (h) Any civic or charitable organization or group such as Rotary, Lions, Garden Clubs, Women's Clubs and Societies, wherein any income or proceeds of such meeting or use or function shall be distributed to the needy or for charitable purposes.

"Use sponsor" means the person or group of persons who would pay auditorium fees but for the provisions of this section.

(Ord. 27-81. Passed 3-9-81.)

949.17 LICENSE REVOCATION.

Any license issued under this chapter may be revoked by the Mayor or Service and Safety Director for any of the following causes:

- (a) Fraud, misrepresentation or false statement contained in the application;
- (b) Any violation of the provisions of this chapter; and
- (c) Any conduct or use of, in the auditorium or adjacent facilities in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the public.

(Ord. 19-71. Passed 6-28-71.)

949.18 LEASE AGREEMENT.

The provisions of this chapter are subject to the terms and conditions of that certain lease agreement and agreement by and between the City and Jefferson Howe Post Number 81, Inc. of The American Legion made and entered into on the fourth day of May, 1942, pursuant to authorizing Ordinance Number 353.

(Ord. 19-71. Passed 6-28-71.)

949.19 FEE SCHEDULE FOR PLAYING BASKETBALL IN AUDITORIUM.

At times when the City's basketball program is not using the Auditorium, then the Memorial Auditorium may be rented to the public for basketball use as follows:

- (a) The Memorial Auditorium may be rented for a two hour-period at a rate of twenty-five dollars (\$25.00), regardless of the number of people in the party.
- (b) The scheduling of the use of the Municipal Auditorium under this section shall be done by the Service/Safety Director.

(Ord. 98-87. Passed 11-9-87.)

949.20 FEES FOR OTHER USES.

If any individual or group wishes to rent the Memorial Auditorium for any use which is not specifically provided for herein, then the Service/Safety Director shall negotiate a rental amount for the use of the Auditorium.

(Ord. 98-87. Passed 11-9-87.)

949.21 PART-TIME EMPLOYEE.

At all times the Memorial Auditorium is rented for any purpose, a part-time employee hired by the City shall be present, and such employee shall be under the supervision of the Safety/Service Director. The rate of pay for such employee shall be the legal minimum hourly wage, and such rate of pay may only be amended by action of Council.

(Ord. 98-87. Passed 11-9-87.)

CHAPTER 953
Parks

<p>953.01 Establishment. 953.02 Authorized facilities. 953.03 Operation of boats on Hammertown Lake. 953.04 Fishing and hunting. 953.05 Operation of motor boats prohibited. 953.06 Maintenance and policing of park areas.</p>	<p>953.07 Contributions for development of park. 953.08 Construction of sanitary facilities and parking areas. 953.09 Hammertown Lake Park Development and Operating Fund established. 953.10 Use of reservoir regulated. 953.99 Penalty.</p>
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CROSS REFERENCES

Board of Park Commissioners - see Ohio R.C. 755.01 et seq.

Playgrounds - see Ohio R.C. 755.12 et seq.

Recreation Board - see Ohio R.C. 755.14 et seq.

Power to regulate vehicle speed in parks - see Ohio R.C. 4511.07(E)

953.01 ESTABLISHMENT.

The Water Service Commission is hereby authorized and directed to proceed with the establishment of a public park area, within the City owned lands surrounding Hammertown Lake, in accordance with the general proposal, as submitted in writing, by the Commission to Council, and fully incorporated in the minutes of Council.
(Ord. 9-61. Passed 5-8-61.)

953.02 AUTHORIZED FACILITIES.

In addition to the general establishment of such a public park area and in connection therewith, the Water Service Commission is hereby specifically authorized to establish boat docks and fishing piers, picnic tables, stoves and other reasonable picnic area facilities, in accordance with plans now on file in the office of the Water Service Superintendent.
(Ord. 9-61. Passed 5-8-61.)

953.03 OPERATION OF BOATS ON HAMMERTOWN LAKE.

The Water Service Commission is hereby authorized to permit the operation of row boats, sail boats and canoes upon the waters of Hammertown Lake.
(Ord. 11-66. Passed 3-28-66.)

953.04 FISHING AND HUNTING.

The Water Service Commission is hereby authorized to develop Hammertown Lake and the City-owned lands surrounding such, for fishing and hunting, in cooperation with the Wild Life Bureau of the State Department of Natural Resources. Any and all hunting and fishing in Hammertown Lake and the City-owned lands surrounding such shall be controlled by the Commission and shall be conducted strictly in conformity with the laws of the State, and the rules and regulations of the Wild Life Bureau of the State Department of Natural Resources and the rules and regulations to be established by the Commission.
(Ord. 9-61. Passed 5-8-61.)

953.05 OPERATION OF MOTOR BOATS PROHIBITED.

The operation of motor boats upon Hammertown Lake is hereby prohibited. "Motor boats" for purposes of this section include all boats powered by gasoline motors, or by electric motors of greater than four horsepower, but shall not include boats powered by electric motors of four horsepower or less.
(Ord. 29-80. Passed 6-23-80.)

953.06 MAINTENANCE AND POLICING OF PARK AREAS.

The construction, maintenance, supervision and policing of the public park areas, as hereinafter authorized, shall be under the control of the Water Service Commission and the necessary labor shall be furnished by the Water Service Department, as needed, by assignment of the superintendent.
(Ord. 9-61. Passed 5-8-61.)

953.07 CONTRIBUTIONS FOR DEVELOPMENT OF PARK.

The Water Service Commission is hereby authorized to accept contributions from individuals, clubs and organizations of the City, either of money or labor and materials, for use in connection with the development of such public park area of Hammertown Lake; provided that, any such labor volunteered, shall be under the control and direction of the Commission; and provided that, any materials or items of equipment donated must all be of uniform design, in accordance with plans on file in the office of the Water Service Superintendent. (Ord. 9-61. Passed 5-8-61.)

953.08 CONSTRUCTION OF SANITARY FACILITIES AND PARKING AREAS.

In connection with the development of such public park area the Water Service Commission is hereby specifically authorized to establish a parking area and to construct such sanitary facilities as may be reasonably necessary. Such being constructed in accordance with plans on file or to be filed in the office of the Water Service Superintendent.
(Ord. 9-61. Passed 5-8-61.)

953.09 HAMMERTOWN LAKE PARK DEVELOPMENT AND OPERATING FUND ESTABLISHED.

The Water Service Commission is hereby authorized to set up and establish a special fund to be known as "The Hammertown Lake Park Development and Operating Fund" into which all contributions, donations, fees and payments from the State shall be received and from which all expenditures in connection with park development and operation be paid.
(Ord. 9-61. Passed 5-8-61.)

953.10 USE OF RESERVOIR REGULATED.

(a) Row, canoe, sail and electric-powered boats only shall be permitted use of the reservoir.

(b) All boat owners shall obtain permits from the City.

(c) Boat owners having boats on the lake shall comply with the State Boating Laws.

(d) No boats shall be allowed within one hundred fifty feet of the dam and spillway or any area that is marked "Restricted".

(e) All boats shall be loaded and unloaded from the place provided for such purpose.

(f) All persons using the area shall comply with the hunting and fishing laws and regulations of the State.

(g) No one shall be allowed on the Dam.

(h) The opening and closing dates for the recreation area shall be determined by the Water Service Commission of the City each year and these dates shall be published for the information of all persons residing in the community. The area shall not be used when it is not open.

(i) Swimming or bathing in the lake is prohibited.

(j) No intoxicating beverages shall be brought into the park area.

(k) Motor vehicle speed in the park shall be as posted.

(l) Parking of motor vehicles shall be permitted only in areas prepared and marked by signs for this purpose.

(m) Fires in the area shall be built only in places provided for fires.

(n) No person shall damage or destroy any property, equipment or facilities in the park area.

(o) No person shall disturb the peace in the area.

(p) No camping will be allowed except by special permission from the Water Service Commission.

(Ord. 26-78. Passed 8-3-78.)

953.99 PENALTY.

(a) Whoever violates any provision of this chapter shall be fined not more than one hundred dollars (\$100.00).

(b) Whoever violates any provision of Section 953.10 (a) through (e) inclusive, hereof, shall have his boat permit revoked.

(Ord. 12-63. Passed 5-27-63.)

CHAPTER 957
Municipal Pool

957.01 Rates and rentals.

957.02 Hours.

957.01 RATES AND RENTALS.

Admission rates and rentals for the Municipal Pool Complex for the 2008 season shall be as follows:

(a) General admission:

Open swim - regular admission	\$2.00
Open swim - Jackson City Schools student pass	1.00

(b) Season Tickets:

(1) Individual passes:

A. Regular season pass	\$35.00
B. Jackson City Schools student	15.00

(2) Family passes:

A. Up to four members in same household	\$50.00
B. Same household, each additional member	10.00

(c) Pool Party (City to provide concession and lifeguard):

(1) Two hours or less	\$100.00
(2) If a group exceeds more than 50 persons, there shall be an additional charge	25.00

(Ord. 41-08. Passed 4-28-08.)

957.02 HOURS.

The Municipal Pool Complex shall be open during the swimming season at hours as set by Director of Public Service/Safety. Unless otherwise ordered, the Municipal Pool Complex shall close at 10:00 p.m.

(Ord. 41-08. Passed 4-28-08.)

CODIFIED ORDINANCES OF JACKSON
PART ELEVEN - PLANNING AND ZONING CODE

EDITOR'S NOTE: Ordinance 84-83, passed September 26, 1983, adopted a new City Zoning Ordinance and repealed former Part Eleven. The new Zoning Ordinance is published separately and not codified herein. Ordinance 114-83, passed November 14, 1983, established a fee for a sign permit pursuant to Chapter IV, Section B.6, a. of Ordinance 84-83.

CODIFIED ORDINANCES OF JACKSON
PART THIRTEEN - BUILDING CODE

- Chap. 1301. General Provisions.
- Chap. 1305. Building Official.
- Chap. 1309. Board of Appeals.
- Chap. 1311. Building Permits.
- Chap. 1313. Utilities.
- Chap. 1314. Residential Subdivision Street and
Utilities Construction Policy.
- Chap. 1315. Construction Requirements.
- Chap. 1319. Certificate of Occupancy.
- Chap. 1323. Unsafe Buildings.
- Chap. 1327. Swimming Pool Enclosures.
- Chap. 1331. Flood Damage Prevention.
- Chap. 1333. Fire Loss Insurance Proceeds.
- Chap. 1337. Drainage Requirements.
- Chap. 1339. Freestanding Antennas and Towers.

CODIFIED ORDINANCES OF JACKSON
PART THIRTEEN - BUILDING CODE

CHAPTER 1301
General Provisions

1301.01	Purpose.	1301.03	Definitions.
1301.02	Scope.	1301.99	Penalty and abatement.

CROSS REFERENCES

Ohio Building Code - see Ohio R.C 3781.10
 Interpretation of zoning standards - see P. & Z. 1111.02
 Application of zoning ordinance - see P. & Z. Ch. 1115
 Use regulations - see P. & Z. Ch. 1119

1301.01 PURPOSE.

The purpose of this chapter is to provide for the public safety, health and welfare through structural strength and stability, means of ingress and egress, adequate light and ventilation, and protection to life and property from fire and hazards incident to design, construction, alteration, removal or demolition of buildings and structures, or of traffic conditions created or magnified by such design, construction, alteration, removal or demolition. (Ord. 11-79. Passed 2-26-79.)

1301.02 SCOPE.

The provisions of this chapter shall apply to the construction, alteration, equipment, use and occupancy, location and maintenance of buildings and structures and to appurtenances such as vaults, areaways and street encroachments hereafter erected, and where expressly stated and to buildings and structures and equipment for the operation thereof. The provisions of this chapter, based on occupancy, shall also apply to existing buildings and structures or portions thereof, converted from one occupancy classification to another. (Ord. 3-61. Passed 1-23-61.)

1301.03 DEFINITIONS.

As used in this chapter:

- (a) "Building" means a structure whether used as a house for residence, business, commercial, industrial use or for the storage of goods.
- (b) "Residential building" means any building or any part thereof where one or more persons is living or which, if unoccupied, is held out by the owner thereof to prospective tenants as living quarters or which, if unoccupied, the last occupant of such building or any part thereof used such building as living quarters.
- (c) "Outbuilding" means any building adjacent to a commercial or industrial residential building or used in connection therewith.
- (d) "Commercial or industrial building" means any building or portion thereof which is used as a business establishment, regardless of whether or not such business is operated for profit or nonprofit and regardless of whether or not such business is wholesale, retail or manufacturing.
- (e) In the event that any commercial or industrial building as above defined also has within such structure a residence as above defined, then the whole structure of such commercial or industrial building shall be determined a commercial or industrial building.
(Ord. 50-65. Passed 5-24-65.)

1301.99 PENALTY AND ABATEMENT.

(a) Whoever violates any provision of this chapter or fails to comply therewith or with any of the requirements thereof or who shall erect, construct, alter or repair or has erected, constructed, altered or repaired a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or a permit or certificate issued thereunder, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both. The owner of a building or structure, or portion thereof, or of the premises where anything in violation of this chapter shall be placed or shall exist, and an architect, engineer, builder, contractor, agent, person or corporation, employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both.

(b) The imposition of the penalties herein prescribed shall not preclude the City Solicitor from instituting an appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building or structure or portion thereof, or of the premises or to prevent an illegal act, conduct, business or use in or about any premises.

(Ord. 3-61. Passed 1-23-61.)

CHAPTER 1305
Building Official

- | | | | |
|---------|--|---------|--------------------------|
| 1305.01 | City Engineer to serve as building official. | 1305.02 | General duties. |
| | | 1305.03 | Inspection of buildings. |

CROSS REFERENCES

- Zoning interpretation - see P. & Z. Ch. 1111
Application and enforcement of Zoning Code - see P. & Z. Ch. 1115

1305.01 CITY ENGINEER TO SERVE AS BUILDING OFFICIAL.

The City Engineer shall perform the duties of building official. In the absence of the City Engineer, the Service-Safety Director or one of his assistants appointed by him will act as building official.

(Ord. 3-61. Passed 1-23-61.)

1305.02 GENERAL DUTIES.

The building official shall enforce all laws and ordinances relating to the construction, alteration, removal and demolition of buildings and structures.

(Ord. 3-61. Passed 1-23-61.)

1305.03 INSPECTION OF BUILDINGS.

The building official in full discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

(Ord. 3-61. Passed 1-23-61.)

CHAPTER 1309
Board of Appeals

1309.01 Composition.

1309.02 Appeals.

CROSS REFERENCES

Purpose and scope of Building Code - see BLDG. 1301.01, 1301.02

1309.01 COMPOSITION.

The Mayor, the Chairman of the Street and Building Committee and the President of Council shall constitute a Board of Appeals.
(Ord. 3-61. Passed 1-23-61.)

1309.02 APPEALS.

Any person aggrieved or the head of any agency of the Municipality may take an appeal to the Board of Appeals from any decision of the building official.
(Ord. 3-61. Passed 1-23-61.)

CHAPTER 1311
Building Permits

<p>1311.01 Permit required. 1311.02 Application. 1311.03 Permit fees. 1311.04 Final inspection; fees. 1311.05 Drawings and material specifications of proposed work required.</p>	<p>1311.06 Expiration of permit; renewal of permit. 1311.07 Permit display. 1311.08 Notice before commencement of work. 1311.99 Penalty.</p>
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CROSS REFERENCES

Occupancy and zone classifications - see BLDG. Ch. 1119
Provisions for utilities required - see BLDG. 1313.01

1311.01 PERMIT REQUIRED.

(a) No person shall construct, alter, extend, remove or demolish or commence construction, alteration, extension, removal or demolition of a building or structure or install equipment for the operation of a building or structure without first filing with the building official an application in writing and obtaining a formal permit. A permit for demolition shall expire within a period of sixty days from the date such permit was granted except that such permit shall be extended for a period of three months upon the application of the permit holder prior to the expiration of the aforementioned sixty day period to the Board of Appeals as defined in Chapter 1309. (Ord. 07-05. Passed 2-28-05.)

(b) No permit shall be required for the commencement of minor repairs, remodeling and general maintenance of a residence, commercial or industrial building as long as the cost of repairs, remodeling and general maintenance does not exceed the sum of two thousand dollars (\$2,000) and also as long as the repairs, remodeling and general maintenance does not include the installation of a new bathroom or toilet facilities within such building. (Ord. 51-65. Passed 5-24-65.)

(c) No permit shall be required for seasonal temporary swimming pool structures. A seasonal temporary swimming pool structure is a structure which is removed at the end of each swimming season.

Seasonal temporary swimming pool structures shall be required to have fencing in accordance and in compliance with the fencing requirements set forth in Chapter 1327. (Ord. 116-04. Passed 7-12-04.)

1311.02 APPLICATION.

(a) An application for a permit shall be submitted in such form as the building official may prescribe. Such application shall contain the full names and addresses of the applicant and of the owner, and if the owner is a corporate body, its responsible officer.

(b) The permit issued by the building official under the provisions of this chapter shall have his signature affixed thereto, but this shall not prevent him from authorizing a subordinate to affix the building official's signature.
(Ord. 3-61. Passed 1-23-61.)

1311.03 PERMIT FEES.

The fee for issuance of a building permit for residential buildings, outbuildings, swimming pools, commercial and industrial buildings shall be according to the following table:

<u>Construction Cost</u>	<u>Permit Fee</u>	<u>Construction Cost</u>	<u>Permit Fee</u>
Up to \$10,000	\$ 15.00	\$ 32,000	\$ 48.00
12,000	18.00	50,000	75.00
14,000	21.00	60,000	90.00
16,000	24.00	70,000	105.00
18,000	27.00	80,000	120.00
20,000	30.00	90,000	135.00
22,000	33.00	100,000	150.00
24,000	36.00	over 100,000	or less
26,000	39.00	than 250,000	
28,000	42.00	over 250,000	
30,000	45.00		500.00

The fee for issuance of a demolition permit shall be ten dollars (\$10.00) for a residence or any outbuilding or forty dollars (\$40.00) for any commercial or industrial building.

In addition, the fee for final inspection shall be payable when the building permit is issued. (Ord. 45-89. Passed 7-24-89.)

1311.04 FINAL INSPECTION FEE.

The fee for final inspection of a completed new building or other structure shall be equal to the permit fee but not less than thirty dollars (\$30.00), payable at the time the building permit is issued. The final inspection of any newly constructed public building shall be made by the City Building Inspector and also by the Factory and Building Division of the Department of Industrial Relations of the State of Ohio.
(Ord. 59-97. Passed 7-14-97.)

1311.05 DRAWINGS AND MATERIAL SPECIFICATIONS OF PROPOSED WORK REQUIRED.

The Building Official shall, before issuing the permit, require detailed drawings showing a plan of the proposed work, size of the lot or lots, based on a current survey, the position of the building on the lot and floor line elevation of above street level opposite, together with abutting street or streets, location of available sanitary sewer, water main, fuel gas main or location of fuel oil burning equipment or coal bin, whichever fuel is to be used. The drawings will also show a front and side elevation of the building, and a complete written and signed statement of specifications of the materials to be used in construction.
(Ord. 45-89. Passed 7-24-89.)

1311.06 EXPIRATION OF PERMIT; RENEWAL OF PERMIT.

A permit shall expire three months after the date of issuance, unless such permit is extended through the Building Official.
(Ord. 07-05. Passed 2-28-05.)

1311.07 PERMIT DISPLAY.

A copy of the permit shall be kept on the premises for public inspection during the prosecution of the work and until the completion of such. The building official may require a certified copy of the approved plans to be kept on the premises at all times from the commencement of the work to the completion thereof.
(Ord. 3-61. Passed 1-23-61.)

1311.08 NOTICE BEFORE COMMENCEMENT OF WORK.

The building official shall be given at least twenty-four hours notice of the starting of work under a permit.
(Ord. 3-61. Passed 1-23-61.)

1311.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for the general Building Code penalty if no other penalty is provided.)

CHAPTER 1313
Utilities

1313.01	Provisions for utilities required; septic tanks.	1313.05	Sanitary sewer connections; storm sewer connections; costs.
1313.02	City water required.	1313.06	Registered plumber to make sewer connection; inspection.
1313.03	Water main taps and line renewals; costs.	1313.99	Penalty.
1313.04	Use of City sewer system required.		

CROSS REFERENCES

Sewers - see S.U. & P.S. Ch. 925
Water service - see S.U. & P.S. Ch. 929
Licensing of plumbers - see BUS. REG. Ch. 707

1313.01 PROVISIONS FOR UTILITIES REQUIRED; SEPTIC TANKS.

No permit for construction will be issued unless provisions have been made by the owner for all the necessary utilities consisting of water, light, storm and sanitary drainage to serve the property without cost to the City.

Septic tanks for sanitary drainage will not be permitted unless the sanitary sewer main is more than 200 feet distant from the property to be drained, in which case a septic tank must be constructed and used according to the design and regulations of the County Department of Health. At any time in the future when the sanitary sewer system of the City becomes available to the owner within a distance of 200 feet to the owner's property, the owner at his own cost shall construct a connection to the sewer system with not less than four inches lateral which shall meet the approval of the building official and shall discontinue the use of the septic tank. No sewage lifts of any kind will be permitted excepting on the property of the owner of a building unit. (Ord. 3-61. Passed 1-23-61.)

1313.02 CITY WATER REQUIRED.

All new construction units shall be required to use City water unless otherwise approved, and a further endorsement by the Superintendent of Water Service shall be required on the permit issued by the building official. The user, under the direction of the Superintendent, shall direct that the connection to the City water main will consist of tapping the water main by using service clamps, corporation stops, copper service pipes, curb boxes, compression stops, meter setting equipment, stops and drains, regulation and relief valves. (Ord. 3-61. Passed 1-23-61.)

1313.03 WATER MAIN TAPS AND LINE RENEWALS; COSTS.

The work of construction either to tap the water main or to renew the water service line shall be performed by the City under the direction of the Superintendent of Distribution, who shall have the authority in his discretion to design the water tap or water line renewal, including thickness of pipe. The fee for tapping the water main shall be as follows:

Benefit Use Fee, for all tap requests \$250.00

Tap costs shall be calculated at the time of request and shall be the actual cost of the materials and labor to complete the tap or line renewal.

For 3-inch and larger taps, if the contractor digs and installs the sleeve and valve, the City charge will be as follows:

\$250.00 Benefit Use Fee plus \$300.00 labor to cut the main.

If the project is federally funded, there will be no tap fee charged.

If the contractor furnishes all parts and labor in installing the service, only the \$250.00 Benefit Use Fee will be charged.

Council may from time to time establish other fees.
(Ord. 127-03. Passed 11-10-03.)

1313.04 USE OF CITY SEWER SYSTEM REQUIRED.

Except as provided in Section 1313.01 hereof, each and every building unit shall be required to drain sanitary waste to the City sanitary sewer system and to connect such to the sewer main according to the ordinances, rules and regulations of the City and the laws and regulations of the County Board of Health governing plumbing and drainage. (Ord. 3-61. Passed 1-23-61.)

1313.05 SANITARY SEWER CONNECTIONS; STORM SEWER CONNECTIONS; COSTS.

No connection to a sanitary sewer or to a storm shall be made until a written permit is issued to the owner or his representative upon application to the Superintendent of Sewer Collections System and payment of a fee for each household unit which shall be drained by the sewer connection. The fee for sanitary sewer taps shall be as follows:

Benefit Use Fee, for all tap requests \$250.00

Tap costs shall be calculated at the time of request and shall be the actual cost of the materials and labor to complete the tap or line renewal.

If the contractor furnishes all parts and labor in installing the service, only the \$250.00 Benefit Use fee will be charged.

A street bond shall be calculated at the time the sanitary sewer tap or storm sewer tap is requested, and such bond shall be posted prior to any work being performed. The street bond shall be calculated for the repair of the pavement and/or curb damage due to lateral construction. The street bond shall be returned to the customer/contractor when the street is repaired to City standards.

No sewer connection, whether sanitary or storm, shall be required for any building which is served by a sewer line fully paid for by federal grant funds which existed at the time such sewer line was constructed. (Ord. 127-03. Passed 11-10-03.)

1313.06 REGISTERED PLUMBER TO MAKE SEWER CONNECTION; INSPECTION.

A registered plumber is required to make a sewer connection for a building unit, which is to be inspected by the building official or his representative before receiving approval. (Ord. 3-61. Passed 1-23-61.)

1313.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for general Building Code penalty if no other penalty is provided.)

CHAPTER 1314
Residential Subdivision Street and Utilities
Construction Policy

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| 1314.01 Purpose and policy. | 1314.08 Sanitary sewers. |
| 1314.02 Provision for streets and appurtenances. | 1314.09 Utility services by others. |
| 1314.03 Provision for utilities required. | 1314.10 Required drawings. |
| 1314.04 Street construction. | 1314.11 Acceptance and performance. |
| 1314.05 Utilities; general provision. | 1314.12 Bonding. |
| 1314.06 Electric services. | 1314.99 Penalty. |
| 1314.07 Water lines. | |

CROSS REFERENCES

- Sidewalk construction - see S.U. & P.S. Ch. 905
- Electric service - see S.U. & P.S. Ch. 921
- Sewers - see S.U. & P.S. Ch. 925
- Water service - see S.U. & P.S. Ch. 929
- General provisions - Building Code - see BLDG. Ch. 1301
- Building Official - see BLDG. Ch. 1305
- Utilities - see BLDG. Ch. 1313
- Construction requirements - see BLDG. Ch. 1315

1314.01 PURPOSE AND POLICY.

This chapter sets forth uniform requirements for the construction of streets and utility lines to service new developments consisting of single family dwellings and multiple family units within the City.

(Ord. 76-91. Passed 11-11-91.)

1314.02 PROVISION FOR STREETS AND APPURTENANCES.

No permit for construction shall be issued unless provisions have been made by the developer for all construction of streets including, but not limited to pavement, base pavement, curbs, gutters, street lights, tree planting, landscaping, catch basins and sidewalks to serve the development without cost to the City.

(Ord. 76-91. Passed 11-11-91.)

1314.03 PROVISION FOR UTILITIES REQUIRED.

No permit for construction shall be issued unless provisions have been made by the developer for all necessary utilities consisting of water, electric, storm drainage, sanitary sewer drainage, natural gas, telephone and cable television to serve the developer without cost to the City.

(Ord. 76-91. Passed 11-11-91.)

1314.04 STREET CONSTRUCTION.

(a) All streets shall be constructed with the following materials unless otherwise specified by the Service/Safety Director:

- (1) Ten inches stone base with four inches 404 asphalt pavement.
- (2) Eight inches stone base with six inches of concrete.

(b) All underground utilities shall be installed prior to any street construction except for initial site work and grading.

(c) The design and materials of construction of all streets, curbs and gutters shall be approved by the Service/Safety Director prior to construction.

(d) All sidewalk construction shall conform to the provisions of Chapter 905.

(e) All catch basins, storm sewers, drainage ditches and such conveyances including the materials of construction shall be approved by the Service/Safety Director prior to construction.

(f) All street lighting shall be of a type specified by the Planning Commission and Safety/Service Director.

(g) All landscaping and tree planting shall be approved by the Jackson Shade Tree Commission.

(Ord. 76-91. Passed 11-11-91.)

1314.05 UTILITIES; GENERAL PROVISION.

(a) The developer shall secure all utility easements and release the same to the City upon completion of construction.

(b) The developer shall connect all utilities at such point determined by the Director at no cost to the City.

(c) The City shall inspect and approve all underground utilities prior to burial. Natural gas, telephone and cable television lines shall be inspected and approved by the provider of such services prior to burial. It is the responsibility of the developer to coordinate such activities with the provider of those utility services.
(Ord. 76-91. Passed 11-11-91.)

1314.06 ELECTRIC SERVICES.

(a) Unless otherwise specified by the Service/Safety Director, all electric service shall be underground.

(b) The developer shall pay the City for material and construction cost for all underground electric cable as specified by the Superintendent of the Electric Department.

(c) All electric transformers and electric meters shall be installed and owned by the City.
(Ord. 76-91. Passed 11-11-91.)

1314.07 WATER LINES.

(a) Water line construction including materials of construction, pipe bedding, leak testing, etc., shall be approved by the Director of Water/Wastewater.

(b) In no case shall water mains be less than six inches outside pipe diameter.

(c) The developer shall provide and install as directed as many fire hydrants as determined by the Director of Water/Wastewater.

(d) The developer shall provide water service lines for each lot at the time of construction of the main and shall cause the taps to be made by using service clamps, corporation stops, curb boxes, compression stops, copper setters, meters tips and meters. Such taps shall be made under the direction and approval and approved by the Director of Water/Wastewater .

(e) The City shall provide all water meters, meter pits and copper setters when each lot is developed. The City shall maintain ownership of the same.

(f) The owner or developer of each lot shall pay the water tap fee at the time the lot is developed.
(Ord. 76-91. Passed 11-11-91.)

1314.08 SANITARY SEWERS.

(a) Every effort shall be made by the developer to minimize infiltration and inflow of unnecessary water into the sanitary sewers. Such efforts shall be the installation of water type manhole covers, chimney seals and other devices to exclude I/I. All such devices shall be approved by the Director of Water/Wastewater.

(b) Materials of construction, design and installation of sewers, manholes and covers shall be determined and approved by the Director of Water/Wastewater.

(c) The sewer main shall not be less than eight inches outside diameter and each service lateral shall not be less than four inches outside diameter.

(d) Manholes shall be installed at: not more than 400 feet apart; all terminations; all significant changes in grade; all changes in flow direction; and all changes in size of pipe.

(e) All lots shall be provided with "wyes" or "tees" at the time the main is constructed. Such "wyes" and "tees" not intended for immediate connection shall be plugged using a water tight and noncorrosive, removable plug approved by the Director of Water/Wastewater.

(f) The owner or developer shall pay the sewer connection fee when the lot is developed.

(g) All building sanitary sewers shall conform to Chapter 925.

(h) All dwellings shall have a watertight, sanitary sewer cleanout installed at a distance of four feet from the foundation of the building to facilitate maintenance of the lot. (Ord. 76-91. Passed 11-11-91.)

1314.09 UTILITY SERVICES BY OTHERS.

All natural gas, telephone and cable television services shall be installed to the lot line and inspected by the appropriate provider of such services prior to street pavement. It is the responsibility of the developer to coordinate such activities with the appropriate utility provided this includes the approved materials of construction and construction practice. (Ord. 76-91. Passed 11-11-91.)

1314.10 REQUIRED DRAWINGS.

The developer shall provide to the City six copies of a subdivision plat map showing complete, as-built drawings of the location of all utility services such as

but not limited to, electric lines, transformers, electric meters, water mains, water shut-off valves, fire hydrants, water meters, water service lines, sanitary sewer mains, manholes, y's, t's, house laterals, clean-outs, telephone lines and hook-ups, cable television lines and hook-ups, natural gas mains, gas shut-off valves, gas services and gas meters. As-built drawings shall be both plan and profile.

(Ord. 76-91. Passed 11-11-91.)

1314.11 ACCEPTANCE AND PERFORMANCE.

The City shall accept the maintenance and upkeep of the streets and City-owned utilities when all requirements set forth in this chapter are achieved and approved by the Safety/Service Director. If, within the period of twelve months after acceptance, a problem arises due to either faulty workmanship and/or materials, it shall be the responsibility of the developer to repair or replace the faulty structure(s) at his cost, at no obligation to the City. Such repairs and/or replacements shall be performed in accordance with the provisions of this chapter.

(Ord. 76-91. Passed 11-11-91.)

1314.12 BONDING.

The developer/contractor shall be bonded for any project in an amount to be determined by the Director of Public Service/Safety. In no event shall the amount of the bond be for less than the estimated costs of installing and constructing the streets and utilities.

(Ord. 76-91. Passed 11-11-91.)

1314.99 PENALTY.

Whoever violates any of the provisions of this chapter shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both.

(Ord. 76-91. Passed 11-11-91.)

CHAPTER 1315
Construction Requirements

1315.01	Registration of plumbers required; inspection. (Repealed)	1315.05	Quality of building designs.
1315.02	Residential construction, property line clearance.	1315.06	Commercial construction.
1315.03	State Building Code to apply.	1315.99	Penalty.
1315.04	Zoning Ordinance to govern type and occupancy of construction.		

CROSS REFERENCES

Ohio Building Code - see Ohio R.C. 3781.10
Occupancy and zone classifications - see P. & Z. Ch. 1119
General provisions and definitions - see BLDG. Ch. 1301
Provisions for utilities required - see BLDG. Ch. 1313

1315.01 REGISTRATION OF PLUMBERS REQUIRED; INSPECTION.

(EDITOR'S NOTE: Former Section 1315.01 was repealed by Ordinance 11-92, passed March 9, 1992.)

1315.02 RESIDENTIAL CONSTRUCTION, PROPERTY LINE CLEARANCE.

(a) Residential buildings and outbuildings shall have a lot line clearance of at least four feet on the sides and the setback from the front property line to the building or buildings shall be the same as provided in the recorded subdivision in which the proposed unit is to be constructed or shall be in alignment or as close as possible with other buildings fronting on the same street or in the same square except where one residential building is constructed on two or more adjacent lots, then residential buildings shall have a property line clearance of at least four feet on the sides and the setback from the front property line to the building or buildings shall be the same as provided in the recorded subdivision in which the proposed unit is to be constructed or shall be in alignment or as close as possible without other buildings fronting on the same street or in the same square.

(b) No lot line clearance or property line clearance shall apply to any residential building or outbuilding that is constructed on a lot or lots which are adjacent to commercial or industrial buildings.

(Ord. 53-65. Passed 5-24-65.)

1315.03 STATE BUILDING CODE TO APPLY.

The details and regulations of all construction methods, materials and proceedings within the corporate limits of the City, other than administrative, shall be accomplished by reference to the Ohio Building Code except where any item heretofore mentioned might be in conflict.

1315.04 ZONING ORDINANCE TO GOVERN TYPE AND OCCUPANCY OF CONSTRUCTION.

The Zoning Ordinance of the City shall govern the type and occupancy of all building construction.

(Ord. 3-61. Passed 1-23-61.)

1315.05 QUALITY OF BUILDING DESIGNS.

(a) The design of buildings, both residential and commercial, shall be compatible with good taste and in accordance with the zoning regulations for that zone in which the building is to be situated.

(b) No shoddy or ill conceived building designs will be tolerated. High building standards are demanded. A registered engineer or architect is required in designing all new construction, except residential buildings.

(Ord. 3-61. Passed 1-23-61.)

1315.06 COMMERCIAL CONSTRUCTION.

All new building construction for commercial purposes in the business district of the City shall provide off-street parking to such extent as the building official may require. The drawings required with the application for a building permit as stated in Section 1311.05 hereof shall indicate the space set off for such.

(Ord. 3-61. Passed 1-23-61.)

1315.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for the general Building Code penalty if no other penalty is provided.)

CHAPTER 1319
Certificate of Occupancy

1319.01	Certificate required.	1319.05	Issuance of certificate.
1319.02	Temporary certificate issued.	1319.06	Use of equipment or appliances requiring certificate.
1319.03	Occupancy of buildings without certificate.	1319.99	Penalty.
1319.04	Changes in occupancy contrary to certificate.		

CROSS REFERENCES

Building official - see BLDG. Ch. 1305
Scope of Building Code - see BLDG. 1301.02

1319.01 CERTIFICATE REQUIRED.

No building or structure shall be occupied or used in whole or in part until a certificate of occupancy shall have been issued by the building official and posted on the premises stating the purpose for which the building may be used in its several floors, the number of occupants that may be accommodated in the several stories in case such number is limited by a provision of law, or by the permit, and all special stipulations of the permit, if any.
(Ord. 3-61. Passed 1-23-61.)

1319.02 TEMPORARY CERTIFICATE ISSUED.

Upon request of the holder of a permit, or of the owner, the building official may issue a temporary certificate of occupancy for part of a building or structure, provided that such temporary occupancy or use would not jeopardize life or property.
(Ord. 3-61. Passed 1-23-61.)

1319.03 OCCUPANCY OF BUILDINGS WITHOUT CERTIFICATE.

No building or structure enlarged or extended or so altered wholly or in part as to change its classification of occupancy and no altered building or structure for which a certificate of occupancy has not been heretofore issued shall be occupied or used in whole or in part until a certificate of occupancy has been issued by the building official, provided that if the occupancy or use of such building was not discontinued during the work of alteration, the occupancy or use of the building or structure shall not continue for more than thirty days after completion of the alterations unless such certificate has been issued.
(Ord. 3-61. Passed 1-23-61.)

1319.04 CHANGES IN OCCUPANCY CONTRARY TO CERTIFICATE.

(a) No change of occupancy shall be made in a building or structure that is not consistent with the last issued certificate of occupancy for such building or structure unless a new certificate of occupancy is secured.

(b) The occupancy of a building or structure shall not be deemed to have changed because of a temporary vacancy or change of ownership or tenancy. The re-establishment in a building or structure after a change of occupancy has been made of a prior use that is not permitted in a new building or structure of the same type of construction is prohibited. The change from a specifically prohibited use to another specifically prohibited use shall not be made. (Ord. 3-61. Passed 1-23-61.)

1319.05 ISSUANCE OF CERTIFICATE.

A certificate of occupancy shall be issued within five days after written application therefor if the building or structure at the time of such application shall be entitled thereto. Copies of certificates of occupancy shall be furnished on request to persons having a proprietary interest in the building or structure. (Ord. 3-61. Passed 1-23-61.)

1319.06 USE OF EQUIPMENT OR APPLIANCES REQUIRING CERTIFICATE.

When a certificate is specifically required by any provision of this chapter for installation, extension or alteration of equipment, or appliances, no person shall use or be permitted to use such equipment or appliances to which such provision applies until the appropriate certificate has been issued. (Ord. 3-61. Passed 1-23-61.)

1319.99 PENALTY.

(EDITOR'S NOTE: See Section 1301.99 for the general Building Code penalty if no other penalty is provided.)

CHAPTER 1323
Unsafe Buildings

1323.01	Definition of unsafe buildings.	1323.06	Notice of demolition procedure.
1323.02	Inspection and citation to owner.	1323.07	Posting of signs.
1323.03	Service of citation.	1323.08	Permits.
1323.04	Notice of violation for rental property.	1323.09	Right to demolish.
1323.05	Rights to hearing.	1323.10	Unsafe conditions; reports.
		1323.99	Penalty.

CROSS REFERENCE

Removal of unsafe structures - see Ohio R.C. 715.261

1323.01 DEFINITION OF UNSAFE BUILDINGS.

All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life or which in relation to existing use constitute a hazard to health by reason of inadequate maintenance, dilapidation, or obsolescence, are for the purpose of this chapter "unsafe buildings." All such unsafe buildings are declared to be public nuisances which shall be abated by repair or rehabilitation or by demolition in accordance with the procedure of this chapter. (Ord. 29-94. Passed 5-9-94.)

1323.02 INSPECTION AND CITATION TO OWNER.

The Service Director shall examine or cause to be examined every building or structure or portion thereof reported as or believed to be an unsafe building as defined in Section 1323.01. The Service Director shall issue a citation to the owner or owners of record, including any purchaser under a recorded land contract. The citation shall specifically state the defects which cause the building to be unsafe. It shall also state that work must commence within 30 days (except in an emergency), either to complete specified repairs or improvements or to demolish and remove the building or structure, or portion thereof, leaving the premises in a clean, safe and sanitary condition. In cases of emergency making immediately repairs necessary, the Service Director may order the changes or demolition to be commenced within a shorter period than 30 days. The citation shall advise the owner that failure to remedy the conditions specified may result in condemnation proceedings. The final clean, safe and sanitary condition shall be subject to the approval of the Service Director. (Ord. 29-94. Passed 5-9-94.)

1323.03 SERVICE OF CITATION.

Proper service of this citation shall be by personal service, residence service or by certified mail (return receipt requested), provided, however, that such citation shall be deemed properly served if a citation thereof is sent by certified mail to the County Auditor's tax-mailing address of the owner or owners of record, including any purchaser under a land contract. If none of the parties can be located, or if none of the parties' addresses can be ascertained, then this citation shall be deemed to be properly served if a copy thereof is placed in a conspicuous place on or about the building or structure affected by this citation. If such citation by certified mail, the 30 day period within which the owners are required to comply with the order of the Service Director shall begin as of the date when the return receipt is signed by any of the above-specified parties or by a member of the addressee's family.
(Ord. 29-94. Passed 5-9-94.)

1323.04 NOTICE OF VIOLATION FOR RENTAL PROPERTY.

Whenever the residential property is a rental property, the City, in addition to the citation required to be sent to the property owner, shall post the following notice conspicuously on the property as well as mail a copy to each residential unit at the property. The notice shall include the following:

- (a) Name and address of the property owner;
- (b) The violations which are alleged;
- (c) The date by which the property owner is required to repair the conditions;
- (d) A warning that failure of the property owner to repair the conditions may result in condemnation proceedings; and
- (e) Notice to the occupants that they may have the rights under Ohio R.C. 5321.07 to force the property owner to make the required repairs and if they have any questions concerning their rights they should contact a private attorney or, if they are low income, contact legal aid at 1-800-686-3668.
(Ord. 29-94. Passed 5-9-94.)

1323.05 RIGHTS TO HEARING.

The owner of record, or the purchaser under a land contract, may, within ten (10) days after completion of service of citation of unsafe building, make a demand in writing to the Service Director for a hearing on the question of whether an unsafe building, as defined in Section 1323.01, exists. The hearing shall be held within ten (10) days following receipt of this written demand, and at least two (2) days notice in writing of the hearing shall be given to the owner of record or the purchaser under a land contract. The hearing shall be conducted by a hearing board composed of the Mayor, the President of Council, and the City Law Director. All members of the hearing board must concur that an unsafe building, as defined in Section 1323.01, exists before enforcement of the abatement as provided in Section 1323.07 is carried out. A copy of the decision of the hearing officers shall be promptly served upon the owner of record or the purchaser under a land contract in the manner provided for in Section 1323.03.
(Ord. 29-94. Passed 5-9-94.)

1323.06 NOTICE OF DEMOLITION PROCEDURE.

If a property owner, or purchaser under a land contract, has not corrected conditions within the time required in the notice given and the City intends to seek demolition, the City will send a notice to the property owner or purchaser under a recorded land contract and, if it is a rental property, to each residential unit at the property notifying them that the City will seek a demolition order.

The City will not bar any occupant from the property unless the occupant:

- (1) Has been provided with notice and an opportunity for a judicial hearing before being barred or
- (2) If, in an emergency, the severity of the conditions and danger to the health and safety does not permit prior notice and hearing, then a notice and opportunity for judicial hearing immediately after the occupant is barred.
(Ord. 29-94. Passed 5-9-94.)

1323.07 POSTING OF SIGNS.

When a notice of demolition is issued, the Service Director shall cause to be posted at each entrance of such unsafe building a notice which states as follows:

"DO NOT ENTER. UNSAFE TO OCCUPY, OFFICE OF SERVICE DIRECTOR, CITY OF JACKSON, OHIO."

This notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without permission of the Service Director or for any person to enter the building, except for the purpose of making the required repairs or of demolishing the structure.
(Ord. 29-94. Passed 5-9-94.)

1323.08 PERMITS.

In all cases of construction, repairs, or demolition pursuant to this chapter, permits governing this work shall be obtained as required by Chapter 1311 of the Codified Ordinances of the City of Jackson.
(Ord. 29-94. Passed 5-9-94.)

1323.09 RIGHT TO DEMOLISH.

In case the owner of record, or the purchaser under a land contract if that be the case, shall fail, neglect, or refuse to comply with the notice of demolition procedure such party, either the owner of record or the purchaser under a land contract, shall be subject to the penal provisions of the Codified Ordinances of the City of Jackson, Ohio. The Service Director shall then proceed to have the building or structure or portion thereof demolished and removed from the premises, leaving the premises in a clean, safe, and sanitary condition. The cost of this work shall be paid by the City. If the City is not immediately reimbursed for this cost, the amount thereof shall be certified to the County Treasurer and levied as a special assessment against the property on which the building or structure is located and shall be collected in the manner provided for special assessments, all pursuant to Ohio R.C. 715.261.
(Ord. 29-94. Passed 5-9-94.)

1323.10 UNSAFE CONDITIONS; REPORTS.

Any owner, manager, lessee, or occupant of a building who discovers or who has reason to believe that there exists on the premises a condition which may endanger other property or the life or limb of any person, and that such condition cannot be immediately remedied, shall, within twenty-four (24) hours after such discovery, report the existence of such dangerous condition to the Service Director. If the Service Director cannot be located, such report shall be made to the Mayor.
(Ord. 29-94. Passed 5-9-94.)

1323.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. (Ord. 29-94. Passed 5-9-94.)

CHAPTER 1327
Swimming Pool Enclosures

1327.01	Definitions.	1327.99	Penalty.
1327.02	Enclosure regulations.		

1327.01 DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter:

- (a) "Swimming pool" means an artificial construction either permanent or portable, filled or capable of being filled with water to a depth of twenty-four or more inches at any point therein and used, or designed to be used, for swimming or recreative bathing.
- (b) "Private swimming pool" means a swimming pool used only by the owner of the pool and friends as an additional accessory used at a private residence.
- (c) "Public swimming pool" means any swimming pool other than a private swimming pool, provided with an approved water supply, public or semi-public in character.
- (d) "Club swimming pool" means a public swimming pool used by any group or institution on a noncommercial basis or on a membership basis for members and friends only.
- (e) "Commercial swimming pool" means a public swimming pool, with an approved water supply which is located on land not publicly owned and operated on a commercial basis or primarily for private gain.
(Ord. 66-79. Passed 8-27-79.)

1327.02 ENCLOSURE REGULATIONS.

(a) No person shall locate, construct, install, make, change or use a private swimming pool, club swimming pool, public swimming pool or commercial swimming pool unless such pool or the premises upon which it is located is enclosed by a fence or other boundaries not less than forty-eight inches in height, measured from ground level, so constructed and of such strength that children under the ages of seven are unable to pass through, and the gates of such fence shall be constructed so they may be locked when the pool is not in use. Gates and entrances shall be locked or latched whenever the pool is not in use. Gates and entrances shall be locked or latched whenever the pool is not supervised by a person at least fourteen years of age.

(b) No person shall locate, construct, install, make change or use a swimming pool either permanent or portable and constructed aboveground, unless such pool has perpendicular sides of not less than three feet.

Steps, ladders, slides, etc., leading to the entrance of the pool shall be removed whenever the pool is not supervised by a person at least fourteen years of age.
(Ord. 66-79. Passed 8-27-79.)

1327.99 PENALTY.

Whoever violates this chapter is guilty of a minor misdemeanor.
(Ord. 66-79. Passed 8-27-79.)

CHAPTER 1331
Flood Damage Prevention

<p>1331.01 Statutory authorization, findings of fact, purpose and objectives.</p> <p>1331.02 Definitions.</p> <p>1331.03 General provisions.</p> <p>1331.04 Administration.</p> <p>1331.05 General standards for flood hazard reduction.</p>	<p>1331.06 Specific standards for flood hazard reduction.</p> <p>1331.07 Floodways.</p> <p>1331.08 Variance procedure.</p> <p>1331.09 Development within 100 year floodplain.</p> <p>1331.99 Penalty.</p>
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CROSS REFERENCES

Flood control bonds; public capital improvements - see Ohio Const., Art. VIII, Sec. 21; Ohio R.C. 129.70 et seq.

County Commission flood control aid to governmental units - see Ohio R.C. 307.77

Levees - see Ohio R.C. 717.01

Construction permits and prohibitions for dams, dikes or levees - see Ohio R.C. 1521.06

Reduction of assessed valuation for establishing reservoirs - see Ohio R.C. 1521.09

Marking flood areas - see Ohio R.C. 1521.14

1331.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

(a) Statutory Authorization. Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety and general welfare of its citizens. The City Council of the City of Jackson, State of Ohio does ordain as follows:

(b) Findings of Fact.

- (1) The flood hazard areas of the City of Jackson are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) Uses that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss.

(c) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(d) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
(Ord. 89-00. Passed 9-11-00.)

1331.02 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, to the principal structure.
- (b) "Appeal" means a request for review of the Zone Enforcement Officer's interpretation of any provision of this chapter or a request for a variance.
- (c) "Area of shallow flooding" means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

- (d) "Area of special flood hazard" means the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30 and A99.
- (e) "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the one-hundred (100) year flood.
- (f) "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (g) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (h) "Federal Emergency Management Agency" (FEMA) means the agency with the overall responsibility for administering the National Flood Insurance Program.
- (i) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters, and/or
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (j) "Flood Insurance Rate Map" (FIRM) means an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.
- (k) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.
- (l) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 (one) foot.
- (m) "Historic structure" means any structure that is:
 - (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
 - (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - (3) Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or whose historic preservation program has been certified by the Ohio Preservation Office.

- (n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking for vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is built in accordance with the applicable design requirements specified in this chapter for enclosures below the lowest floor
- (o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
- (p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.
- (q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Ohio Public Health Council has exclusive rule making power.
- (r) "New Construction" means structures for which the "start of construction" commenced on or after the initial effective date of the City of Jackson's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.
- (s) "Recreational vehicle" means a vehicle which is:
 - (1) Built on a single chassis,
 - (2) 400 square feet or less when measured at the largest horizontal projection,
 - (3) Designed to be self-propelled or permanently towable by a light duty truck, and
 - (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (t) "Start of Construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

- (u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.
- (v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a 10-year-period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
- (w) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:
 - (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
 - (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
 - (3) Any improvement to a structure which is considered new construction.
- (x) "Variance" means a grant of relief from the standards of this chapter consistent with the variance conditions herein.
- (y) "Violation" means the failure of a structure or other development to be fully compliant with this chapter. (Ord. 89-00. Passed 9-11-00.)

1331.03 GENERAL PROVISIONS.

(a) Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazard with the jurisdiction of the City of Jackson as identified by the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development referenced in subsection (b) hereof, including any additional areas of special flood hazard annexed by the City of Jackson.

(b) Basis For Establishing The Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency or the U. S. Department of Housing and Urban Development in a scientific and engineering report entitled "Flood Insurance Study for the City of Jackson". This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated November 10, 1986 and, for areas annexed by the City of Jackson, the "Flood Insurance Study for the County of Jackson", with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated August 19, 1985, and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at 145 Broadway, Jackson, Ohio 45640.

(c) Compliance. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter, unless specifically exempted from filing for a development permit as stated in Section 1331.04(b).

(d) Abrogation And Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this chapter may be in conflict with a state law, such state law shall take precedence over this chapter.

(f) Warning And Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City of Jackson, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 89-00. Passed 9-11-00.)

1331.04 ADMINISTRATION.

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Zone Enforcement Officer before construction or development begins within any area of special flood hazard established in Section 1331.03(b). Application for a Development Permit shall be made on forms furnished by the Zone Enforcement Officer and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures located in areas of special flood hazard where base flood elevation data are utilized from any source;

- (2) Elevation in relation to mean sea level to which any proposed nonresidential structure will be floodproofed in accordance with Section 1331.06(b)(1) where base flood elevation data are utilized from any source;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 1331.06(b)(1) where base flood elevation data are utilized from any source;
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.
- (5) Certification by a registered professional engineer, architect, or surveyor of the structure's as-built lowest floor or floodproofed elevation.

(b) Exemption From Filing a Development Permit. An application for a Development Permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$1,000.00. Any proposed action exempt from filing for a Development Permit is also exempt from the standards of this chapter.

(c) Designation of The Flood Damage Prevention Chapter Administrator. The Zone Enforcement Officer is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(d) Duties And Responsibilities of The Zone Enforcement Officer. The duties of the Zone Enforcement Officer shall include but are not limited to:

- (1) Permit Review.
 - A. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied.
 - B. Review all development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.
 - C. Review all development permit applications to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of Section 1331.07(a) is met.

- D. Inspect all development projects before, during, and after construction to ensure proper elevation of the structure and to ensure compliance with all provisions of this chapter.
- (2) Use of other base flood elevation and floodway data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with Section 1331.03(b), are designated as Zone A on the Flood Insurance Rate Map. Within these areas, the Zone Enforcement Officer shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, including data obtained under Section 1331.06(f), in order to administer Section 1331.06(a) and (b), and where floodway data are available, administer Section 1331.07.
- (3) Information to be obtained and maintained by the City of Jackson. Where base flood elevation data are utilized within areas of special flood hazard on the City of Jackson's Flood Insurance Rate Map, regardless of the source of such data, the Zone Enforcement Officer shall:
 - A. Obtain the record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and record whether or not such structures contain an enclosure below the lowest floor;
 - B. For all new or substantially improved floodproofed nonresidential structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and,
 - 2. Maintain the floodproofing certifications required in subsection (a)(3) hereof.
 - C. Maintain for public inspection all records pertaining to the provisions of this chapter, including base flood elevation data, Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, variance documentation, Conditional Letters of Map Revision, Letters of Map Revision, Letters of Map Amendment, and as-built elevations.
- (4) Alteration of watercourses.
 - A. Notify adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

- B. Maintain engineering documentation required in Section 1331.04(a)(4) that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.
 - C. Require that necessary maintenance will be provided for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished.
- (5) Interpretation of flood boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and field elevations disagree, the elevations delineated in the flood elevation profile from the Flood Insurance Study shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 1331.08.
- (6) Alteration of community boundaries. Upon occurrence, notify FEMA in writing whenever the boundaries of the City of Jackson have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Jackson's Flood Insurance Rate Map accurately represents the City of Jackson's boundaries, include within such notification a copy of the City of Jackson suitable for reproduction, clearly delineating the new corporate limits or the new area for which the City of Jackson has assumed or relinquished floodplain management regulatory authority. (Ord. 89-00. Passed 9-11-00.)

1331.05 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

The following standards apply in all areas of special flood hazard including those where base flood elevation data have been provided. Where a structure, including its foundation members, is elevated on fill to or above the base flood level, the requirements for subsections (a) and (b) hereof are satisfied.

- (a) Anchoring.
- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes, not otherwise regulated under the Ohio Revised Code pertaining to manufactured home parks, shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (b) Construction Materials And Methods.
- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage;
 - (2) All new construction and substantial improvements shall be constructed using methods and practices that minimizes flood damage; and
 - (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities. The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:
- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;
 - (2) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
 - (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (d) Subdivision Proposals.
- (1) All subdivision proposals, including manufactured home subdivisions, shall be consistent with the need to minimize flood damage;
 - (2) All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - (3) All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and
 - (4) All subdivision proposals, including manufactured home subdivisions, shall meet the specific standards of Section 1331.06(f).
- (e) Standards in Areas of Special Flood Hazard Without Base Flood Elevation Data. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, including Section 1331.04(d)(2), the following provisions apply:
- (1) New construction and substantial improvement of any residential (including manufactured homes), commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to the flood of record or at least two feet above the highest adjacent natural grade, whichever is greater.

- (2) In AO zones new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City of Jackson's Flood Insurance Rate Map, or at least two feet if no depth number is specified, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures. (Ord. 89-00. Passed 9-11-00.)

1331.06 SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION.

In all areas of special flood hazard where base flood elevation data have been provided as set forth in Sections 1331.03(b), 1331.04(d)(2), or 1331.06(f), the following additional provisions are required.

- (a) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
- (b) Nonresidential Construction.
 - (1) New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - A. Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the base flood elevation. In order to be eligible for lower flood insurance rates, the structure should be floodproofed at least one foot above the base flood elevation;
 - B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this subsection. Such certification shall be provided to the official as set forth in Section 1331.04(a)(3).
 - (2) In AO zones new construction and substantial improvements shall either have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number on the City of Jackson's Flood Insurance Rate Map (at least two feet if no depth number is specified); or be floodproofed to that level consistent with the floodproofing standards of Section subsection (b)(1) hereof, and adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

- (c) Accessory Structures. A relief to the elevation or dry floodproofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing no more than 576 square feet and a value of no more than \$10,000 dollars. Such structures must meet the encroachment provisions of Section 1331.07, Floodways, and the following additional standards:
- (1) They shall not be used for human habitation;
 - (2) They shall be constructed of flood resistant materials;
 - (3) They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;
 - (4) They shall be firmly anchored to prevent flotation;
 - (5) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the base flood elevation; and;
 - (6) They shall meet the opening requirements of subsection (e) hereof.
- (d) Manufactured Homes And Recreational Vehicles.
- (1) The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home park requirements of Section 3733.01, Ohio Revised Code:
 - A. Manufactured homes shall be anchored in accordance with Section 1331.05(a)(2).
 - B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation.
 - (2) These standards shall also apply to all recreational vehicles that are either:
 - A. Located on sites for 180 days or more, or
 - B. Are not fully licensed and ready for highway use.
- (e) Enclosures Below The Lowest Floor. The following standards apply to all new and substantially improved residential and nonresidential non-basement structures which are elevated to the base flood elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must:
- (1) Be certified by a registered professional engineer or architect; or,
 - (2) Must meet or exceed the following criteria:
 - A. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - B. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (f) Subdivisions And Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 1331.03(b), or Section 1331.04(d)(2), the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less):
- (1) The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;
 - (2) If subsection (f)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1331.05, and this section.
(Ord. 89-00. Passed 9-11-00.)

1331.07 FLOODWAYS.

(a) Areas With Floodway. The Flood Insurance Study referenced in Section 1331.03(b) identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in Section 1331.04(d)(2). The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, projectiles, and cause erosion. The following provisions apply within all delineated floodway areas:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a hydrologic and hydraulic analysis performed in accordance with standard engineering practices demonstrates that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (a)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1331.06.
- (3) Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Zoning Enforcement Officer to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

(b) Areas Without Floodways. In all areas of special flood hazard where the Flood Insurance Study provides base flood elevation data as set forth in Section 1331.03(b), but no floodways have been designated, the following provisions shall apply:

- (1) New construction, substantial improvements, or other development (including fill) shall only be permitted if it is demonstrated that the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than 1.0 (one) foot at any point.
- (2) If subsection (b)(1) hereof is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 1331.05.
(Ord. 89-00. Passed 9-11-00.)

1331.08 VARIANCE PROCEDURE.

(a) Appeal Board.

- (1) The Board of Zoning Appeals as established by the City of Jackson shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Board of Zoning Appeals in the enforcement or administration of this chapter.
- (3) Those aggrieved by the decision of the Board of Zoning Appeals or any taxpayer, may appeal such decision to go to the Jackson County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.
- (4) In passing upon such applications, the Board of Zoning Appeals shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - A. The danger that materials may be swept onto other lands to the injury of others;
 - B. The danger to life and property due to flooding or erosion damage;
 - C. The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
 - D. The importance of the services provided by the proposed facility to the community;
 - E. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - F. The necessity to the facility of a waterfront location, where applicable;
 - G. The compatibility of the proposed use with existing and anticipated development;
 - H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- I. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - J. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - K. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of subsection (a)(4) hereof and the purposes of this chapter, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
 - (6) The Zone Enforcement Officer shall maintain the records of all appeals actions and report any variances to the Federal Emergency Management Agency upon request.
- (b) Conditions For Variances.
- (1) Variances may only be issued where due to physical characteristics of the property compliance with the requirements of this chapter creates an exceptional hardship. Increased costs of inconvenience of meeting the requirements of this chapter do not constitute an exceptional hardship.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items A. to K. in subsection (a)(4) hereof have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
 - (5) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (6) Variances shall only be issued upon:

- A. A showing of good and sufficient cause;
 - B. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - C. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, nuisances, fraud on or victimization of the public as identified in subsection (a)(4) hereof, or conflict with existing local laws or ordinances; and,
 - D. A determination that the structure or other development is protected by methods to minimize flood damages.
- (7) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation.
(Ord. 89-00. Passed 9-11-00.)

1331.09 DEVELOPMENT WITHIN 100 YEAR FLOODPLAIN.

(a) Any construction within the 100 year floodplain shall be designed with appropriate grading, retention, open space buffer or other means to effectively compensate for increases equal to or greater than 0.01 foot in area flood height due to losses of floodplain storage and conveyance resulting from the construction of aboveground structures. Adequate engineered design drawings and specifications shall be submitted to the City at the time the City building/zoning permit is applied for.

(b) These requirements shall apply to all commercial and industrial construction. Residential construction sites over one acre in size shall also comply with these requirements.

(c) Compensation shall be provided on-site or adjacent to the site when proper easements are provided to assure permanent compensation.

(d) The requirements of this section shall be governed by the existing City zoning regulations. (Ord. 61-98. Passed 6-8-98.)

1331.99 PENALTY.

Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Any person who violates this chapter or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Jackson. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Jackson from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Jackson shall prosecute any violation of this chapter in accordance with the penalties stated herein.

(Ord. 89-00. Passed 9-11-00.)

CHAPTER 1333
Fire Loss Insurance Proceeds

1333.01	Authorization; limit.	1333.03	Receipt of proceeds; transfer.
1333.02	Procedure.	1333.04	Authorized officer.

CROSS REFERENCES

Fire loss insurance proceeds - see Ohio R.C. 3929.86
Removal of unsafe structures - see Ohio R.C. Ch. 1323

1333.01 AUTHORIZATION; LIMIT.

The City is hereby authorized to utilize the procedure described in Ohio R.C. 3929.86 (C) and (D) whereby no insurance company doing business in the State shall pay a claim of a named insured for fire damage to a structure located within the City where the amount recoverable for the fire loss to the structure under all policies exceeds five thousand dollars (\$5,000) unless there is compliance with the procedures set forth in this chapter.
(Ord. 117-93. Passed 12-13-93.)

1333.02 PROCEDURE.

(a) When the loss agreed to between the named insured or insureds and the company or companies equals or exceeds sixty percent (60%) of the aggregate limits of liability on all fire policies covering the building or structure, the insurance company or companies in accordance with Ohio R. C. 715.26(F) shall transfer from the insurance proceeds to the Service-Safety Director, on behalf of the City, in the aggregate two thousand dollars (\$2,000) for each fifteen thousand dollars (\$15,000) and each fraction of that amount, of a claim, or, if at the time of a proof of loss agreed to between the named insured or insureds and the insurance company or companies, the named insured or insureds have submitted a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure, shall transfer from the insurance proceeds the amount specified in the estimate.

(b) Such transfer of proceeds shall be on a prorata basis by all companies insuring the building or other structure. Policy proceeds remaining after the transfer to the City shall be disbursed in accordance with the policy terms.

(c) The named insured or insureds may submit a contractor's signed estimate of the costs of removing, repairing or securing the building or other structure after the transfer, and the designated officer shall return the amount of the fund in excess of the estimate to the named insured or insureds, provided that the City has not commenced to remove, repair or secure the building or other structure.
(Ord. 117-93. Passed 12- 13-93.)

1333.03 RECEIPT OF PROCEEDS; TRANSFER.

(a) Upon receipt of the proceeds by the City as authorized by this section, the Service-Safety Director shall place the proceeds in the City Treasury in a separate fund, entitled Special State Fire Loss Insurance Fund, to be used solely as security against the total cost of removing, repairing or securing incurred by the City pursuant to Ohio R.C. 715.261.

(b) When transferring the funds as required in Section 1333.09, an insurance company shall provide the City with the name and address of the named insured or insureds, whereupon the City shall contact the named insured or insureds, certify that the proceeds have been received by the City and notify them that the following procedures will be followed:

The Fund shall be returned to the named insured or insureds when repairs, or removal or securing of the building or other structure have been completed and the required proof received by the designated officer, if the City has not incurred any costs for such repairs, removal or securing. However, the fund shall be returned to the named insured or insureds no later than sixty days after the Service-Safety Director receives the required proof. If the City has incurred any costs for repairs, removal or securing of the building or other structure, such costs shall be paid from the Fund and if excess funds remain, the City shall transfer, no later than sixty days after all costs have been paid, the remaining funds to the named insured or insureds.

(c) Nothing in this section shall be construed to limit the ability of a municipal corporation to recover any deficiency under Ohio R.C. 715.261.

(d) Nothing in this section shall be construed to prohibit the municipal corporation and the named insured or insureds from entering into an agreement that permits the transfer of funds to the named insured or insureds if some other reasonable disposition of the damaged property has been negotiated.
(Ord. 117-93. Passed 12-13-93.)

1333.04 AUTHORIZED OFFICER.

The Service-Safety Director of the City is hereby designated as the officer authorized to carry out the duties of this section. The Service-Safety Director shall also cause a certified copy of this ordinance to be filed with the Superintendent of Insurance of the State.
(Ord. 117-93. Passed 12-13-93.)

CHAPTER 1337
Drainage Requirements

- | | |
|---|-------------------------------|
| 1337.01 Drainage improvements. | 1337.03 Culverts and bridges. |
| 1337.02 Storm sewer and storm water drainage. | |

CROSS REFERENCES

- Sewers generally - see S.U. & P.S. Ch. 925
Protection of sewers - see S.U. & P.S. Ch. 926

1337.01 DRAINAGE IMPROVEMENTS.

The subdivider and/or developer shall construct all necessary facilities including underground pipe, inlets, catch basins, or open drainage ditches, and retaining basins as determined by the Director of Public Service/Safety to provide for the adequate disposal of surface water and maintenance of natural drainage courses. The velocity of flow on an open ditch shall not exceed four feet per second in soil ditches or six feet per second in turf gutters. Paved gutters will be required if velocities of flow are greater than those specified, or if it is likely otherwise that destructive erosion will result. Drainage ditches shall not be permitted to discharge into any sanitary sewer facility. Retaining basins shall be designed in accordance with Standard Design Practice. A complete copy of all drainage calculations, performed and sealed by a professional engineer registered in the State of Ohio, shall be furnished to the City Engineer. (Ord. 18-01. Passed 5-14-01.)

1337.02 STORM SEWER AND STORM WATER DRAINAGE.

Where an adequate public storm sewer is available at the plat boundary, the subdivider and/or developer shall construct a storm sewer system and connect it with such storm sewer line. If such a storm sewer system is not accessible, natural drainage channels with easements of adequate width shall be provided, as determined by the City Engineer. Paved gutters or storm sewers shall be required if velocities of flow are greater than specified in Section 1337.01 or cause destructive erosion, or if curbs and gutters are required. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet. The developer shall furnish a drainage analysis to show that the post development conditions do not exceed the drainage discharge flow or velocity experienced prior to the proposed development for a twenty-five year, twenty-four hour storm event. Engineering calculations shall be provided by a professional engineer registered in the State of Ohio and shall be furnished to the City Engineer. (Ord. 18-01. Passed 5-14-01.)

1337.03 CULVERTS AND BRIDGES.

Where natural drainage channels intersect any street right of way, it shall be the responsibility of the subdivider and/or developer to have satisfactory bridges and/or culverts constructed. Where culverts are required, minimum requirements shall be observed as follows:

- (a) The length of a culvert, the cover over the culvert, and its capacity shall be determined by the City Engineer. The minimum diameter of the culvert pipe shall be twelve inches. Depending on the existing drainage conditions, head walls may be required.
- (b) Where driveway culverts are wholly or partially in the street right of way, they shall have a minimum length of twenty feet and a minimum diameter of twelve inches. The driveway culverts shall be laid so as to maintain the flow lines of the ditch or gutter. (Ord. 18-01. Passed 5-14-01.)

CHAPTER 1339
Freestanding Antennas and Towers

1339.01 Approval procedure.

1339.01 APPROVAL PROCEDURE.

Any person who desires to erect or construct a freestanding antenna or tower within the City which is taller than twenty feet, whether from the ground or from the roof of any structure, shall make application to and acquire the permission of the City Board of Zoning Appeals before any such construction may occur. This section shall not apply to public utilities which are exempt under the provisions of Ohio H.B. No. 174.
(Ord. 180-07. Passed 1-28-08.)

CODIFIED ORDINANCES OF JACKSON
PART FIFTEEN - FIRE PREVENTION CODE

Chap. 1501. Ohio Fire Code.

Chap. 1511. Open Burning.

Chap. 1519. Fireworks.

CODIFIED ORDINANCES OF JACKSON
PART FIFTEEN - FIRE PREVENTION CODE

CHAPTER 1501
Ohio Fire Code

1501.01	Adoption.	1501.09	Disclosure of true Fire Safety Inspector status.
1501.02	Purpose.	1501.10	Fire equipment sale or use; certification of installers.
1501.03	Application.	1501.11	Copies.
1501.04	Enforcement.	1501.12	Conflict.
1501.05	Compliance.	1501.99	Penalty.
1501.06	Posting arson laws.		
1501.07	Setting fires which spread.		
1501.08	Unfriendly fires in buildings; alarm duties.		

CROSS REFERENCES

See sectional histories for similar State law
 Appeals of orders - see Ohio R.C. 119.12
 State certification of firefighters - see Ohio R.C. 737.08, 737.22, 3737.33
 State certification of Fire Safety Inspectors - see Ohio R.C. 3737.01(D), 3737.34
 Fire investigation - see Ohio R.C. 737.27, 3737.24 et seq.
 Entry and Inspection - see Ohio R.C. 3737.14, 3737.41, 3737.42
 Common Pleas Court jurisdiction - see Ohio R.C. 3737.44(A), 3737.51(H)
 Ohio Fire Code - see Ohio R.C. 3737.82 et seq.; OAC Ch. 1301:7-1 et seq.
 Fire extinguishing and alarm systems in rest and nursing homes - see Ohio R.C. 3721.071
 Self-service filling stations - see Ohio R.C. 3741.14
 Fireworks exhibitions - see Ohio R.C. 3743.50 et seq.

1501.01 ADOPTION.

There is hereby adopted by the Municipality, the 2005 Ohio Fire Code (OFC) as adopted by the Ohio Division of State Fire Marshal, Department of Commerce, effective September 1, 2005, and as published in Division 1301:7 of the Ohio Administrative Code (OAC).

1501.02 PURPOSE.

The purpose of this Code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to fire fighters and emergency responders during emergency operations.

1501.03 APPLICATION.

The Ohio Fire Code as adopted herein applies to the use of all lands and properties within the Municipality and such other lands or properties owned by the Municipality which are situated outside the corporate limits thereof.

1501.04 ENFORCEMENT.

(a) No person shall serve as Municipal Fire Safety Inspector unless he has received a certificate issued by the Ohio Superintendent of Public Instruction under former Ohio R.C. 3303.07 or 4765.55 evidencing his satisfactory completion of a fire safety inspection training program.
(ORC 3737.34)

(b) For Municipal criminal proceedings, the complaint, warrant or summons, or the issuance of a citation in minor misdemeanor cases shall be, as is prescribed in the Ohio Rules of Criminal Procedure, by referencing the numerical designation of the applicable Municipal ordinance, including the specific provision of the Ohio Fire Code, or any order issued pursuant thereto, provided such order fixes a reasonable time for abatement of the violation. State enforcement proceedings for violation of Ohio R.C. Chapter 3737 or the Ohio Fire Code shall be as is prescribed in Ohio R.C. 3737.41 to 3737.46.

(c) A copy of such complaint or citation shall be prominently posted at or near each place a violation referred to occurs.

(d) Upon request of the Municipal Fire Safety Inspector, the Municipal Legal Officer shall institute and prosecute any necessary action or proceeding to enforce this chapter or Ohio R.C. Chapter 3737.

1501.05 COMPLIANCE.

(a) No person shall knowingly violate any provision of the Ohio Fire Code as adopted herein or any order issued pursuant thereto.
(ORC 3737.51(A))

(b) No person shall fail to comply with the fire prevention measures or fire protection activities as prescribed in the Ohio Fire Code, or fail to obtain a permit or license for the various uses or activities as required by such Code, or fail to comply with the Municipal application and plan submission and processing requirements including payment of the fees designated therefor.

1501.06 POSTING ARSON LAWS.

The owner, operator or lessee of any transient residential building shall post the provisions of Ohio R.C. 2909.02 and 2909.03 in a conspicuous place in each room occupied by guests in such building. The owner, operator or lessee of any nontransient residential building, institution, school or place of assembly shall post the provisions of such sections in conspicuous places upon such premises. No person shall fail to comply with this section.
(ORC 3737.61)

1501.07 SETTING FIRES WHICH SPREAD.

No person shall set, kindle or cause to be set or kindled any fire, which through his negligence, spreads beyond its immediate confines to any structure, field or wood lot.
(ORC 3737.62)

1501.08 UNFRIENDLY FIRES IN BUILDING; ALARM DUTIES.

(a) The owner, operator or lessee, an employee of any owner, operator or lessee, an occupant, and any person in direct control of any building regulated under the Ohio Basic Building Code, upon the discovery of an unfriendly fire, or upon receiving information that there is an unfriendly fire on the premises, shall immediately, and with all reasonable dispatch and diligence, call or otherwise notify the Fire Department concerning the fire, and shall spread an alarm immediately to all occupants of the building.

(b) For the purposes of this section, "unfriendly fire" means a fire of a destructive nature as distinguished from a controlled fire intended for a beneficial purpose.

(c) No person shall fail to comply with this section.
(ORC 3737.63)

1501.09 DISCLOSURE OF TRUE FIRE SAFETY INSPECTOR STATUS.

No person who is not a certified Fire Safety Inspector shall act as such or hold himself out to be such, unless prior to commencing any inspection function, he discloses the purpose for which he is making such inspection and the fact that he is not employed by any state or local fire service or agency, and that he is not acting in an official capacity for any governmental subdivision or agency.
(ORC 3737.64)

1501.10 FIRE EQUIPMENT SALE OR USE; CERTIFICATION OF INSTALLERS.

(a) No person shall sell, offer for sale, or use any fire protection or fire fighting equipment that does not meet the minimum standards established by the Ohio Fire Marshal in the Ohio Fire Code.

(b) Except for public and private mobile fire trucks, no person shall service, test, repair or install for profit any fire protection or fire fighting equipment without a certificate or a provisional certificate issued by the Ohio Fire Marshal. (ORC 3737.65)

1501.11 COPIES.

Copies of Codes as adopted in this chapter are on file with the Council Clerk for inspection by the public, and also on file in the County Law Library, and the Clerk has copies available for distribution to the public at cost.

1501.12 CONFLICT.

(a) The provisions of the Ohio Fire Code shall not be deemed to nullify any provisions of state or federal law. Municipal corporations, under Ohio R.C. 3781.01, may make further and additional regulations, not in conflict with Ohio R.C. Chapters 3781 and 3791 or with the rules of the Ohio Board of Building Standards. However, under Ohio R.C. 3781.12, approval by the Board of Building Standards of any fixture, device, material, system, assembly or product of a manufacturing process, or method or manner of construction or installation shall constitute approval for their use anywhere in Ohio.

As provided in Ohio R.C. 3781.11(b), the rules of the Board of Building Standards shall supersede and govern any order, standard, or rule of the Division of Fire Marshal or Industrial Compliance in the Department of Commerce, and the Department of Health and of counties and townships, in all cases where such orders, standards or rules are in conflict with the rules of the Board of Building Standards, except that rules adopted and orders issued by the Fire Marshal pursuant to Ohio R.C. Chapter 3743 prevail in the event of a conflict.

The rules of the Board of Building Standards adopted pursuant to Ohio R.C. 3781.10 and known as the "Ohio Building Code" (OBC) shall govern any rule or standards adopted by the Board pursuant to Ohio R.C. 4104.02 and 4105.011.
(OAC 4101:1-1(102.2))

(b) In all other cases of conflict between the Ohio Fire Code and any other Municipal ordinance or technical code adopted thereby, the more restrictive provision shall govern.

1501.99 PENALTY.**(a) Criminal Penalties.**

- (1) Except as otherwise provided in Ohio R.C. Section 3737.99(B), whoever violates Section 1501.05(a) is guilty of a misdemeanor of the first degree. (ORC 3737.99(B))
- (2) Whoever violates Sections 1501.05(b) or 1501.06 is guilty of a minor misdemeanor. (ORC 3737.99(C))
- (3) Whoever violates Sections 1501.07 or 1501.09 is guilty of a misdemeanor of the fourth degree. (ORC 3737.99(D))
- (4) Whoever violates Sections 1501.08 or 1501.10 is guilty of a misdemeanor of the third degree. (ORC 3737.99(E))

(b) Civil Penalties.

- (1) Any person who has received a citation for a serious violation of the Ohio Fire Code or any order issued pursuant to it, shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.
- (2) Any person who has received a citation for a violation of the Ohio Fire Code or any order issued pursuant to it, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each such violation.

- (3) Any person who fails to correct a violation for which a citation has been issued within a period permitted for its correction, may be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each day during which such failure or violation continues.
- (4) Any person who violates any of the posting requirements, as prescribed by Section 1501.04(c), shall be assessed a civil penalty of not more than one thousand dollars (\$1,000) for each violation.
- (5) Due consideration to the appropriateness of the penalty with respect to the gravity of the violation, the good faith of the person being charged, and the history of the previous violations shall be given whenever a penalty is assessed under this chapter.
- (6) For purposes of this section, a serious violation shall be considered to exist if there is a substantial probability that an occurrence causing death or serious physical harm to persons could result from a condition which exists, or from one or more practices, means, methods, operations or processes which have been adopted or are in use, unless the person did not and could not with the exercise of reasonable diligence, know of the presence of the violation.
- (7) Civil penalties imposed by this chapter shall be paid to the Municipal Chief Fiscal Officer for deposit into the General Revenue Fund. Such penalties may be recovered in a civil action in the name of the Municipality brought in the Court of Common Pleas.
(ORC 3737.51(B) to (H))

CHAPTER 1511
Open Burning

1511.01	Definitions.	1511.04	Permission and notice to
1511.02	Relations to other	1511.05	open burn.
1511.03	prohibitions.	1511.99	Bonfires.
	Open burning in restricted		Penalty.
	areas.		

CROSS REFERENCES

See sectional histories for similar State law
 Air pollution control - see Ohio R.C. Ch. 3704
 Permit to burn construction debris - see Ohio R.C. 3704.11(C)
 Spreading fire through negligence - see Ohio R.C. 3737.62
 Open burning - see OAC Ch. 3745

1511.01 DEFINITIONS.

As used in Chapter 3745-19 of the Ohio Administrative Code
 and this chapter:

- (a) "Agricultural waste" means any matter generated by crop, horticultural, or livestock production practices, and includes such items as woody debris and plant matter from stream flooding, bags, cartons, structural materials, and landscape wastes that are generated in agricultural activities, but does not include land clearing waste; buildings; garbage; dead animals; motor vehicles and parts thereof; nor economic poisons and containers thereof, unless the manufacturer has identified open burning as a safe disposal procedure.
- (b) "Economic poisons" include but are not restricted to pesticides such as insecticides, fungicides, rodenticides, miticides, nematocides and fumigants; herbicides; seed disinfectants; and defoliant.
- (c) "Garbage" means any matter resulting from the handling, processing, preparation, cooking and consumption of food or food products.
- (d) "Landscape waste" means any plant matter, except garbage, including trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, yard trimmings and crop residues.
- (e) "Land clearing waste" means plant matter which is removed from land, including plant matter removed from stream banks during projects involving more than one property owner, for the purpose of rendering the land useful for residential, commercial or industrial development.

- (f) "Ohio EPA" means the Ohio Environmental Protection Agency Director or agencies delegated authority by such Director pursuant to Ohio R.C. 3704.03 or the Chief of any Ohio Environmental Protection Agency district office.
- (g) "Open burning" means the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning includes the burning of any refuse or salvageable material in any device not subject to or designed specifically to comply with the requirements of Ohio Administrative Code 3745-17-09 or 3745-17-10.
- (h) "Residential waste" means any matter, including landscape wastes, generated on a one-, two- or three-family residence as a result of residential activities, but not including garbage.
- (i) "Restricted area" means the area within the boundary of any municipal corporation established in accordance with the provisions of Title 7 of the Ohio Revised Code, plus a zone extending 1,000 feet beyond the boundaries of any such municipal corporation having a population of 1,000 to 10,000 persons and a zone extending one mile beyond any such municipal corporation having a population of 10,000 persons or more according to the latest federal census.
- (j) "Unrestricted area" means all areas outside the boundaries of a restricted area as defined in subsection (i) hereof.
(OAC 3745-19-01)
- (k) Bonfire means an outdoor fire utilized for ceremonial purposes.
(OAC 1301:7-7-04)

1511.02 RELATIONS TO OTHER PROHIBITIONS.

(a) Notwithstanding any provision in Ohio Administrative Code Chapter 3745-19, no open burning shall be conducted in an area where an air alert, warning or emergency under Ohio Administrative Code Chapter 3745-25 is in effect.

(b) No provisions of Ohio Administrative Code Chapter 3745-19, permitting open burning, and no permission to open burn granted by the Ohio EPA, shall exempt any person from compliance with any section of the Ohio Revised Code, or any regulation of any State department, or any local ordinance or regulation dealing with open burning.
(OAC 3745-19-02)

1511.03 OPEN BURNING IN RESTRICTED AREAS.

(a) No person or property owner shall cause or allow open burning in a restricted area except as provided in subsections (b) to (d) hereof or in Ohio R.C. 3704.11.

(b) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA:

- (1) Cooking for human consumption;
- (2) Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots and similar occupational needs.

Fires allowed by subsections (b)(1) and (b)(2) hereof shall not be used for waste disposal purposes and shall be of minimum size sufficient for their intended purpose; the fuel shall be chosen to minimize the generation and emission of air contaminants.

(c) Open burning shall be allowed for the following purposes with prior notification to the Ohio EPA in accordance with Section 1511.04(b):

- (1) Prevention or control of disease or pests, with written or verbal verification to the Ohio EPA from the local health department, cooperative extension service, Ohio Department of Agriculture, or U.S. Department of Agriculture, that open burning is the only appropriate disposal method.
- (2) Ceremonial fires provided the following conditions are met:
 - A. The ceremonial fires shall be less than five feet by five feet in dimension and shall burn no longer than three hours;
 - B. The ceremonial fires shall not be used for waste disposal purposes; and
 - C. The fuel shall be chosen so as to minimize the generation and emission of air contaminants.
- (3) Disposal of agricultural waste generated on the premises if the following conditions are observed:
 - A. The fire is set only when atmospheric conditions will readily dissipate contaminants;
 - B. The fire does not create a visibility hazard on the roadways, railroad tracks, or air fields;
 - C. The fire is located at a point on the premises no less than one thousand feet from any inhabited building not located on said premises;
 - D. The wastes are stacked and dried to provide the best practicable condition for efficient burning; and
 - E. No materials are burned which contain rubber, grease, asphalt or liquid petroleum products.

(d) Open burning shall be allowed for the following purposes upon receipt of written permission from the Ohio EPA in accordance with Section 1511.04(a) provided that any conditions specified in the permission are followed:

- (1) Disposal of ignitable or explosive materials where the Ohio EPA determines that there is no practical alternate method of disposal;
 - (2) Instruction in methods of fire fighting or for research in the control of fires;
 - (3) In emergency or other extraordinary circumstances for any purpose determined to be necessary by the Ohio EPA; and
 - (4) Recognized horticultural, silvicultural, range or wildlife management practices.
 - (5) Fires and/or pyrotechnic effects, for purposes other than waste disposal, set as part of commercial film-making or video production activities for motion pictures and television.
- (OAC 3745-19-03)

1511.04 PERMISSION AND NOTICE TO OPEN BURN.

(a) Permission.

- (1) An application for permission to open burn shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as required by the Ohio EPA.

- (2) Except as provided in subsection (a)(6) hereof, such applications shall contain, as a minimum, information regarding:
 - A. The purpose of the proposed burning;
 - B. The nature of quantities of material to be burned;
 - C. The date or dates when such burning will take place;
 - D. The location of the burning site, including a map showing distances to residences, populated areas, roadways, air fields, and other pertinent landmarks; and
 - E. The methods or actions which will be taken to reduce the emissions of air contaminants.
 - (3) Permission to open burn shall not be granted unless the applicant demonstrates to the satisfaction of the Ohio EPA that open burning is necessary to the public interest; will be conducted in a time, place, and manner as to minimize the emission of air contaminants; and will have no serious detrimental effect upon adjacent properties or the occupants thereof. The Ohio EPA may impose such conditions as may be necessary to accomplish the purpose of Chapter 3745-19 of the Administrative Code.
 - (4) Except as provided in subsection (a)(6) hereof, permission to open burn must be obtained for each specific project. In emergencies where public health or environmental quality will be seriously threatened by delay while written permission is sought, the fire may be set with oral permission of the Ohio EPA.
 - (5) Violations of any of the conditions set forth by the Ohio EPA in granting permission to open burn shall be grounds for revocation of such permission and refusal to grant future permission, as well as for the imposition of other sanctions provided by law.
 - (6) The Ohio Department of Commerce, Division of State Fire Marshal, may request permission to open burn on an annual basis for the purpose of training firefighters on pre-flashover conditions using the Ohio fire academy's mobile training laboratory at either the academy or at other training sites in Ohio. The annual application required pursuant to subsection (a)(1) hereof shall contain information as required in subsection (a)(2) hereof, except the information required in subsections (a)(2)C. and (a)(2)D. hereof need not be provided unless it is available at the time of submittal of the application. The academy shall contact the appropriate Ohio EPA district office or local air agency at least five days before each training session of the date or dates when the training session will take place and its location.
- (b) Notification.
- (1) Notification shall be submitted in writing at least ten days before the fire is to be set. It shall be in such form and contain such information as shall be required by the Ohio EPA.
 - (2) Such notification shall inform the Ohio EPA regarding:
 - A. The purpose of the proposed burning;
 - B. The nature and quantities of materials to be burned;
 - C. The date or dates when such burning will take place; and
 - D. The location of the burning site.

- (3) The Ohio EPA, after receiving notification, may determine that the open burning is not allowed under Chapter 3745-19 of the Administrative Code and the Ohio EPA shall notify the applicant to this effect.
(OAC 3745-19-05)

1511.05 BONFIRES.

(a) Approval Required. A bonfire shall be allowed after obtaining approval from the Fire Official.

An application for a bonfire shall be submitted in writing at least ten days before the fire is set and shall be in such form and contain such information as required by the Fire Official. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

(b) Prohibition. The Fire Official shall prohibit a bonfire that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Official shall order the extinguishment, by the permit holder or the Fire Department, of any bonfire that creates or adds to a hazardous or objectionable situation.

(c) Location. The location for any bonfire shall not be less than 50 feet (15240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15240 mm) of any structure. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.

(d) Attendance. Any bonfire shall be constantly attended until the fire is extinguished. At least one portable fire extinguisher with a minimum 4-A rating, two portable fire extinguishers with a minimum 2-A rating each, or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

(e) Bonfire Size and Duration. A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours. The maximum size and duration of a bonfire shall not be increased by the Fire Official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.

(f) Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.
(OAC 1301:7-7-04)

1511.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both.

CHAPTER 1519
Fireworks

1519.01	Definitions.	1519.04	Possession, sale or discharge prohibited; exceptions.
1519.02	Public exhibition permit required; fee; bond; records.	1519.05	Application.
1519.03	Unlawful conduct by exhibitor.	1519.99	Penalty.

CROSS REFERENCES

Manufacturers to comply with building and zoning ordinances - see Ohio R.C. 3743.06(F)
Wholesalers to comply with building and zoning ordinances - see Ohio R.C. 3743.19(G)
Arrests, seizure of fireworks by certified fire safety inspector - see Ohio R.C. 3743.68
Conflict of Fire Marshal's rules with rules of Ohio Board of Building Standards - see Ohio R.C. 3781.11(D)

1519.01 DEFINITIONS.

As used in this chapter:

- (a) "Beer" and "intoxicating liquor" have the same meanings as in Ohio R.C. 4301.01.
- (b) "Booby trap" means a small tube that has a string protruding from both ends, that has a friction-sensitive composition and that is ignited by pulling the ends of the string.
- (c) "Cigarette load" means a small wooden peg that is coated with a small quantity of explosive composition and that is ignited in a cigarette.
- (d) (1) "1.3 G fireworks" means display fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.3" in Title 49, Code of Federal Regulations.
(2) "1.4 G fireworks" means consumer fireworks consistent with regulations of the United States Department of Transportation as expressed using the designation "Division 1.4" in Title 49, Code of Federal Regulations.
- (e) "Controlled substance" has the same meaning as in Ohio R.C. 3719.01.

- (f) "Fireworks" means any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration or detonation, except ordinary matches and except as provided in Section 1519.05.
- (g) "Licensed exhibitor of fireworks" or "licensed exhibitor" means a person licensed pursuant to Ohio R.C. 3743.50 to 3743.55.
- (h) "Licensed manufacturer of fireworks" or "licensed manufacturer" means a person licensed pursuant to Ohio R.C. 3743.02 to 3743.08.
- (i) "Licensed wholesaler of fireworks" or "licensed wholesaler" means a person licensed pursuant to Ohio R.C. 3743.15 to 3743.21.
- (j) "Novelties and trick noisemakers" include the following items:
 - (1) Devices that produce a small report intended to surprise the user, including, but not limited to, booby traps, cigarette loads, party poppers and snappers;
 - (2) Snakes or glow worms;
 - (3) Smoke devices;
 - (4) Trick matches.
- (k) "Party popper" means a small plastic or paper item that contains not more than sixteen milligrams of friction-sensitive explosive composition, that is ignited by pulling string protruding from the item, and from which paper streamers are expelled when the item is ignited.
- (l) "Railroad" means any railway or railroad that carries freight or passengers for hire, but does not include auxiliary tracks, spurs and sidings installed and primarily used in serving a mine, quarry or plant.
- (m) "Smoke device" means a tube or sphere that contains pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.
- (n) "Snake or glow worm" means a device that consists of a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning, which ash expands in length as the pellet burns.
- (o) "Snapper" means a small, paper-wrapped item that contains a minute quantity of explosive composition coated on small bits of sand, and that, when dropped, implodes.
- (p) "Trick match" means a kitchen or book match that is coated with a small quantity of explosive composition and that, upon ignition, produces a small report or a shower of sparks.
- (q) "Wire sparkler" means a sparkler consisting of a wire or stick coated with a non-explosive pyrotechnic mixture that produces a shower of sparks upon ignition and that contains no more than one hundred grams of this mixture.
(ORC 3743.01)

1519.02 PUBLIC EXHIBITION PERMIT REQUIRED; FEE; BOND; RECORDS.

(a) A licensed exhibitor of fireworks who wishes to conduct a public fireworks exhibition within the Municipality shall apply for approval to conduct the exhibition to the Fire Chief and from the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

The required approval shall be evidenced by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer, signing a permit for the exhibition, the form for which shall be prescribed by the State Fire Marshal. Any exhibitor of fireworks who wishes to conduct a public fireworks exhibition may obtain a copy of the form from the Fire Marshal or, if it is available, from the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or the designee of the Police Chief or similar chief law enforcement officer.

(b) Before a permit is signed and issued to a licensed exhibitor of fireworks, the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall inspect the premises on which the exhibition will take place and shall determine that, in fact, the applicant for the permit is a licensed exhibitor of fireworks. Each applicant shall show the applicant's license as an exhibitor of fireworks to the Fire Chief or Fire Prevention Officer.

The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall give approval to conduct a public fireworks exhibition only if satisfied, based on the inspection, that the premises on which the exhibition will be conducted allow the exhibitor to comply with the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) and that the applicant is, in fact, a licensed exhibitor of fireworks. The Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, may inspect the premises immediately prior to the exhibition to determine if the exhibitor has complied with the rules, and may revoke the permit for noncompliance with the rules.

(c) The Fire Chief or Fire Prevention Officer and the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the applicant pays a permit fee of twenty-five dollars (\$25.00) plus any necessary costs of investigation of the applicant and of inspecting the premises on which the exhibition will be conducted.

Each exhibitor shall provide an indemnity bond in the amount of at least one million dollars (\$1,000,000), with surety satisfactory to the Fire Chief or Fire Prevention Officer and to Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, conditioned for the payment of all final judgments that may be rendered against the exhibitor on account of injury, death or loss to persons or property emanating from the fireworks exhibition, or proof of insurance coverage of at least one million dollars (\$1,000,000) for liability arising from injury, death or loss to persons or property emanating from the fireworks exhibition. The Legislative Authority may require the exhibitor to provide an indemnity bond or proof of insurance coverage in amounts greater than those required by this subsection. The Fire Chief or Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall not issue a permit until the exhibitor provides the bond or proof of the insurance coverage required by this subsection.

- (d) (1) Each permit for a fireworks exhibition issued by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall contain a distinct number, designate the Municipality, and identify the certified Fire Safety Inspector, Fire Chief or Fire Prevention Officer who will be present before, during, and after the exhibition, where appropriate. A copy of each permit issued shall be forwarded by the Fire Chief or Fire Prevention Officer and by the Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, issuing it to the Fire Marshal, who shall keep a record of the permits received. A permit is not transferable or assignable.

- (2) The Fire Chief, Fire Prevention Officer and Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall keep a record of issued permits for fireworks exhibitions. In this list, the Fire Chief, Fire Prevention Officer, Police Chief or other similar chief law enforcement officer, or a designee of such Police Chief or similar chief law enforcement officer, shall list the name of the exhibitor, the exhibitor's license number, the premises on which the exhibition will be conducted, the date and time of the exhibition and the number of the permit issued to the exhibitor for the exhibition.

(e) The governing authority having jurisdiction in the location where an exhibition is to take place shall require that a certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer be present before, during, and after the exhibition, and shall require the certified Fire Safety Inspector, Fire Chief, or Fire Prevention Officer to inspect the premises where the exhibition is to take place and determine whether the exhibition is in compliance with this chapter and Ohio R.C. Chapter 3743. (ORC 3743.54)

1519.03 UNLAWFUL CONDUCT BY EXHIBITOR.

(a) No licensed exhibitor of fireworks shall fail to comply with the applicable requirements of the rules adopted by the Fire Marshal pursuant to Ohio R.C. 3743.53(B) and (E) or to comply with Divisions (C) and (D) of that section.

(b) No licensed exhibitor of fireworks shall conduct a fireworks exhibition unless a permit has been secured for the exhibition pursuant to Section 1519.02 or if a permit so secured is revoked by the Fire Chief or Fire Prevention Officer in consultation with the Police Chief or other similar chief law enforcement official or a designee of such Police Chief or other similar law enforcement official pursuant to that section.

(c) No licensed exhibitor of fireworks shall acquire fireworks for use at a fireworks exhibition other than in accordance with Ohio R.C. 3743.54 and 3743.55.

(d) No licensed exhibitor of fireworks or other person associated with the conduct of a fireworks exhibition shall have possession or control of, or be under the influence of, any intoxicating liquor, beer or controlled substance while on the premises on which the exhibition is being conducted.

(e) No licensed exhibitor of fireworks shall permit an employee to assist the licensed exhibitor in conducting fireworks exhibitions unless the employee is registered with the Fire Marshal under Ohio R.C. 3743.56. (ORC 3743.64)

1519.04 POSSESSION, SALE OR DISCHARGE PROHIBITED; EXCEPTIONS.

(a) No person shall possess fireworks in this Municipality or shall possess for sale or sell fireworks in this Municipality, except a licensed manufacturer of fireworks as authorized by Ohio R.C. 3743.02 to 3743.08, a licensed wholesaler of fireworks as authorized by Ohio R.C. 3743.15 to 3743.21, a shipping permit holder as authorized by Ohio R.C. 3743.40, an out-of-state resident as authorized by Ohio R.C. 3743.44, a resident of this State as authorized by Ohio R.C. 3743.45, or a licensed exhibitor of fireworks as authorized by Ohio R.C. 3743.50 to 3743.55 and Section 1519.02 and except as provided in Section 1519.05.

(b) Except as provided in Section 1519.05 and except for licensed exhibitors of fireworks authorized to conduct a fireworks exhibition pursuant to Ohio R.C. 3743.50 to 3743.55 and Section 1519.02, no person shall discharge, ignite or explode any fireworks in this Municipality.

(c) No person shall use in a theater or public hall, what is technically known as fireworks showers, or a mixture containing potassium chlorate and sulphur.

(d) No person shall sell fireworks of any kind to a person under eighteen years of age.

(e) No person shall advertise 1.4 G fireworks for sale. A sign located on a seller's premises identifying the seller as a seller of fireworks is not the advertising of fireworks for sale.

(f) No person, other than a licensed manufacturer, licensed wholesaler, licensed exhibitor, or shipping permit holder, shall possess 1.3 G fireworks.
(ORC 3743.65)

1519.05 APPLICATION.

This chapter does not prohibit or apply to the following:

- (a) The manufacture, sale, possession, transportation, storage or use in emergency situations, of pyrotechnic signaling devices and distress signals for marine, aviation or highway use;
- (b) The manufacture, sale, possession, transportation, storage or use of fusees, torpedoes or other signals necessary for the safe operation of railroads;
- (c) The manufacture, sale, possession, transportation, storage or use of blank cartridges in connection with theaters or shows, or in connection with athletics as signals or for ceremonial purposes;
- (d) The manufacture for, the transportation, storage, possession or use by, or sale to the Armed Forces of the United States and the militia of this State of pyrotechnic devices;
- (e) The manufacture, sale, possession, transportation, storage or use of toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive material are used, provided that they are constructed so that a hand cannot come into contact with a cap when it is in place for explosion, or apply to the manufacture, sale, possession, transportation, storage or use of those caps;
- (f) The manufacture, sale, possession, transportation, storage or use of novelties and trick noisemakers, auto burglar alarms or model rockets and model rocket motors designed, sold and used for the purpose of propelling recoverable aero models;
- (g) The manufacture, sale, possession, transportation, storage or use of wire sparklers.
- (h) The conduct of radio-controlled special effect exhibitions that use an explosive black powder charge of not more than one-quarter pound per charge, and that are not connected in any manner to propellant charges, provided that the exhibition complies with all of following:
 - (1) No explosive aerial display is conducted in the exhibition;
 - (2) The exhibition is separated from spectators by not less than two hundred feet;

- (3) The person conducting the exhibition complies with regulations of the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury and the United States Department of Transportation with respect to the storage and transport of the explosive black powder used in the exhibition.
(ORC 3743.80)

1519.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the first degree for a first offense and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months or both. (ORC 3743.99(C))