

CITY OF GREEN, OHIO

CODE OF ORDINANCES

2025 S-2~~2024 S-1~~ Supplement contains:

Local legislation current through Ordinance No. **2024-11**~~2023-14~~, passed **8-27-**
2024~~12-12-2023~~

State legislation current through June **26, 2024**~~30, 2023~~

Published by:

AMERICAN LEGAL PUBLISHING

525 Vine Street ✧ Ste. 310 ✧ Cincinnati, Ohio 45202

800-445-5588 ✧ www.amlegal.com

SECTION 1 - Meetings.**Rule 1.1 - Organizational Meetings.**

Within the first seven (7) days of January of each year, Council shall meet for the purpose of organization. The Mayor, or a person appointed by the Mayor, shall call this meeting and shall preside as temporary Chairman only until the President of Council is elected.

Rule 1.2 - Regular Meetings.

The City Council shall hold its Regular meetings on the second and fourth Tuesday of each month at 7:00 p.m. at the Green Administration Bldg. Council may also convene a regular meeting directly following the Organizational Meeting as provided for in Rule 1.1.

The Council President or acting president shall have the sole authority to cancel any regularly scheduled Council meeting.

Council President shall notify the Clerk of Council who will then notify interested parties of the cancellation, including, but not limited to:

- Council members
- Mayor
- City employees
- Media/press
- School personnel/students
- Scheduled speakers

Rule 1.3 - Special Meetings.

After the organizational meeting, Council shall meet at such times prescribed in its rules, regulations, bylaws, or by resolution or ordinance, except that it shall hold regularly scheduled meetings at least once during each calendar month. Such Council meetings shall be known as Regular meetings. All other Council meetings shall be known as Special Meetings.

Special Meetings of the Council may be called as provided by its rules, regulations, bylaws, or by resolution or ordinance. In the absence of any such provisions, Special Meetings may be called by a vote of Council taken at any Regular or Special meeting thereof, or shall be called by the Clerk of Council upon written request of the Mayor, or the President of Council, or by any three (3) members of Council. Notice in writing of each Special Meeting called at the request of the Mayor, the President of Council, or by three (3) members of Council shall state the date and time, and subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice shall be considered at such Special Meetings. The written notice required by this section shall be served by the Clerk of Council upon the Mayor and each member of Council, either personally, electronically, or by leaving a copy thereof at his usual place of residence, not less than twenty-four (24) hours proceeding the time for the meeting. In the event that a Special Meeting is called by a vote of Council taken at any Regular or Special Meeting from which any member of Council was absent, written notice of such special meeting shall be given such absentee in the manner provided here.

Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any Council member shall be deemed conclusively to have waived such notice by their attendance at any such meeting.

All Regular and Special Meetings of Council shall be held at the City Administration Building or at such other places in the City as Council may direct, providing that notice of the change in location shall be posted at the administration building no later than one (1) hour prior to the meeting. (Charter 4.8)

Rule 1.4 - Holiday Scheduling.

Council may choose to suspend a regular meeting, but not to exceed two consecutive regular meetings. Council shall hold at least one regularly scheduled meeting during each calendar month.

Rule 1.5 - Executive Sessions.

An Executive Session may be called during Regular or Special Meetings, including Committee Meetings, in compliance with the Sunshine Law. Items discussed in Executive Session are to remain confidential. Any Member of Council violating this rule may be subject to censure.

Rule 1.6 - Sunshine Law.

All Regular Meetings, Special Meetings, Executive Sessions, and Committee Meetings shall be conducted in accordance with the Sunshine Law. (R.C. § 121.22) All Meetings of Council, and its committee meetings, shall be public and any citizen shall have access to the minutes and record of these meetings at all reasonable times.

Rule 1.7 - Quorum.

A majority of Council shall constitute a quorum to conduct business, but a lesser number may adjourn from time to time and compel the attendance of the absent members in such manner and under such penalties as may be prescribed by resolution or ordinance.

Rule 1.8 - Order of Business.

Business shall be conducted in the following order:

- 1.) Call to Order
- 2.) Pledge of allegiance
- 3.) Roll Call
- 4.) Council Study Session
- 5.) Public Report
- 6.) Public Hearings
- 7.) Reading of Correspondence
- 8.) First Reading of New Legislation
- 9.) Report of Council Committees
- 10.) Mayor's Report
- 11.) Unfinished Old Business
- 12.) New Business
- 13.) Adjournment

SECTION 2 - Council Organization.**Rule 2.1 - Officers.**

At the organizational meeting of Council in January of each year as provided by the City Charter, Council shall by simple majority vote, through the use of a roll call vote elect from among its members a President of Council and a Vice-President of Council each to serve for one (1) year.
(Charter section 4.5)

Rule 2.2 - Term of Office.

Any Council member so elected as president of council or vice president of council may serve for two (2) consecutive one (1) year terms, after which ~~he~~they shall be ineligible for re-election to those Council offices until a period of not less than one (1) year has elapsed.
(Charter section 4.5)

Rule 2.3 - Removal of Officers.

The officers of Council shall serve at the pleasure of Council. A vote of a majority of members of the Council shall be required to remove a member from office.

Rule 2.4 - Presiding Officer.

The President is the presiding officer of Council. In the absence of the President, the Vice-President shall preside.

Rule 2.5 - Vacancy of Officer.

Any vacancy of the office of President of Council, whether occurring by death, disqualification, recall, removal, resignation, or by succession to the office of Mayor, shall be filled by the Vice-President of Council for the remainder of the unexpired term of President of Council. The vacancy so created in the office of Vice President of Council shall be filled by a Council member elected by the majority of the remaining members of Council, without first appointing a replacement council member. The successor shall hold office for the balance of the un-expired term of Vice-President of Council. If the vacancy created by the accession of Vice-President of Council shall not be filled by the Council within thirty (30) days from the date such vacancy occurs, the power of Council to do so shall lapse, and the Mayor shall appoint one (1) of the remaining member of Council to fill the vacancy.
(Charter Section 4.6)

Rule 2.6 - Duties of the President.

The President shall preserve order and decorum, prevent personal reflections and confine members in debate to the question. ~~They~~He may, in common with any other member, call any member to order who shall violate any of the rules and shall, when in the chair, decide all questions of order, subject to an appeal to Council on the demand by two or more members. On such appeal there shall be no debate, but the members making the appeal may briefly state the reason for the same, and the presiding officer shall have the right to a similar brief statement.

Rule 2.7 - Clerk of Council.

The Clerk of Council shall be appointed by Council, and the Clerk shall serve at the pleasure of the Council. The Clerk shall keep the Journal of Council, an accurate and complete record of all proceedings of Council; authenticate by the Clerk's signature and have custody of all laws, ordinances, and resolutions of Council; have custody of all official documents, reports, papers, and files of Council; and perform other such duties as Council shall require. Copies of minutes of Boards and Commissions will be kept on file. (Charter section 4.12) If the Clerk should need to correct previously approved minutes, the Clerk shall notify the President of Council and obtain written approval before making such corrections.

~~The Clerk of Council shall be appointed by Council, subject to the qualifications for a Council Member at-large pursuant to the Charter. He shall serve at the pleasure of the Council. The Clerk shall keep the Journal of Council, an accurate and complete record of all proceedings of Council; authenticate by his signature and have custody of all laws, ordinances, and resolutions of Council; have custody of all documents, reports, papers, VIDEOS and files of Council; and perform other such duties as Council shall require. Copies of minutes of Boards and Commissions will be kept on file.~~
(Charter section 4.12)

Rule 2.8 - Vacancy of Clerk Position.

During the temporary absence or disability of the Clerk of Council, the deputy clerk shall perform the duties of the Clerk of Council. If no individual holds the position of deputy clerk, Council shall by an affirmative vote of a simple majority of its members appoint a liked-qualified individual to perform the duties of that office. ~~shall by affirmative vote of a simple majority of its members, appoint a like-qualified individual to perform the duties of that office.~~

(Charter section 4.12)

SECTION 3 - Committees.**Rule 3.1 - Standing Committees.**

The seven standing committees shall be as follows:

- a. Finance
- b. Planning and Community Economic Development
- c. Public Safety
- d. Rules and Personnel
- e. Environment and Parks
- f. Transportation, Connectivity & Storm Water
- g. Intergovernmental and Utilities

Rule 3.2 - Special Committees.

The President of Council may appoint special committees as are necessary to carry out the duties of Council.

Rule 3.3 - Number of Members on Committees.

There shall be three (3) members on each standing committee. Membership on special committees will be established by the President of Council.

Rule 3.4 - Committee Appointments.

The President of Council shall appoint committee members and special committees members as are necessary to carry out the duties of Council.

Rule 3.5 - Attendance by Non-Committee Members.

Council members may attend Committee meetings of committees of which they are not a member, however they are in attendance as a member of the general public and not in their official capacity.

Rule 3.6 - Committee Chair and Vice-Chair.

The Chair is the first name appearing on the list of committee members and the Vice-Chair will be the second name appearing on the list of committee members.

Rule 3.7 - Committee Meetings.

The Committees shall meet in the Council Chambers at 5:00 p.m. on the second and fourth Tuesday of each month. A committee may call a special meeting. The notice for a special meeting shall state the date and time, and the subject or subjects to be considered at such meeting. No subject or subjects, other than those listed in this written notice, shall be considered at such special meetings. Written minutes of the meetings are to be taken and kept on file with the Clerk of Council.

~~The Committees shall meet in the Council Chambers Beginning at 5 p.m. on the days of any regularly scheduled Council Meeting. The date and time of the scheduled shall be announced through the same notice provided for any regularly scheduled or Special Council Meeting. Video recordings of meetings shall serve as the official minutes of committee meetings along with the written summary. Written minutes of the meetings are to be taken and kept on file with the Clerk of Council.~~

Rule 3.8 - Duties of Committees.

a. All proposed ordinances and resolutions, except those of a purely ceremonial nature, shall be referred by the President of Council to one (1) or more of the standing committees of Council as appropriate to the subject matter, unless this requirement is waived by a vote of two-thirds (2/3) of the members of Council.

b. Said committee(s) shall consider the proposed legislative action separately and/or jointly and shall report their recommendations to Council for final disposition.

c. Such report of the committee(s) recommendations shall be given by the Chair during Council session. Minutes and documentation shall be entered into the Journal of the Committees. ~~The video shall serve as the official minutes for council meetings. A summary of the meeting which detail the general discussion on each agenda item as well as the vote(s) on all ordinances and resolutions and shall be accompanied by the original documents, if any, upon which such report is based. Such report and documentation shall be entered or referred to upon the Journal of Council.~~

d. If any matter referred to committee has not been reported upon for two (2) successive Regular Council Meetings, such matter may be brought before Council, with or without an accompanying committee report, upon the vote of a two-thirds (2/3) vote of the members of Council.

e. Nothing in this provision shall preclude any standing committee from proposing an ordinance or resolution on its own initiative. Intentional failure to follow this section pertaining to committees which results in gross abuse of corporate power shall invalidate any action taken by the Council as a whole.
(Charter section 4.9)

Rule 3.9 - Quorum for Committees.

Committees containing three members must have two members present for a quorum. A majority vote of the members is necessary to take action.

Rule 3.10 - The President and the Standing Committees

The President of Council shall be an ex officio member of all standing committees of which ~~he is~~ they are not a

occurring on a committee within forty-five (45) days after the vacancy occurs by appointing another member of Council to fill the unexpired term.

Rule 3.11 - Committee of the Whole.

The Council may resolve itself into a Committee of the Whole when it wishes, so that the entire Council may consider an issue.

SECTION 4 - Parliamentary Procedures.

Rule 4.1 - Call to Order.

At the time appointed for Council to meet, the President shall take the Chair and immediately call the members to order.

Rule 4.2 - Roll Call.

Before proceeding, the Clerk shall call the roll and enter into the minutes the members present or absent.

Rule 4.3 - Suspension of Rules.

These rules of procedure may be temporarily suspended at any meeting of Council by a three-fourths (3/4) vote of all members elected, (6 yeas needed), insofar as said suspension is not a conflict with the status of the Constitution of the State of Ohio. The vote on such suspension shall be taken by yeas and nays, and entered into the Journal of Council. Any measure to be adopted as an emergency measure requires an explanation be given prior to a motion being made as to why such an action is necessary. (Charter Section 4.9)

Rule 4.4 - Amendments to Rules.

The Rules of Council are to remain in full force and effect until amended or repealed by Council. These rules may be amended, altered, or new rules adopted by a simple majority of the Council members at any meeting of Council on the report of the Rules Committee to which the subject had been referred at a previous meeting.

Rule 4.5 - Questions and Motions.

When a motion is made and seconded, the President or the Clerk shall state the question, which then places it before Council. ~~Any such motion and any amendment thereto may be withdrawn by the mover and or second thereof at any time before decision, if the majority of the members then present shall agree.~~ Following debate, the President or the Clerk shall put the question to a vote and announce the results of the vote.

Rule 4.6 - Demand for a Vote.

The President of Council or any other member of Council may demand a division, which shall be taken by a roll call. The motion calling the previous question closes debate, stops further amendments to the last motion and brings it to an immediate vote. The previous question applies only to the last motion made. It is not in order for a member of Council to speak to a question under consideration or to make a motion and immediately demand the previous question.

Rule 4.7 - Objection to Consideration.

As soon as a motion or proposition has been stated, any member may object to consideration. This cannot be amended or debated. It requires a majority vote of all members to pass.

Rule 4.8 - Reconsideration.

Any member who previously voted with the prevailing side, may move to reconsider any vote or proceeding of the Council. This motion shall be made not later than the next regular meeting. An action taken by Council shall only be reconsidered once.

Rule 4.9 - Point of Order.

A point of order is a motion made by a member of Council when they believe the Rules of Council are being violated. This motion may be made when another member has the floor and does not require a second. The presiding officer must determine the validity of the motion. If the decision is that the Rules are being violated, the presiding officer shall enforce the Rules of Council.

Rule 4.10 - Point of Information.

A point of information is a request by a member of Council to the presiding officer, requesting information relevant to the business at hand. The presiding officer shall direct the request to the appropriate person and all information shall be exchanged through the presiding officer in order to maintain decorum.

Rule 4.11 - Procedures Not Included in Council Rules.

In the absence of any rule governing matters of business in either the Rules of Council, the City Charter, or the Statutes of the State of Ohio, *Roberts Rules of Order, Revised* shall be the standard of parliamentary usage.

Rule 4.12 - Withdrawal.

The sponsor of legislation may withdraw such legislation at any time before the President of Council has "stated the question" and placed it before Council as set forth in Rule 4.5 in a regular or special meeting of Council.

SECTION 5 - Debate and Decorum.**Rule 5.1 - Preservation of Decorum.**

The presiding officer shall preserve decorum and maintain order at all times, prevent personal reflections during debate and in making assignments, and confine members to the question before Council.

The presiding officer or any other member of the Council may call to order a member who violates these rules. This decision shall be subject to an appeal to Council at the request of one (1) member, who shall state the reasons for the appeal. There shall be no debate on such appeal, but the President shall have the right to answer the appeal.

Rule 5.2 - Speaking by Council Members.

Any member of Council desiring to speak shall raise his hand for recognition by the President. Upon recognition, the member shall be allowed to speak. No member shall speak longer than five minutes at one time, without leave, and no member shall speak again on the same motion until all members of Council desiring to speak on

Rule 5.3 - Speaking by Members of the Administration.

Any member of the administration, including the Mayor, who desires to speak shall ask for recognition by the President. Upon recognition, the member of the Administration shall be allowed to speak. ~~Any member of the Administration desiring to speak shall raise his hand for recognition by the President. Upon recognition, the member of the Administration shall be allowed to speak.~~

Rule 5.4 - Speaking by Non-Members of Council.

(See Section 7)

Rule 5.5 - Profane Language.

The use of profane or vulgar language is absolutely forbidden, either by Council members or by any others attending the Council meeting.

Rule 5.6 - Power to Preserve Decorum.

The Council may, with a majority vote by yeas and nays, vote to suspend the meeting in order to preserve order and decorum.

Rule 5.7 - ~~Videotaping~~Recording of Council Meetings.

Any and all forms of the official recording of Council meetings shall be under the direction of Council without any form of censorship, excepting the deletion of profanity, obscenity, or any matter unacceptable under FCC regulations.

~~Videotaping of Council meetings shall be under the direction of Council without any form of censorship, excepting the deletion of profanity, obscenity, or any matter unacceptable under FCC regulations. The video shall serve as the official minutes for Council meetings. A written summary of the meeting which details the general discussion on each agenda item as well as the vote(s) on all ordinances and resolutions shall also be kept.~~

SECTION 6 - Enacting Legislation.**Rule 6.1 - Council Actions.**

The Council shall act officially only by ordinance or resolution.

Rule 6.2 - Passage or Adoption.

All ordinances, resolutions, and rules for the government of Council shall require for their passage or adoption, an affirmative vote of a simple majority of all members elected, and the votes on their passage or adoption shall be taken by yeas and nays and recorded in the Journal of Council.

(Charter Section 4.9)

Rule 6.3 - Voting.

All members of Council present shall vote on the question on the call by yea or by nay. The only exception being if the Council member feels ~~he has~~ they have a personal interest in the matter, at which time it is permissible for ~~him~~ them to abstain from voting. Any members, not being excused, who refuses to vote on the question when the yeas and nays are taken, shall be guilty of contempt of Council and may for such contempt be censured by a majority vote of Council.

Rule 6.10 - Resolutions, Congratulations, and Commendations.

Resolutions of congratulations, commendations, condolences, and the like, which are not a general and permanent nature, may be voted and acted upon at once after one reading.

Rule 6.11 - Assigning New Legislation.

The President of Council shall assign all new legislative items to the appropriate committee and/or committees.

Rule 6.12 - Copies of Legislation.

When legislation is presented to Council, the Clerk of Council shall have copies made and distributed to each Council member, make all relevant documents available to Council in electronic format and will provide written copies upon request. ~~When legislation is presented to Council, the Clerk of Council shall distribute copies to each Council member by email and granicus.~~

Rule 6.13 - Number of Readings.

Every resolution and every ordinance, ~~shall~~ ordinance shall be read at three (3) different Regular Council Meetings, unless any or all readings are dispensed with by a three-fourths (3/4) vote of the members of Council (6 yeas needed). Ordinances and resolutions shall be deemed to have been read if a written ~~or printed,~~ printed, or an electronic copy of the ordinance or resolution shall have been furnished to each member of Council prior to its introduction and if the title thereof is fully read, provided that such ordinance or resolution shall be read in full if so directed by motion approved by affirmative vote of a simple majority of Council.
(Charter Section 4.9)

Rule 6.14 - When Legislation Becomes Effective.

Each resolution or ordinance providing for

- a.) the appropriation of money; or
- b.) improvements petitioned for by a majority of the adjacent property to be benefitted and specially assessed therefore; or
- c.) any emergency resolution or ordinance necessary for the immediate preservation of public peace, health, welfare, or safety,

shall take effect, unless a later date be specified therein, upon its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until thirty (30) days after its passage and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage over veto by the Mayor, as the case may be.
(Charter Section 4.9)

Rule 6.15 - Legislation Requiring a Public Hearing.

No action of Council authorizing

- a.) the surrender of joint exercise of any of its powers; or
- b.) the granting of any franchise; or

Rule 7.4 - Conduct of Speakers.

Each speaker must identify ~~himself~~themselves and shall state the subject of ~~his~~their comments which shall be addressed to the presiding officer. The presiding officer shall have the power to equitably divide the time available among the speakers. All speakers shall observe all rules of decorum. No debate, disrespect or obscenities shall be permitted.

Rule 7.5 - Employee Grievances.

No person shall be permitted to speak on any individual City employee grievance problem unless all the City Grievances Procedure Steps have been exhausted by the person involved.

Rule 7.6 - Response of the Presiding Officer.

The presiding officer may refer any question posed, to a member of Council or the Administration to answer.

SECTION 8 - General.**Rule 8.1 - Access to Information.**

Any person may visit, email or telephone the office of the Clerk of Council during that office's regular office hours to determine, based on information available at that office, the time and place of regular meetings; the time, place, and purpose of any then known Special Meetings; and the agenda for such meetings as then available.

Rule 8.2 - Council Relationship to Administrative Officers.

Neither Council, nor any of its committees, nor any of its several members, shall in any matter take part in the discipline of, give orders to, any subordinates and employees in the administrative service of the City responsible to the Mayor, but must deal directly with the Mayor. Council may inquire into the conduct of any office or department and into the performance of any contract or any of the affairs of the City.

(Charter Section 4.15)

(Prior Code, § 220.02) (Ord. 2015-11, passed 8-13-2015; Ord. 2018-07, passed 4-10-2018; Ord. 2023-16, passed 2-13-2024)

§ 31.03 CLERK OF COUNCIL.

Council hereby authorizes a change in employment status for the Clerk of Council from part-time to full-time status, with all city benefits, effective immediately.

(Prior Code, § 220.03) (Res. 94-R19, passed 3-22-1994)

§ 31.04 DEPUTY CLERK.

(A) The City Council establishes the position of Deputy Clerk of Council.

(B) The position of Deputy Clerk of Council will be added to the listing of non-bargaining positions at pay grade level 5 and the salary range for the position shall be as set forth by resolution from time to time.

(Prior Code, § 220.04) (Res. 2007-R50, passed 9-25-2007)

Green - Administration

- 34.086 Qualifications of members
- 34.087 Membership; terms
- 34.088 Responsibilities

City Tree Advisory Commission

- 34.100 Definitions
- 34.101 Commission established
- 34.102 Compensation
- 34.103 Responsibility of Commission
- 34.104 Street tree list
- 34.105 City's right to plant, prune, maintain and/or remove
- 34.106 Topping prohibited; exemptions
- 34.107 Responsibility of owners
- 34.108 Removal of dead or diseased trees from private property
- 34.109 Removal of stumps
- 34.110 Interference prohibited
- 34.111 City Council review

Diversity Committee

- 34.125 Establishment
- 34.126 Consultant

Veterans' Commission

- 34.135 Establishment
- 34.136 Term
- 34.137 Recommendations; advice and assistance

- 34.999 Penalty

Statutory reference:

Authority to create joint recreation boards, see R.C. § 755.14
City Planning Commission may preserve historic sites, objects and facilities, see R.C. § 713.02
Civil service law, see R.C. Ch. 124
Corporations for preservation of historic sites, objects and facilities, see R.C. § 1743.07
Encouragement of local historical societies, see R.C. § 149.30
Municipal civil service commissions, see R.C. §§ 124.40 et seq.
Parks and recreation, see R.C. Ch. 755
State Historical Society, see R.C. §§ 149.30 et seq.

CIVIL SERVICE COMMISSION**§ 34.001 ADOPTION OF RULES; SCOPE; AMENDMENTS; VARIATIONS FROM STATE LAW.**

(A) Council hereby adopts the rules of the Civil Service Commission as set forth below. The rules of the Civil Service Commission provide for the ascertainment of merit and fitness as the basis for appointment and

§ 34.111 CITY COUNCIL REVIEW.

The City Council shall have the right to review the conduct, acts and decisions of the Tree Advisory Commission. Any person may appeal from any ruling or order of the Tree Commission to City Council who may hear the matter and make a final decision.

(Prior Code, § 286.12) (Ord. 2018-25, passed 11-27-2018)

DIVERSITY COMMITTEE**§ 34.125 ESTABLISHMENT.**

The City Council establishes a committee to review the hiring practices and workplace procedures, as well as the appointment process for city boards and commissions of the city in order to prevent racial injustice and promote best practices that are inclusive and equitable for all people. The Committee may also review policies and practices relating to equitable compensation, training, development, succession and advancement of employees, and other human resource matters. The Committee membership shall include the Human Resource Manager, Council chairperson for the Rules and Personnel Committee (who shall serve for a period of one year, even if their appointment as chair expires during this time), and a nominee from the Inclusion Committee, who acting together, shall recommend to City Council no more than seven additional Committee members in an effort to reflect the diverse components of the community, including race, sex, age, sexual orientation, religion and other pertinent characteristics. A member of the Civil Service Commission will be invited to serve as one of the seven additional members, all of which shall be confirmed by majority vote of City Council. The Mayor shall not serve on the Committee but will receive monthly updates beginning no later than 60 days after the Committee is formed and the Mayor will have the opportunity to contribute suggestions to the Committee as part of the monthly update. The Committee, who may choose to work in conjunction with a consultant (described more fully in § 34.126), shall present its final recommendations to the Mayor and City Council within one year of the date this legislation is passed.

(Prior Code, § 288.01) (Res. 2020-R59, passed 9-8-2020)

§ 34.126 CONSULTANT.

The Committee described in § 34.125 may wish to hire a consultant with an expertise in diversity, equity, and inclusion in hiring and workplace practice to assist the Committee. If the Committee determines that the consultant would be beneficial to its review, the consultant shall be chosen as follows: the Committee shall recommend three consultants or consultant firms to the Mayor, who shall present his selection of the preferred consultant(s) or firm(s) to Council for approval by resolution for any expenditure that exceeds \$10,000 pursuant to § 35.08 of this code.

(Prior Code, § 288.02) (Res. 2020-R59, passed 9-8-2020)

VETERANS' COMMISSION**§ 34.135 ESTABLISHMENT.**

The City of Green desires to create and establish a Veterans' Commission. The Commission shall consist

of five voting members. Two members shall be appointed by the City Council and three members shall be appointed by the Mayor. Members shall be qualified and serve without compensation. Each member shall be a resident of the municipality preceding the appointment and shall remain a resident during that member's term. A City Council Member shall be appointed to serve as liaison to and be a non-voting member of the Commission. Each voting member shall have served, or shall be currently serving, in the United States Armed Forces. Each veteran member shall have received either an honorable discharge or shall be retired from service. The Commission may create ad hoc committees of residents who need not have served in the armed forces.
(Ord. 2024-06, passed 4-23-2024)

§ 34.136 TERM.

With the exception of the appointments of the Commission's initial members, each member of the Commission shall serve a three-year term, with the term expiring on December 31 of each year. The term of the Council Member serving as liaison shall not exceed their term of office on Council. The initial members shall be appointed for staggered terms of one, two, and three years. Members shall serve no more than three consecutive full terms.
(Ord. 2024-06, passed 4-23-2024)

§ 34.137 RECOMMENDATIONS; ADVICE AND ASSISTANCE.

The Commission shall make recommendations to the Mayor with respect to the American military and veteran related issues, ceremonies, events and activities that occur within the municipal limits of the City of Green. Upon request, the Commission may provide advice and assistance to city residents regarding resources available to the members of the United States Armed Forces, veterans, and members of their respective families. The Commission shall act as a conduit of communication and coordination between the local military and veteran community and the City of Green.
(Ord. 2024-06, passed 4-23-2024)

§ 34.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

MOTORIZED WHEELCHAIR. Any self-propelled vehicle designed for, and used by, a person with a disability and that is incapable of a speed in excess of eight miles per hour.

MULTI-WHEEL AGRICULTURAL TRACTOR. A type of agricultural tractor that has two or more wheels or tires on each side of one axle at the rear of the tractor, is designed or used for drawing other vehicles or wheeled machinery, has no provision for carrying loads independently of the drawn vehicles or machinery, and is used principally for agricultural purposes.

NATURAL RESOURCES OFFICER. An officer appointed pursuant to R.C. § 1501.24.

OPERATE. To cause or have caused movement of a vehicle.

OPERATOR. Any person who drives or is in actual physical control of a vehicle.

PARKED or PARKING. The standing of a vehicle upon a street, road, alley, highway or public ground, whether accompanied or unaccompanied by a driver, but does not include the temporary standing of a vehicle for the purpose of and while actually engaged in loading or loading merchandise or passengers.

PEDESTRIAN. Any natural person afoot. The term includes a personal delivery device as defined in R.C. § 4511.513 unless the context clearly suggests otherwise.

PERSON. Every natural person, firm, partnership, association or corporation.

POLE TRAILER. 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 connections.

POLICE OFFICER. Every officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

PREDICATE MOTOR VEHICLE OR TRAFFIC OFFENSE. Any of the following:

(1) A violation of 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;

(2) A violation of R.C. § 4511.17(A)(2), 4511.51(A) through (D), or 4511.74(A);

(3) A violation of any provision of R.C. §§ 4511.01 through 4511.76 for which no penalty otherwise is provided in the section that contains the provision violated;

(4) A violation of R.C. § 4511.214;

(5) A violation of a municipal ordinance that is substantially equivalent to any section or provision set forth or described in division (1), (2), (3), or (4) of this definition.

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 25 miles per hour.

TRUCK. Every motor vehicle, except trailers and semitrailers, designed and used to carry property.

TYPE A FAMILY CHILD CARE HOME. Has the same meaning as set forth in R.C. § 5104.01.

URBAN DISTRICT. 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 a distance of one-quarter of a mile or more, and the character of the territory is indicated by official traffic-control devices.

VEHICLE. Every device, including a motorized bicycle and an electric bicycle, in, upon, or by which any person or property may be transported or drawn upon a highway, except that the term does not include any motorized wheelchair, any electric personal assistive mobility device, any low-speed micromobility device, any personal delivery device as defined in R.C. § 4511.513, any device that is moved by power collected from overhead electric trolley wires or that is used exclusively upon stationary rails or tracks, or any device, other than a bicycle, that is moved by human power.

WASTE COLLECTION VEHICLE. A vehicle used in the collection of garbage, refuse, trash, or recyclable materials.

WILDLIFE OFFICER. An officer designated pursuant to R.C. § 1531.13.
(R.C. § 4511.01) (Prior Code, § 402.01)

§ 70.02 COMPLIANCE WITH ORDER OF POLICE OFFICER.

(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.

(C) (1) Whoever violates this section is guilty of failure to comply with an order or signal of a police officer.

(2) A violation of division (A) of this section is a misdemeanor of the first degree.

(3) Except as provided in divisions (C)(4) and (C)(5) of this section, a violation of division (B) of this section is a felony to be prosecuted under appropriate state law.

(4) A violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that in committing the offense, the offender was fleeing immediately after the commission of a felony.

~~———— (3) Except as provided in divisions (C)(4) and (C)(5) of this section, a violation of division (B) of this section is a misdemeanor of the first degree.~~

~~———— (4) Except as provided in division (C)(5) of this section, a violation of division (B) of this section is a felony and shall be prosecuted under appropriate state law if the jury or judge as trier of fact finds by proof beyond a reasonable doubt that 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 caused a substantial risk of serious physical harm to persons or property.

(b) If a police officer pursues an offender who is violating division (B) of this section and division (C)(5)(a) of this section applies, the sentencing court, in determining the seriousness of an offender's conduct for purposes of sentencing the offender for a violation of division (B) of this section, shall consider, along with the factors set forth in R.C. §§ 2929.12 and 2929.13 that are required to be considered, all of the following:

1. The duration of the pursuit;
2. The distance of the pursuit;
3. The rate of speed at which the offender operated the motor vehicle during the pursuit;
4. Whether the offender failed to stop for traffic lights or stop signs during the pursuit;
5. The number of traffic lights or stop signs for which the offender failed to stop during the pursuit;
6. Whether the offender operated the motor vehicle during the pursuit without lighted lights during a time when lighted lights are required;
7. Whether the offender committed a moving violation during the pursuit;
8. The number of moving violations the offender committed during the pursuit;
9. Any other relevant factors indicating that the offender's conduct is more serious than conduct normally constituting the offense.

(D) In addition to any other sanction imposed for a violation of division (A) of this section, the court shall impose a class five suspension from the range specified in R.C. § 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under R.C. § 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in R.C. § 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division. ~~In addition to any other sanction imposed for a violation of division (A) of this section or a misdemeanor violation of division (B) of this section, the court shall impose a class five suspension from the range specified in R.C. § 4510.02(A)(5). If the offender previously has been found guilty of an offense under this section or under R.C. § 2921.331 or any other substantially equivalent municipal ordinance, in addition to any other sanction imposed for the offense, the court shall impose a class one suspension as described in R.C. § 4510.02(A)(1). The court may grant limited driving privileges to the offender on a suspension imposed for a misdemeanor violation of this section as set forth in R.C. § 4510.021. No judge shall suspend any portion of the suspension under a class one suspension of an offender's license, permit, or privilege required by this division.~~

(E) As used in this section:

MOVING VIOLATION. Has the same meaning as in R.C. § 2743.70.

POLICE OFFICER. Has the same meaning as in R.C. § 4511.01.
(R.C. § 2921.331(A) - (C), (E), (F))

(c) Except as provided in division (B)(2)(d) of this section, a private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property but the private towing service performed the removal in a negligent manner;

(d) A private towing service that was authorized, employed, or arranged by a public safety official to perform the removal of the unoccupied motor vehicle, cargo, or personal property that was endangering public safety but the private towing service performed the removal in a reckless manner.

(C) As used in divisions (A) and (B) of this section:

HAZARDOUS MATERIAL. Has the same meaning as in R.C. § 2305.232.

PUBLIC SAFETY OFFICIAL. Means any of the following:

(a) The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, port authority, conservancy district, university campus police department, park district police force, or township or joint police district, in which the accident occurred; ~~The sheriff of the county, or the chief of a law enforcement agency in the municipal corporation, township, port authority, conservancy district, or township or joint police district, in which the accident occurred;~~

(b) A state highway patrol trooper;

(c) The chief of the fire department having jurisdiction where the accident occurred;

(d) A duly authorized subordinate acting on behalf of an official specified in divisions (a) to (c) of this definition;

(e) A natural resources officer or a wildlife officer.

(R.C. § 4513.66)

(D) If a towing service is removing a motor vehicle, and the removal was not authorized under R.C. § 4513.60, 4513.601, 4513.61, or 4513.66, or any substantially equivalent municipal ordinance, prior to removing the motor vehicle, the towing service shall provide a written estimate of the price for the removal to the operator of the motor vehicle, if requested.

(E) The towing service shall ensure that any estimate provided under division (D) of this section includes the fees, services to be rendered, and destination of the vehicle.

(F) If a towing service fails to provide a written estimate as required by this section, the towing service shall not charge fees for the towing and storage of the motor vehicle that exceed 25 % of any applicable fees established by the public utilities commission in rules adopted under R.C. § 4921.25(B)(4) or, if the vehicle was towed within a municipal corporation that has established vehicle removal and storage fees, 25 % of the fees established by the municipal corporation.

(G) Any storage facility that accepts towed vehicles shall conspicuously post a notice at the entrance to the storage facility that states the limitation on fees established under division (F) of this section.

(R.C. § 4513.68) (Prior Code, § 436.14)

§ 70.13 IMPOUNDING OF VEHICLES; REDEMPTION.

CHAPTER 73: MOTOR VEHICLE CRIMES

Section

General Provisions

- 73.01 Driving under the influence of alcohol or drugs
- 73.02 Implied consent
- 73.03 Physical control of vehicle while under the influence
- 73.04 Driving commercial vehicle with impaired alertness or ability; use of drugs
- 73.05 Reckless operation of vehicles
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- 73.07 Operator to be in reasonable control
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- 73.09 ~~Street racing, stunt driving and street takeovers prohibited~~ ~~Street racing defined; prohibited on public highways~~
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- 73.17 Vehicular homicide; vehicular manslaughter; vehicular assault

Stopping After Accident

- 73.30 Failure to stop after accident
- 73.31 Stopping after accident on other than public roads or highways
- 73.32 Accident involving damage to realty
- 73.33 Failure to report accident

Statutory reference:

Notice of arrest of certain commercial drivers, see R.C. § 5577.14

GENERAL PROVISIONS

§ 73.01 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(A) (1) No person shall operate any vehicle within this municipality, if, at the time of the operation, any of the following apply:

(B) Whoever violates this section is guilty of operating a motor vehicle or agricultural tractor without being in control of it, a minor misdemeanor.

(R.C. § 4511.202) (Prior Code, § 434.025)

§ 73.08 IMMOBILIZING OR DISABLING DEVICE VIOLATION.

(A) (1) No offender who has been granted limited or unlimited driving privileges, during any period that the offender is required to operate only a motor vehicle equipped with an immobilizing or disabling device, shall request or permit any other person to breathe into the device if it is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or to otherwise start the motor vehicle equipped with the device, for the purpose of providing the offender with an operable motor vehicle.

(2) No person shall breathe into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise start a motor vehicle equipped with an immobilizing or disabling device, for the purpose of providing an operable motor vehicle to another person who has been granted limited or unlimited driving privileges under the condition that the person operate only a motor vehicle equipped with an immobilizing or disabling device.

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device.

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree.

(R.C. § 4510.44) (Prior Code, § 434.011)

§ 73.09 STREET RACING, STUNT DRIVING AND STREET TAKEOVERS PROHIBITED.

(A) As used in this section:

BURNOUT. A maneuver performed while operating a vehicle whereby the vehicle is kept in a stationary position, but the wheels of the vehicle are spun, which may cause the tires of the vehicle to become heated and emit smoke from the friction.

DOUGHNUT. A maneuver performed while operating a vehicle whereby the front or rear of the vehicle is rotated around the opposite set of wheels in a continuous motion, which may cause a circular skid-mark pattern of rubber on the driving surface, or the tires of the vehicle to become heated and emit smoke from the friction, or both.

DRIFTING. A maneuver performed while operating a vehicle whereby the vehicle is driven in a manner that causes a controlled, sideways skid during a turn, with the front wheels pointing in a direction that is the opposite of the direction of the turn.

STREET RACING. 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. The operation of two or more vehicles side by side either at speeds in excess of prima-facie lawful speeds established by R.C. § 4511.21(B)(1)(a) to (B)(9) 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.

STREET TAKEOVER. Blocking or impeding the regular flow of vehicle or pedestrian traffic on a public road, street, or highway or on private property that is open to the general public for the purpose of street racing or stunt driving.

STUNT DRIVING. Performing or engaging in burnouts, doughnuts, drifting, or wheelies, or allowing a passenger to ride either partially or fully outside of the vehicle while operating that vehicle.

WHEELIE. A maneuver performed while operating a vehicle whereby the front wheel or wheels of the vehicle are raised off of the ground or whereby two wheels that are on the same side of the vehicle are raised off of the ground.

(B) No person shall knowingly participate in street racing, stunt driving, or street takeover upon any public road, street, or highway, or on private property that is open to the general public.

(C) Whoever violates this section is guilty of street racing, stunt driving, or street takeover, 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 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.

(D) Persons rendering assistance in any manner to street racing, stunt driving, or street takeover shall be equally charged as the participants.

(E) This section does not apply to the competitive operation of vehicles on public or private property when the political subdivision with jurisdiction of the location or owner of the property knowingly permits such operation thereon.

(R.C. § 4511.251)

~~§ 73.09 STREET RACING DEFINED; PROHIBITED ON PUBLIC HIGHWAYS.~~

~~—(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 outdistance 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 R.C. § 4511.21(B)(1)(a) through (B)(9) or a substantially equivalent municipal ordinance, 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 privileges for not less than 30 days or more than three years. No judge shall suspend the first 30 days of any suspension of an offender's license, permit, or privilege imposed under this division.~~

~~(R.C. § 4511.251) (Prior Code, § 434.07)~~

§ 73.17 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER; VEHICULAR ASSAULT.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, 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: ~~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) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of R.C. § 1547.11(A) or of a substantially equivalent municipal ordinance; or

(c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3) or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

(a) Recklessly; or

(b) ~~As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (D) of this section.~~ As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (D) of this section.

(3) In one of the following ways:

(a) Negligently; or

(b) ~~As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (D) of this section.~~ 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 division 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 division (D) of this section.

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 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 R.C. Title 45 that is a minor misdemeanor.

MINI-TRUCK. Has the same meaning as in R.C. § 4501.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. A violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. A violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER OR ASSAULT OFFENSE. A violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. §§ 2903.06 or 2903.08, or a violation of R.C. §§ 2903.06, 2903.07 or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT OR ATTEMPTED MURDER OFFENSE. A violation of R.C. §§ 2903.01 or 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

UTILITY VEHICLE. Has the same meaning as in R.C. § 4501.01.

(2) 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 this or another state or the United States.
(R.C. § 2903.06)

(F) Vehicular assault.

(1) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, or mini-truck, 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, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (F)(4) of this section. ~~No person, while operating or participating in the operation of a motor vehicle or motorcycle, 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, provided that this division 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 division (F)(4) of this section.~~

(2) (a) Except as otherwise provided in this division, vehicular assault committed in violation of division (F)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (F)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under R.C. Ch.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 division (F)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

- (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 20 feet of a crosswalk at an intersection;
 - (G) Within 30 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 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by a traffic-control device;
 - (I) Within 50 feet of the nearest rail of a railroad crossing;
 - (J) Within 20 feet of a driveway entrance to any fire station and, on the side of the street opposite the entrance to any fire station, within 75 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 elevated structure upon a highway, or within a highway tunnel;
 - (N) At any place where signs prohibit stopping, including, but not limited to, loading and unloading zones at the Akron-Canton Regional Airport where posted signs prohibit parking;
 - (O) Within one foot of another parked vehicle;
 - (P) On the roadway portion of a freeway, expressway or thruway.
- (Prior Code, § 452.03) (Ord. 03-06, passed 3-11-2003)

Statutory reference:

See parking prohibitions, see R.C. § 4511.68

§ 76.14 WILLFULLY LEAVING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(A) The Police Chief, upon notification to the Police Chief of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:

- (1) Has come into the possession of the Police chief as a result of the performance of the Police Chief's duties; or
- (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Police Chief of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following

applies:

(a) The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;

(b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Police Chief shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Police Chief. If the Police Chief determines that the vehicle cannot be removed within the specified period of time, the Police Chief shall order the removal of the vehicle.

(3) Subject to division (C) of this section, the Police Chief shall designate the place of storage of any motor vehicle so ordered removed.

(B) If the Police Chief issues an order under division (A) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Police Chief not more than two hours after the time it is removed.

(C) (1) The Police Chief shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Police Chief within five business days of the removal of the vehicle. Upon obtaining such identity, the Police Chief shall send or cause to be sent to the owner and any lienholder at the owner's and any lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner and any lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.

(2) (a) The owner or lienholder of the motor vehicle is responsible for payment of any expenses or charges incurred in its removal and storage and may reclaim the motor vehicle upon payment of those expenses or charges, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:

1. Retrieve any personal item that has been determined by the Police Chief to be necessary to a criminal investigation;

2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.

(b) For purposes of division (C)(2) of this section, "personal items" do not include any items that are attached to the vehicle.

(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner and any lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.

(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any

substantially equivalent municipal ordinance, the Police Chief, without charge to any party, shall file with the clerk of courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Police Chief. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Police Chief shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Police Chief shall retain the original of the affidavit for the Police Chief's records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the clerk of courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.

~~—(A) The County Sheriff or Chief of Police, within the Sheriff's or Chief's respective territorial jurisdiction, or a state highway patrol trooper, upon notification to the Sheriff or Chief of Police of such action and of the location of the place of storage, may order into storage any motor vehicle, including an abandoned junk motor vehicle as defined in R.C. § 4513.63, that:~~

~~———(1) Has come into the possession of the Sheriff, Chief of Police, or state highway patrol trooper as a result of the performance of the Sheriff's, Chief's, or trooper's duties; or~~

~~————— (2) Has been left on a public street or other property open to the public for purposes of vehicular travel, or upon or within the right-of-way of any road or highway, for 48 hours or longer without notification to the Sheriff or Chief of Police of the reasons for leaving the motor vehicle in such place. However, when such a motor vehicle constitutes an obstruction to traffic it may be ordered into storage immediately unless either of the following applies:~~

~~————— (a) The vehicle was involved in an accident and is subject to R.C. § 4513.66, or any substantially equivalent municipal ordinance;~~

~~————— (b) The vehicle is a commercial motor vehicle. If the vehicle is a commercial motor vehicle, the Sheriff, Chief of Police, or state highway patrol trooper shall allow the owner or operator of the vehicle the opportunity to arrange for the removal of the motor vehicle within a period of time specified by the Sheriff, Chief of Police, or state highway patrol trooper. If the Sheriff, Chief of Police, or state highway patrol trooper determines that the vehicle cannot be removed within the specified period of time, the Sheriff, Chief of Police, or state highway patrol trooper shall order the removal of the vehicle.~~

~~————— (3) Subject to division (C) of this section, the Sheriff or Chief of Police shall designate the place of storage of any motor vehicle so ordered removed.~~

~~—— (B) If the Sheriff, Chief of Police, or a state highway patrol trooper issues an order under division (A) of this section and arranges for the removal of a motor vehicle by a towing service, the towing service shall deliver the motor vehicle to the location designated by the Sheriff or Chief of Police not more than two hours after the time it is removed.~~

~~—— (C) (1) The Sheriff or Chief of Police shall cause a search to be made of the records of an applicable entity listed in R.C. § 4513.601(F)(1) to ascertain the identity of the owner and any lienholder of a motor vehicle ordered into storage by the Sheriff or Chief of Police, or by a state highway patrol trooper within five business days of the removal of the vehicle. Upon obtaining such identity, the Sheriff or Chief of Police shall send or cause to be sent to the owner or lienholder at the owner's or lienholder's last known address by certified or express mail with return receipt requested, by certified mail with electronic tracking, or by a commercial carrier service utilizing any form of delivery requiring a signed receipt. The notice shall inform the owner or lienholder that the motor vehicle will be declared a nuisance and disposed of if not claimed within ten days of the date of the sending of the notice.~~

~~————— (2) (a) The owner or lienholder of the motor vehicle may reclaim the motor vehicle upon payment of any expenses or charges incurred in its removal and storage, and presentation of proof of ownership, which may be evidenced by a certificate of title or memorandum certificate of title to the motor vehicle, a certificate of registration for the motor vehicle, or a lease agreement. Upon presentation of proof of ownership evidenced as provided above, the owner of the motor vehicle also may retrieve any personal items from the vehicle without retrieving the vehicle and without paying any fee. However, a towing service or storage facility may charge an after-hours retrieval fee established by the Public Utilities Commission in rules adopted under R.C. § 4921.25 if the owner retrieves the personal items after hours, unless the towing service or storage facility fails to provide the notice required under R.C. § 4513.69(B)(3), if applicable. However, the owner shall not do either of the following:~~

~~————— 1. Retrieve any personal item that has been determined by the Sheriff, Chief of Police, or a state highway patrol trooper, as applicable, to be necessary to a criminal investigation;~~

~~2. Retrieve any personal item from a vehicle if it would endanger the safety of the owner, unless the owner agrees to sign a waiver of liability.~~

~~(b) For purposes of division (C)(2) of this section, “personal items” do not include any items that are attached to the vehicle.~~

~~(3) If the owner or lienholder of the motor vehicle reclaims it after a search of the applicable records has been conducted and after notice has been sent to the owner or lienholder as described in this section, and the search was conducted by the place of storage, and the notice was sent to the motor vehicle owner by the place of storage, the owner or lienholder shall pay to the place of storage a processing fee of \$25, in addition to any expenses or charges incurred in the removal and storage of the vehicle.~~

~~(D) If the owner or lienholder makes no claim to the motor vehicle within ten days of the date of sending the notice, and if the vehicle is to be disposed of at public auction as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police, without charge to any party, shall file with the Clerk of Courts of the county in which the place of storage is located an affidavit showing compliance with the requirements of this section. Upon presentation of the affidavit, the Clerk, without charge, shall issue a salvage certificate of title, free and clear of all liens and encumbrances, to the Sheriff or Chief of Police. If the vehicle is to be disposed of to a motor vehicle salvage dealer or other facility as provided in R.C. § 4513.62 or any substantially equivalent municipal ordinance, the Sheriff or Chief of Police shall execute in triplicate an affidavit, as prescribed by the Registrar of Motor Vehicles, describing the motor vehicle and the manner in which it was disposed of, and that all requirements of this section have been complied with. The Sheriff or Chief of Police shall retain the original of the affidavit for the Sheriff’s or Chief’s records, and shall furnish two copies to the motor vehicle salvage dealer or other facility. Upon presentation of a copy of the affidavit by the motor vehicle salvage dealer, the Clerk of Courts, within 30 days of the presentation, shall issue a salvage certificate of title, free and clear of all liens and encumbrances.~~

(E) Whenever a motor vehicle salvage dealer or other facility receives an affidavit for the disposal of a motor vehicle as provided in this section, the dealer or facility shall not be required to obtain an Ohio certificate of title to the motor vehicle in the dealer’s or facility’s own name if the vehicle is dismantled or destroyed and both copies of the affidavit are delivered to the Clerk of Courts.

(F) No towing service or storage facility shall fail to comply with this section.
(R.C. § 4513.61)

(G) *Abandonment of junk motor vehicle prohibited.*

(1) (a) No person shall willfully leave an abandoned junk motor vehicle as defined in R.C. § 4513.63 on private property for more than 72 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 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in such place. No person shall willfully leave an abandoned junk motor vehicle, as defined in R.C. § 4513.63, on private property for more than 72 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 48 hours or longer without notification to the Police Chief of the reason for leaving the motor vehicle in that place.

(b) For purposes of this division (G)(1), the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

§ 90.03 CONTROL OF DOGS.

(A) No owner, keeper or harbinger of any dog shall fail at any time to keep such dog either physically confined or restrained upon the premises of the owner by a leash, tether, adequate fence or secure enclosure to prevent escape, or properly in leash and under the immediate control of some person, except when the dog is lawfully engaged in hunting or training for the purpose of hunting, and accompanied by the owner.

(B) No dog shall be at large within the city unless securely attached upon a leash held in the hand of a person in a manner which continuously controls the dog, except when the dog is lawfully engaged in hunting, or training for the purpose of hunting, and accompanied by the owner.

(C) No person shall take, lead, or have in his or her possession any animal in any city park, except;

(1) Service animals in accordance with Ohio Administrative Code 3344-79-02; and

(2) Dogs in accordance with the following:

(a) A dog upon a strapped or corded (not a virtual) leash that is no longer than six feet in length and held in the hand of a person in a manner that continuously controls the dog, except that a dog in Ariss park may be unleashed within the designated fenced area;

(b) A dog wearing a valid registration tag pursuant to R.C. Chapter 955 and § 90.30;

(c) A dog within the following parks, including inside the spectator area of a sport field or sport court, but not on the sport field or sport court:

1. Ariss Park;

2. Boettler Park;

3. Central Park (except that dogs are not permitted in the amphitheater seating area, the playground area, or the splash pad);

4. East Liberty Park;

5. Greensburg Park;

6. Kleckner Park;

7. Kreighbaum Park;

8. Southgate Park; and

9. Spring Hill Sports Complex.

(d) Dogs are not permitted at the following parks or city owned properties:

1. Raintree Golf and Event Center, including on the course;

2. Veteran's Park;

3. Torok Community/Senior Center walking trails;
4. Central Park Amphitheater seating area;
5. Any indoor facility owned or operated by the city;
6. Any park playground areas, play structures;
7. Splash pad; and
8. Within the playing limits of competitive/play sports fields or sports courts.

(e) Dogs are prohibited at special events hosted by the city at any city park.

(D) No person shall fail to clean up after and properly dispose of the waste of his or her service animal or dog in any city park. ~~No person shall take, lead or have in his or her possession any animal in any city park, except that dogs upon a leash, no longer than six feet in length, held in the hand of a person in a manner which continuously controls the dog, are permitted in East Liberty Park, Ariss Park, Southgate Park and Central Park in designated areas. Other than service animals, dogs permitted in the aforementioned city parks are not permitted on sports fields, sports courts, in playground areas or the amphitheater at Central Park. Dogs are only permitted to be unleashed within the fenced dog park area within Ariss Park. Dogs shall be registered and wearing tags as required under R.C. Ch. 955, cleaned up after, and waste properly disposed.~~

(DE) No person, being the owner of a dog, shall encourage or permit such dog to:

(1) Snap at, menace, attempt to bite or attempt to cause physical harm to any person or animal, while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner;

(2) Cause physical harm to the property of another while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner; or

(3) Bite or otherwise cause physical harm to any person or animal while the dog is off the premises of the owner, or while on premises which are not exclusively controlled by the owner.

(EF) It shall be an affirmative defense to a violation of divisions (A) and (B) of this section that the dog was:

(1) Securely confined in an automobile or cage which is adequately ventilated; or

(2) Being exhibited at a public dog show, zoo, museum or public institution.

(FG) No public law enforcement agency or member thereof, or a licensed private law enforcement agency or member thereof, shall be convicted of any violation of this section where the dog is owned by the agency and at that time engaged in law enforcement activities.

(GH) Lack of intent, knowledge or fault on the part of the owner is not a defense to a violation of this section.

(HI) Whoever violates this section is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

(Prior Code, § 618.03) (Ord. 92-14, passed 6-9-1992; Ord. 2018-08, passed 5-22-2018; Ord. 2024-05, passed 4-9-2024)

CHAPTER 91: CEMETERIES

Section

- 91.01 Artificial flowers
- 91.02 Price for cemetery lots and columbarium niches
- 91.03 Price for grave and niche opening/closings
- 91.04 Price for grave monument/marker foundations
- 91.05 Maximum cost for indigent burials
- 91.06 Mayor may amend or change prices
- 91.07 Conveyance of cemetery lot(s) and niche(s) by city; conveyance to others prohibited
- 91.08 Valid conveyances of cemetery lots or niches
- 91.09 Conveyances from deceased owner

Statutory reference:

Burial permits, see R.C. §§ 3705.17 et seq.

Burial of indigent persons, see R.C. § 5121.53

Burials may be prohibited, see R.C. § 759.05

Management and control, see R.C. § 759.09

Union cemeteries, see R.C. §§ 759.27 et seq.

§ 91.01 ARTIFICIAL FLOWERS.

No artificial flowers shall be permitted in the city cemeteries during the period of April 1 through October 1 of each calendar year.

(Prior Code, § 1062.01) (Res. 91-R27, passed 6-11-1991; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.02 PRICE FOR CEMETERY LOTS AND COLUMBARIUM NICHES.

The price for cemetery lots and columbarium niches in the city shall be as follows.

(A) Cemetery lot - ~~r~~Resident of the city.

- (1) Monument lot with two graves: \$1,200;
- (2) Marker lot with two graves: \$950;
- (3) Marker lot with one grave: \$475; and
- (4) Mausoleum (two lots/four graves): \$2,400.

Green - General Regulations**(B) Cemetery lot - ~~n~~Nonresident of the city.**

- (1) Monument lot with two graves: \$2,200;
- (2) Marker lot with two graves: \$1,900;
- (3) Marker lot with one grave: \$850; and
- (4) Mausoleum (two lots/four graves): \$4,800.

(C) Columbarium niche:

(1) Resident of the city: \$1,600.

(2) Nonresident of the city: \$2,500.

(Prior Code, § 1062.02) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.03 PRICE FOR GRAVE AND NICHE OPENING/CLOSINGS.

The price for grave openings/closings in the city shall be as follows.

(A) Resident of the city.

- (1) Monday through Friday burial arrival before 3:00 p.m.: \$800;
- (2) Monday through Friday burial arrival after 3:00 p.m.: \$1,200;
- (3) Saturday burial 8:00 a.m. to 3:00 p.m.: \$1,800;
- (4) Sunday and holidays: N/A;
- (5) Burial of urn: \$300;
- (6) Saturday 8:00 a.m. to 3:00 p.m. burial of urn: \$400;
- (7) Infant burial: \$150; ~~and~~
- (8) Disinterment: \$2,500;
- (9) Monday through Friday inurnment arrival before 3:00 p.m.: \$200;
- (10) Monday through Friday inurnment arrival after 3:00 p.m.: \$300; and
- (11) Saturday inurnment 8:00 a.m. to 3:00 p.m.: \$400.

(B) Nonresident of the city.

- (1) Monday through Friday arrival before 3:09 p.m.: \$1,200;

(7) Infant burial: \$150; ~~and~~

(8) Disinterment: \$2,500;

(9) Monday through Friday inurnment arrival before 3:00 p.m.: \$300;

(10) Monday through Friday inurnment arrival after 3:00 p.m.: \$400; and

(11) Saturday inurnment 8:00 a.m. to 3:00 p.m.: \$500.

(Prior Code, § 1062.03) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.04 PRICE FOR GRAVE MONUMENT/MARKER FOUNDATIONS.

The price for the city to install grave monument/marker foundations shall be \$0.75 per square inch. Temporary plating boxes are permitted under certain conditions and shall be installed at an initial price of \$250 and for one year thereafter at a price of \$150.

(Prior Code, § 1062.04) (Res. 2003-R02, passed 1-14-2003; Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.05 MAXIMUM COST FOR INDIGENT BURIALS.

The maximum cost authorized by the city for indigent burials, required by R.C. § 9.15, shall be \$1,000. (Prior Code, § 1062.05) (Ord. 2012-01, passed 3-13-2012; Ord. 2017-09, passed 5-9-2017)

§ 91.06 MAYOR MAY AMEND OR CHANGE PRICES.

The Mayor shall have authority to amend and/or change the price for cemetery lots ~~or niches~~, the price for grave ~~or niche~~ openings/closings, the price for grave monument/ marker foundations and the allowance for indigent burial when determined to be necessary and appropriate.

(Prior Code, § 1062.06) (Ord. 2012-01, passed 3-13-2012; Ord. 2024-08, passed 7-9-2024)

§ 91.07 CONVEYANCE OF CEMETERY LOT(S) ~~AND NICHE(S)~~ BY CITY; CONVEYANCE TO OTHERS PROHIBITED.

(A) If the owner of a cemetery lot(s) ~~or niche(s)~~ desires to sell the lot(s) ~~or niche(s)~~, he or she must offer to sell the lot(s) ~~or niche(s)~~ to the city. The city may buy back a cemetery lot ~~or niche~~ at the purchased price.

(B) A cemetery lot ~~or niche~~ owner shall not convey, sell or transfer cemetery lot(s) ~~or niche(s)~~ to any other person, association or corporation other than the city, except as provided in § 91.08.

(C) A deed transfer administration fee shall apply to any conveyances permitted under this section of \$50 payable to the city.

(Prior Code, § 1062.07) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.08 VALID CONVEYANCES OF CEMETERY LOTS ~~OR NICHE(S)~~.

(A) Transfers or conveyance of cemetery lots or niches are and shall be permitted to persons other than the city if the proposed transfer meets all of the following requirements:

(1) The transfer or conveyance is from a record owner (transferor) to:

(a) A transferee or transferees who are related to the transferor, or are related to a deceased person who is interred in the lot or inurned in the niche, by blood, marriage or adoption. A legal adoption shall be deemed to have the effect upon all persons as if the adopted person were the natural child of the adoptive parent. For the purposes of this section, a relationship is established if the transferee is the transferor's or deceased person's:

1. Spouse;
2. Lineal ancestor or lineal descendent;
3. Brother, sister, uncle or aunt;
4. Lineal descendant of a brother, sister, uncle or aunt; or
5. Spouse of a person in divisions (A)(1)(a)2., (A)(1)(a)3. or (A)(1)(a)4. of this section.

(b) The city; or

(c) A trustee or guardian for the transferor or for beneficiaries who are so related to the transferor.

(2) The transfer and/or conveyance shall be gratuitous and cannot be the result of a sale resulting in any gain or profit to the transferor.

(3) A notarized affidavit shall be submitted to the city by the transferor stating the following:

(a) The relationship between the transferor and the transferee;

(b) The proposed transfer is not the result of a sale and shall not result in any gain or profit to the transferor; and

(c) The transfer is made of the transferor's free will.

(4) All transfers and/or conveyance made pursuant to this section are subject to the provisions of this chapter and other existing ordinances and cemetery rules and regulations.

(B) Transfers made in violation of the requirements of this section shall be void and the title to the plot or niche sought to be transferred shall revert to the last record owner as determined by official records of the city. Transfers and/or conveyances of cemetery lots or niches made prior to the date of this passage of this section which meets all the requirements of this section are ratified and confirmed.

(C) All other transfers and/or conveyances of cemetery lots or niches shall be as set forth in this chapter and other existing ordinances and/or cemetery rules and regulations.

(Prior Code, § 1062.08) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

§ 91.09 CONVEYANCES FROM DECEASED OWNER.

(A) A cemetery lot or niche may be transferred from a deceased owner of record by will, or under statutes of descent and distribution to any transferee, except a corporation, other than a fiduciary or the city. If the estate of a deceased owner is not administered or if such lot, niche or space is omitted from property administered, the right to succeed to record ownership may be established by sworn statement or affidavit. In such case, title to the lot, niche or space shall be deemed to have passed under the statutes of descent and distribution of the state in effect upon the date of such statement or affidavit, without regard to the domicile of the decedent, or the date of death.

(B) Regarding the provisions in this chapter providing for the furnishing of a sworn statement or affidavit, the city and its Director of Public Service shall be entitled to rely upon the sworn statement or affidavit. Neither the city nor the Director of Public Service shall be liable for any action taken or denied in good faith in reliance upon any sworn statement or affidavit provided pursuant to the terms of this chapter.

(Prior Code, § 1062.09) (Ord. 2017-09, passed 5-9-2017; Ord. 2024-08, passed 7-9-2024)

CHAPTER 92: ALARM SYSTEMS

Section

- 92.01 Definitions
- 92.02 Permit required; fees; applications; false statements; transferability
- 92.03 (Reserved) ~~Permit duration; renewals~~
- 92.04 Proper operation and maintenance
- 92.05 Manual reset
- 92.06 Relay of alarm notifications
- 92.07 Direct reporting of automatic alarm notifications
- 92.08 On-site copy of permit and operating instructions
- 92.09 Records; notice at alarm site
- 92.10 System performance reviews
- 92.11 False alarm notifications
- 92.12 Suspension of permit
- 92.13 Revocation of permit
- 92.14 Reinstatement of permit

- 92.99 Penalty

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM ADMINISTRATOR. A person or persons designated by the Mayor to administer, control and review alarm applications, permits and false alarm notifications.

ALARM NOTIFICATION. A notification intended to summon a law enforcement agency or fire department, which is designed either to be initiated purposely by a person or by an alarm system that responds to stimuli that are characteristic of unauthorized intrusions, or heat, smoke or fire. At the discretion of the Alarm Administrator, multiple false **ALARM NOTIFICATIONS** in a 24-hour period of time may be counted as only one false alarm notification.

ALARM SITE. A single premises or location served by an alarm system or systems.

ALARM SYSTEM. A device or system that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon police or fire services of the city, including, but not limited to, local alarms. **ALARM SYSTEM** does not include:

(2) The classification of the alarm site as residential, commercial or apartment;

(3) For each alarm system located at the alarm site, the purpose of the alarm system, i.e., burglary, robbery, personal hostage, panic or fire;

(4) A detailed legible site plan documenting the location of the fire, alarm panel, related annunciator panels and any known hazards in the occupancy;

(5) The name and phone number of the company monitoring the police or fire alarm system;

(6) The applicant for registration shall also provide the name and telephone number of at least three persons to be notified in the event of an alarm. The individuals designated to be notified in the event of an alarm may be changed by contacting the Alarm Administrator; and

(7) Any other information required by the Mayor that is necessary for the enforcement of this chapter.

(D) Any false statement of material matter made by an applicant for the purpose of obtaining a police or fire alarm permit shall be sufficient cause for refusal to issue a permit.

(E) An alarm permit cannot be transferred to another person. A permit holder shall inform the Mayor, in writing, of any change that alters any information listed on the permit application within ten business days. No fee will be assessed for such changes.

(F) All fees owed by an applicant must be paid before a permit may be issued or renewed.

(G) When any information in division (C) of this section has changed, it shall be reported to the enforcement official by the owner within 15 days of the owner becoming aware of such change.

(Prior Code, § 1066.02) (Ord. 94-19, passed 12-20-1994; Ord. 02-10, passed 8-27-2002)

§ 92.03 ~~(RESERVED) PERMIT DURATION; RENEWALS.~~

~~A permit expires two years from the date of issuance. Renewals shall be for a new two-year period and shall be obtained by submitting an updated application and a permit renewal fee to the Mayor. It is the responsibility of the permit holder to submit a renewal application prior to the permit expiration date. Failure to renew will be classified as use of a nonpermitted alarm system and citations and penalties shall be assessed without waiver. The Mayor or his or her designee shall send each permit owner, by regular U.S. mail, a written permit expiration notice. The notice shall be sent at least 30 days prior to expiration of the permit.~~

~~(Prior Code, § 1066.03) (Ord. 94-19, passed 12-20-1994)~~

§ 92.04 PROPER OPERATION AND MAINTENANCE.

(A) A permit holder or person in control of an alarm system shall:

(1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications;

(5) Except as provided in division (D) or (E) of this section 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, A-2f, A-3a, 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-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, F-8, or F-9 permit; ~~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, A-2f, A-3a, 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-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5, F-7, or F-8 permit;~~

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, 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 R.C. § 4303.201;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the Liquor Control Commission;

(e) Spiritous liquor to be consumed for purposes of a tasting sample, as defined in R.C. § 4301.171;

(f) Beer or intoxicating liquor to be consumed in an outdoor area described in R.C. § 4303.188(B)(1).

(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 division (C)(2), **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 40 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 division (C)(3)(a) of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ORCHESTRAL PERFORMANCE. A concert comprised of a group of not fewer than 40 musicians playing various musical instruments.

(4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location.

(5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued. ~~(a) — A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following:~~

~~1. An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued;~~

~~2. An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than 25 other events or performances that are free of charge on the permit premises.~~

~~(b) As used in division (C)(5) of this section, **ORCHESTRAL PERFORMANCE** has the same meaning as in division (C)(3)(b) of this section.~~

(6) (a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply:

1. The person is attending a racing event at the facility; and

2. The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility.

(b) As used in division (C)(6)(a) of this section:

1. **OUTDOOR MOTORSPORTS FACILITY.** An outdoor racetrack to which all of the following apply:

a. It is 2.4 miles or more in length.

b. It is located on 200 acres or more of land.

c. The primary business of the owner of the facility is the hosting and promoting of racing events.

d. The holder of a D-1, D-2, or D-3 permit is located on the property of the facility.

2. **RACING EVENT.** A motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations.

(B) (1) A jail term or sentence of imprisonment for a misdemeanor shall be served consecutively to any other prison term, jail term, or sentence of imprisonment when the trial court specifies that it is to be served consecutively or when it is imposed for a misdemeanor violation of R.C. § 2907.322, 2921.34 or 2923.131. When consecutive sentences are imposed for misdemeanors under this division, the term to be served is the aggregate of the consecutive terms imposed, except that the aggregate term to be served shall not exceed 18 months.

(2) A jail term or sentence of imprisonment imposed for a misdemeanor violation of R.C. § 4510.11, 4510.14, 4510.16, 4510.21, or 4511.19, or a substantially equivalent municipal ordinance, shall be served consecutively to a prison term that is imposed for a felony violation of R.C. § 2903.06, 2903.08 or 4511.19 or a felony violation of R.C. § 2903.04 involving the operation of a vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor. ~~A jail term or sentence of imprisonment imposed for a misdemeanor violation of R.C. § 4510.11, 4510.14, 4510.16, 4510.21, or 4511.19, or a substantially equivalent municipal ordinance, shall be served consecutively to a prison term that is imposed for a felony violation of R.C. § 2903.06, 2903.07, 2903.08 or 4511.19 or a felony violation of R.C. § 2903.04 involving the operation of a motor vehicle by the offender and that is served in a state correctional institution when the trial court specifies that it is to be served consecutively. When consecutive jail terms or sentences of imprisonment and prison terms are imposed for one or more misdemeanors and one or more felonies under this division, the term to be served is the aggregate of the consecutive terms imposed, and the offender shall serve all terms imposed for a felony before serving any term imposed for a misdemeanor.~~ (R.C. § 2929.41) (Prior Code, § 698.05)

§ 130.20 APPREHENSION, DETENTION, OR ARREST OF PERSON ON BOND.

(A) No person, other than a law enforcement officer, shall apprehend, detain, or arrest a principal on bond, wherever issued, unless that person meets all of the following criteria:

(1) The person is any of the following:

- (a) Qualified, licensed, and appointed as a surety bail bond agent under R.C. §§ 3905.83 through 3905.95;
- (b) Licensed as a surety bail bond agent by the state where the bond was written;
- (c) Licensed as a private investigator under R.C. Chapter 4749;
- (d) Licensed as a private investigator by the state where the bond was written;
- (e) An off-duty peace officer, as defined in R.C. § 2921.51.

(2) The person, prior to apprehending, detaining, or arresting the principal, has entered into a written contract with the surety or with a licensed surety bail bond agent appointed by the surety, which contract sets forth the name of the principal who is to be apprehended, detained, or arrested. For purposes of this division (A)(2), **SURETY** has the same meaning as in R.C. § 3905.83.

(3) The person, prior to apprehending, detaining, or arresting the principal, has notified the local law enforcement agency having jurisdiction over the area in which such activities will be performed and has provided

PERFORMANCE. Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

PLACE WHERE A PERSON HAS A REASONABLE EXPECTATION OF PRIVACY. A place where a reasonable person would believe that the person could fully disrobe in private.

PRIVATE AREA. The genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.

PROSTITUTE. 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.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

SEXUAL ACTIVITY. Sexual conduct or sexual contact, or both.

SEXUAL CONDUCT. 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 opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

SPOUSE. 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 pursuant to R.C. § 3103.06.
- (2) When an action is pending 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.

(R.C. § 2907.01) (Prior Code, § 666.01)

§ 133.02 UNLAWFUL SEXUAL CONDUCT WITH A MINOR.

(A) No person who is 18 years of age or older shall engage in sexual conduct with another when the offender knows the other person is 13 years of age or older but less than 16 years of age, or the offender is reckless in that regard. ~~No person who is 18 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 13 years of age or older but less than 16 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.

(1) Except as otherwise provided in division (B)(2), unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in division (B)(3) of this section, if the offender is less than four years older than the other person, unlawful sexual conduct with a minor is a misdemeanor of the first degree.

(3) If the offender previously has been convicted of or pleaded guilty to a violation of R.C. § 2907.02, 2907.03 or 2907.04, or any substantially equivalent municipal ordinance, or a violation of former R.C. § 2907.12, or any substantially equivalent municipal ordinance, unlawful sexual conduct with a minor is a felony to be prosecuted under appropriate state law.

(R.C. § 2907.04) (Prior Code, § 666.02)

§ 133.03 SEXUAL IMPOSITION.

(A) No person shall have sexual contact with another; cause another to have sexual contact with the offender; or cause two or more other persons to have sexual contact when any of the following applies: ~~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 other 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 13 years of age or older but less than 16 years of age, whether or not the offender knows the age of the person, and the offender is at least 18 years of age and four or more years older than the 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 or pleaded guilty to a violation of this section, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, a violation of this section is 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, R.C. § 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, former R.C. § 2907.12, or a substantially equivalent state law or municipal ordinance, or of any combination of those sections, a violation of this section is a misdemeanor of the first degree and,

CHAPTER 135: OFFENSES AGAINST PERSONS

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Statutory reference:

Child care, misrepresentations by providers and failure to disclose death or serious injuries, misdemeanors, see R.C. §§ 2919.223 et seq.

Extortionate extension of credit, see R.C. §§ 2905.21 through 2905.24

Failure to send child to school, see R.C. § 3321.38

Permitting child abuse, felony offense, see R.C. § 2903.15

(e) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(R.C. § 2903.09) (Prior Code, § 636.001)

§ 135.02 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 R.C. § 2923.11.

(B) Whoever violates this section is guilty of negligent homicide, a misdemeanor of the first degree.

(R.C. § 2903.05) (Prior Code, § 636.01)

Statutory reference:

Reckless homicide, felony offense, see R.C. § 2903.041

§ 135.03 VEHICULAR HOMICIDE; VEHICULAR MANSLAUGHTER; VEHICULAR ASSAULT.

(A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, mini-truck, 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: ~~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) As the proximate result of committing a violation of R.C. § 4511.19(A) or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of R.C. § 1547.11(A), or of a substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of R.C. § 4561.15(A)(3), or of a substantially equivalent municipal ordinance.

(2) In one of the following ways:

(a) Recklessly;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (D) of this section. ~~As the proximate result of committing, while operating or participating in the operation of a motor vehicle or motorcycle in a construction zone, a reckless operation offense, provided that this division 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 reckless operation offense in the construction zone and does not apply as described in division (D) of this section.~~

(3) In one of the following ways:

(a) Negligently;

(b) As the proximate result of committing, while operating or participating in the operation of a motor vehicle, utility vehicle, mini-truck, or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (D) of this section. ~~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 division 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 division (D) of this section.~~

(4) As the proximate result of committing a violation of any provision of any section contained in R.C. Title 45 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 R.C. Title 45 that is a minor misdemeanor.

(B) (1) Whoever violates division (A)(1) or (A)(2) of this section is guilty of aggravated vehicular homicide, a felony to be prosecuted under appropriate state law.

(2) (a) Whoever violates division (A)(3) of this section is guilty of vehicular homicide. Except as otherwise provided in this division, vehicular homicide is a misdemeanor of the first degree. Vehicular homicide committed in violation of division (A)(3) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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.

(b) In addition to any other sanctions imposed pursuant to this division, 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 R.C. § 4510.02(A)(4).

(3) (a) Whoever violates division (A)(4) of this section is guilty of vehicular manslaughter. Except as otherwise provided in this division, 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 or cancellation imposed under R.C. Chapter 4510 or any other provision of the Ohio Revised Code or was operating a motor vehicle or motorcycle, did not have a valid driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege, and was not eligible for renewal of the offender's driver's license or commercial driver's license without examination under R.C. § 4507.10 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.

(b) In addition to any other sanctions imposed pursuant to this division, the court shall impose upon the offender 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 R.C. § 4510.02(A)(6) or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, 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 R.C. § 4510.02(A)(4).

(C) The court shall impose a mandatory jail term of at least 15 days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A)(3)(b) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(D) Divisions (A)(2)(b) and (A)(3)(b) of this section do not apply in a particular construction zone unless signs of the type described in 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 R.C. § 5501.27. The failure to erect signs of the type described in 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 division (A)(1), (A)(2)(a), (A)(3)(a), or (A)(4) of this section in that construction zone or the prosecution of any person who violates any of those divisions in that construction zone.

(E) (1) As used in this section:

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

MANDATORY PRISON TERM. Has the same meaning as in R.C. § 2929.01.

MINI-TRUCK. Has the same meaning as in R.C. § 4501.01.

MOTOR VEHICLE. Has the same meaning as in R.C. § 4501.01.

RECKLESS OPERATION OFFENSE. Means a violation of R.C. § 4511.20 or a municipal ordinance substantially equivalent to R.C. § 4511.20.

SPEEDING OFFENSE. Means a violation of R.C. § 4511.21 or a municipal ordinance pertaining to speed.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Means a violation of R.C. § 2903.04 in circumstances in which division (D) of that section applies, a violation of R.C. § 2903.06 or 2903.08, or a violation of R.C. § 2903.06, 2903.07, or 2903.08 as they existed prior to March 23, 2000.

TRAFFIC-RELATED MURDER, FELONIOUS ASSAULT, OR ATTEMPTED MURDER OFFENSE. Means a violation of R.C. § 2903.01 or R.C. § 2903.02 in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of R.C. § 2903.11(A)(2) in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of R.C. § 2923.02 in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

UTILITY VEHICLE. Has the same meaning as in R.C. § 4501.01.

(2) 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 this or another state or the United States.
(R.C. § 2903.06)

(F) *Vehicular assault.*

(1) No person, while operating or participating in the operation of a motor vehicle, motorcycle, utility vehicle, or mini-truck, 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, utility vehicle, mini-

truck, or motorcycle in a construction zone, a speeding offense, provided that this division 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 division (F)(4) of this section. ~~No person, while operating or participating in the operation of a motor vehicle or motorcycle, 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, provided that this division 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 division (F)(4) of this section.~~

(2) (a) Except as otherwise provided in this division, vehicular assault committed in violation of division (F)(1) of this section is a misdemeanor of the first degree. Vehicular assault committed in violation of division (F)(1) of this section is a felony to be prosecuted under appropriate state law if, at the time of the offense, the offender was driving under a suspension imposed under 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 division (F)(1) of this section, R.C. § 2903.08, or any traffic-related homicide, manslaughter, or assault offense.

(b) 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 R.C. § 4510.02(A)(4).

(3) 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 misdemeanor violation of division (F)(1) of this section and may impose upon the offender a longer jail term as authorized pursuant to R.C. § 2929.24.

(4) Division (F)(1) of this section does not apply in a particular construction zone unless signs of the type described in 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 R.C. § 5501.27.

(5) As used in this division (F):

CONSTRUCTION ZONE. Has the same meaning as in R.C. § 5501.27.

MANDATORY JAIL TERM. Has the same meaning as in R.C. § 2929.01.

SPEEDING OFFENSE. Has the same meaning as in R.C. § 2903.06.

TRAFFIC-RELATED HOMICIDE, MANSLAUGHTER, OR ASSAULT OFFENSE. Has the same meaning as in R.C. § 2903.06.

(6) For the purposes of this division (F), 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.
(R.C. 2903.08(A)(3), (C)(3), (D)(3), (E) - (G))

Statutory reference:

Court to suspend driver's license, see R.C. §§ 4510.05 and 4510.07

Vehicular assault and aggravated vehicular assault, felony offenses, see R.C. § 2903.08

§ 135.04 ASSAULT; NEGLIGENT ASSAULT.

(A) *Assault.*

(1) No person shall knowingly cause or attempt to cause physical harm to another or to another's unborn.

§ 135.11 (RESERVED) ~~UNLAWFUL ABORTION; FAILURE TO PERFORM VIABILITY TESTING; ABORTION TRAFFICKING.~~

Editor's note: In November 2023, voters approved Issue 1, enacting Article 1, Section 22 to the Ohio Constitution relating to reproductive rights. To ensure that there are no conflicts with this Constitutional amendment, this section, relating to unlawful abortion, failure to perform viability testing, and abortion trafficking, has been removed from this code.

— (A) ~~As used in this section:~~

— ~~**ABORTION.** Means the purposeful termination of a human pregnancy by any person, including the pregnant woman herself, with an intention other than to produce a live birth or to remove a dead fetus or embryo. (R.C. § 2919.11)~~

— ~~**EMANCIPATED.** A minor shall be considered emancipated if the minor has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian or custodian.~~

— ~~**UNEMANCIPATED.** Means a woman who is unmarried and under 18 years of age who has not entered the armed services of the United States, has not become employed and self-subsisting, or has not otherwise become independent from the care and control of her parent, guardian, or custodian.~~

— (B) ~~No person shall perform or induce an abortion without the informed consent of the pregnant woman.~~

— (C) ~~No person shall knowingly perform or induce an abortion upon a pregnant minor unless one of the following is the case:~~

— (1) ~~The attending physician has secured the informed written consent of the minor and one parent, guardian or custodian;~~

— (2) ~~The minor is emancipated and the attending physician has received her informed written consent;~~

— (3) ~~The minor has been authorized to consent to the abortion by a court order issued pursuant to R.C. § 2919.121(C) and the attending physician has received her informed written consent; or~~

— (4) ~~The court has given its consent in accordance with R.C. § 2919.121(C) and the minor is having the abortion willingly.~~

— (D) ~~No person shall knowingly perform or induce an abortion upon a woman who is pregnant, unmarried, under 18 years of age, and unemancipated unless at least one of the circumstances enumerated in R.C. § 2919.12(B) applies.~~

— (E) (1) ~~It is an affirmative defense to a charge under division (D) of this section that the pregnant woman provided the person who performed or induced the abortion with false, misleading, or incorrect information about her age, marital status, or emancipation, about the age of the brother or sister to whom she requested notice to be given as a specified relative instead of one of her parents, her guardian, or her custodian, or about the last known address of either of her parents, her guardian, her custodian, or a specified brother, sister, stepparent, or grandparent to whom she requested notice be given and the person who performed or induced the abortion did not otherwise have reasonable cause to believe the pregnant woman was under 18 years of age, unmarried, or unemancipated, to believe that the age of the brother or sister to whom she requested notice be given as a specified relative instead of one of her parents, her guardian, or her custodian was not 21 years of age, or to believe that the last known address of either of her parents, her guardian, her custodian, or a specified brother,~~

~~sister, stepparent, or grandparent to whom she requested notice be given was incorrect.~~

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~~(2) It is an affirmative defense to a charge under this section that compliance with the requirements of this section was not possible because an immediate threat of serious risk to the life or physical health of the pregnant woman or pregnant minor from the continuation of her pregnancy created an emergency necessitating the immediate performance or inducement of an abortion.~~

~~(F) Whoever violates this section is guilty of unlawful abortion. A violation of division (B), (C) or (D) of this section is a misdemeanor of the first degree on the first offense and a felony to be prosecuted under appropriate state law on each subsequent offense.~~

~~(G) Whoever violates this section is liable to the pregnant woman or pregnant minor, and her parents, guardian, or custodian for civil, compensatory and exemplary damages.~~

~~(R.C. §§ 2919.12, 2919.121)~~

~~(H) (1) Division (C) of this section applies in lieu of division (D) of this section whenever its operation is not enjoined. If division (C) of this section is enjoined, division (D) of this section applies.~~

~~(2) If a person complies with the requirements of division (D) of this section under the good faith belief that the application or enforcement of division (C) of this section is subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action brought under division (C) of this section or R.C. § 2919.121.~~

~~(3) If a person complies with the requirements of division (C) of this section under the good faith belief that it is not subject to a restraining order or injunction, good faith compliance shall constitute a complete defense to any civil, criminal or professional disciplinary action for failure to comply with the requirements of division (D) of this section.~~

~~(R.C. § 2919.122)~~

~~(I) *Failure to perform viability testing.*~~

~~(1) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a pregnant woman after the beginning of the twentieth week of gestation unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's good faith medical judgment, that the unborn child is not viable, and the physician makes that determination after performing a medical examination of the pregnant woman and after performing or causing to be performed those tests for assessing gestational age, weight, lung maturity, or other tests that the physician, in that physician's good faith medical judgment, believes are necessary to determine whether an unborn child is viable.~~

~~(2) Except in a medical emergency that prevents compliance with this division, no physician shall perform or induce or attempt to perform or induce an abortion on a pregnant woman after the beginning of the twentieth week of gestation without first entering the determination made in division (I)(1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.~~

~~(3) Whoever violates this division (I) is guilty of failure to perform viability testing, a misdemeanor of the fourth degree.~~

~~(4) The State Medical Board shall suspend a physician's license to practice medicine in this state for a period of not less than six months if the physician violates this section.~~

~~(R.C. § 2919.18)~~

~~(Prior Code, § 636.25)~~

~~(J) *Abortion trafficking.*~~

~~(1) No person shall experiment upon or sell the product of human conception which is aborted. Experiment does not include autopsies pursuant to R.C. §§ 313.13 and 2108.50.~~

~~(2) Whoever violates division (j) of this section is guilty of abortion trafficking, a misdemeanor of the first degree.~~

~~(R.C. § 2919.14)~~

Statutory reference:

~~*Judicial bypass, see R.C. § 2151.85*~~

~~*Judicial consent and the right of a minor to consent, see R.C. § 2919.121(C)*~~

~~*Notice or consent requirements for unmarried minors, see R.C. § 2919.12(B)*~~

§ 135.12 MISREPRESENTATION RELATING TO PROVISION OF CHILD CARE.

(A) No child care provider shall knowingly misrepresent any factor or condition that relates to the provision of child care and that substantially affects the health or safety of any child or children in that provider's facility or receiving child care from that provider to any of the following:

(1) A parent, guardian, custodian, or other person responsible for the care of a child in the provider's facility or receiving child care from the provider;

(2) A parent, guardian, custodian, or other person responsible for the care of a child who is considering the provider as a child care provider for the child;

(3) A public official responsible for issuing the provider a license or certificate to provide child care;

(4) A public official investigating or inquiring about the provision of child care by the provider;

(5) A peace officer.

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(c) A tactical medical professional who is qualified to carry firearms while on duty under R.C. § 109.771 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(d) A fire investigator who is qualified to carry firearms while on duty under R.C. § 109.774 has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125.

(6) (a) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under R.C. § 2923.125 and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (B)(6)(b) of this section and a valid firearms requalification certification issued pursuant to division (B)(6)(c) of this section shall be considered to be a licensee in this state.

(b) 1. Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

a. The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

b. Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

c. At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

d. Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of 15 years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

2. A retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (B)(6)(b)1. of this section may include the firearms requalification certification described in division (B)(6)(c) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (B)(6)(b)1. of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED".

3. A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (B)(6)(b)1. of this section.

(c) 1. If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801. The retired peace officer may be required to pay the cost of the course.

2. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (B)(6) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (B)(6)(b)1.a. to (B)(6)(b)1.d. of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (B)(6)(b) of this section.

3. A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under R.C. § 109.801 may be required to pay the cost of the program.

(7) As used in division (B) of this section:

FIRE INVESTIGATOR. Has the same meaning as in R.C. § 109.71.

GOVERNING BODY. Has the same meaning as in R.C. § 154.01.

GOVERNMENT FACILITY OF THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE. Means any of the following:

1. A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;

2. The office of a deputy registrar serving pursuant to R.C. Chapter 4503 that is used to perform deputy registrar functions.

NONPROFIT CORPORATION. Means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

QUALIFIED RETIRED PEACE OFFICER. Means a person who satisfies all of the following:

CHAPTER 138: DRUG OFFENSES

Section

- 138.01 Definitions
- 138.02 Adult use cannabis control; limitations on conduct by individuals ~~Trafficking in controlled substances; gift of marihuana~~
- 138.03 Possession of drug offenses
- 138.04 Possessing drug abuse instruments
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- 138.06 Illegal cultivation of marihuana
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- 138.08 Illegal dispensing of drug samples
- 138.09 Federal prosecution bar to municipal prosecution
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- 138.11 Laboratory report required
- 138.12 Counterfeit controlled substances
- 138.13 Use, possession, or sale of drug paraphernalia
- 138.14 Controlled substance or prescription labels
- 138.15 Possession, sale and disposal of hypodermics
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- 138.17 Unlawful furnishing of prescription to enable persons to be issued handicapped parking placards or license plates
- 138.18 Sale of pseudoephedrine
- 138.19 Sale of pure caffeine product
- 138.20 Sale of dextromethorphan

Statutory reference:

Administration of epinephrine, exemption from prosecution, see R.C. § 2925.64

Controlled substances, regulation of pharmacists and other professionals, see R.C. Chapters 3719 and 4729

Conviction of professionally licensed persons to be reported to licensing board, see R.C. § 2925.38

Criminal and civil forfeiture of property for felony drug abuse offenses, see R.C. Chapter 2981

Destruction of chemicals used to produce methamphetamine; preservation of samples, see R.C. § 2925.52

Tampering with drugs, felony offense, see R.C. § 2925.24

§ 138.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

POSSESS or POSSESSION. 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.

PREMISES OF A SUBSTANCE ADDICTION SERVICES PROVIDER'S FACILITY. Means the parcel of real property on which any substance addiction service provider's facility is situated.

PRESCRIPTION. Has the same meaning as in R.C. § 4729.01.

PRESUMPTION FOR A PRISON TERM or PRESUMPTION THAT A PRISON TERM SHALL BE IMPOSED. A presumption as described in R.C. § 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under R.C. § 2929.11.

PROFESSIONAL LICENSE. Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in R.C. § 2925.01(W)(1) through (W)(37) and that qualifies a person as a professionally licensed person.

PROFESSIONALLY LICENSED PERSON. Any of the following:

(1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under R.C. Chapter 4701 and who holds an Ohio permit issued under that chapter;

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under R.C. Chapter 4703;

(3) A person who is registered as a landscape architect under R.C. Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under R.C. Chapter 4707;

(5) A person who has been issued a barber's license, barber instructor's license, assistant barber instructor's license, or independent contractor's license under R.C. Chapter 4709; ~~A person who has been issued a certificate of registration as a registered barber under R.C. Chapter 4709;~~

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of R.C. Chapter 4710;

(7) ~~A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced license to practice cosmetology, advanced license to practice hair design, advanced license to practice manicuring, advanced license to practice esthetics, advanced license to practice natural hair styling, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Chapter 4713; A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under R.C. Chapter 4713;~~

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a

SCHOOL BUILDING. 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.

SCHOOL PREMISES. 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, the governing authority of a community school established under R.C. Chapter 3314, or the governing body of a nonpublic school for which the Director of Education and Workforce prescribes minimum standards under 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.

STANDARD PHARMACEUTICAL REFERENCE MANUAL. The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

SUBSTANCE ADDICTION SERVICES PROVIDER. Means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following at a facility:

(1) Either alcohol addiction services, or drug addiction services, or both such services that are certified by the Ohio Director of Mental Health and Addiction Services under R.C. § 5119.36;

(2) Recovery supports that are related to either alcohol addiction services, or drug addiction services, or both such services and paid for with federal, state, or local funds administered by the Ohio Department of Mental Health and Addiction Services or a board of alcohol, drug addiction, and mental health services.

UNIT DOSE. An amount or unit or 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.

WHOLESALE. Has the same meaning as in R.C. § 3719.01.
(R.C. § 2925.01) (Prior Code, § 624.01)

§ 138.02 ADULT USE CANNABIS CONTROL; LIMITATIONS ON CONDUCT BY INDIVIDUALS.

(A) Except as otherwise provided in R.C. Chapter 3780 and notwithstanding any conflicting provision of this code or the Ohio Revised Code, an adult use consumer, may do the following:

(1) Use adult use cannabis;

(2) Possess, transfer without remuneration to another adult consumer, or transport adult use cannabis, subject to division (B) of this section; and

(3) Purchase adult use cannabis from an adult use dispensary per day in amounts that do not exceed the possession limits set forth in division (B)(1) of this section.

(B) Except as otherwise provided in R.C. Chapter 3796:

(1) The amount of cannabis that may be possessed by an adult use consumer shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(2) The amount of cannabis that may be transferred by an adult use consumer without remuneration and not advertised or promoted to the public shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(3) The amount of cannabis that may be transported by an adult use consumer shall not exceed:

- (a) Two and one-half ounces of adult use cannabis in any form except adult use extract; and
- (b) Fifteen grams of adult use cannabis in the form of adult use extract.

(C) Except as otherwise provided in R.C. Chapter 3780, an adult use consumer shall not be subject to arrest, criminal prosecution, or civil penalty for engaging in any of the activities authorized under R.C. Chapter 3780, including:

(1) Obtaining, using, possessing, or transporting adult use cannabis;

(2) Performing conduct authorized under R.C. § 3780.29;

(3) Acquiring, possessing, using, purchasing, manufacturing, selling, or transporting paraphernalia;

and

(4) Assisting another adult use consumer, or allowing property to be used, in any of the acts authorized by R.C. Chapter 3780.

(D) (1) An individual is prohibited from operating a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft while using adult use cannabis or while under the influence of adult use cannabis and is subject to R.C. § 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.

(2) An individual is prohibited from smoking, vaporizing, or using any other combustible adult use cannabis product while in a vehicle, motor vehicle, streetcar, trackless trolley, bike, watercraft, or aircraft and is subject to R.C. § 4511.19 or a substantially equivalent municipal ordinance for any violation of this division.

(E) Except as otherwise provided in R.C. Chapter 3780, no individual under 21 years of age shall knowingly show or give false information concerning the individual's name, age, or other identification for the purpose of purchasing adult use cannabis from an adult use dispensary licensed under R.C. Chapter 3780.

(F) Nothing in R.C. Chapter 3780 is intended to permit the transfer or sale of adult use cannabis, with or without remuneration, to an individual under 21 years of age, or to allow an individual under 21 years of age to purchase, possess, use, process, transport, or cultivate cannabis except where authorized by R.C. Chapter 3796.

(G) It is unlawful for any parent or guardian to knowingly permit their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used by an invitee of the parent's child or the guardian's ward, if the invitee is under 21 years of age, in a manner that constitutes a

violation of R.C. Chapter 3780.

(1) A parent or guardian is deemed to have knowingly permitted their residence, any other private property under their control, or any vehicle, conveyance, or watercraft under their control to be used in violation of R.C. Chapter 3780 if they knowingly authorize or permit consumption of cannabis by underage invitees.

(2) Where the residence or other property has an owner and a tenant or lessee, the trier of fact may infer that the residence or other property is occupied only by the tenant or lessee.

(R.C. § 3780.36)

(H) *Penalties.*

(1) Except as otherwise provided in R.C. Chapter 3796, R.C. § 2925.11 or a substantially equivalent municipal ordinance shall apply when an adult use consumer possesses an amount of cannabis greater than the limits set forth in division (B)(1) of this section.

(2) Except as otherwise provided in R.C. Chapter 3780, an adult use consumer who uses adult use cannabis in public areas, or who violates division (D)(2) of this section as a passenger, is guilty of a minor misdemeanor.

(3) (a) An individual under 21 years of age who knowingly shows or gives false information concerning the individual's name, age, or other identification for the purpose of purchasing or otherwise obtaining adult use cannabis from an adult use dispensary licensed under R.C. Chapter 3780 is guilty of a misdemeanor of the first degree. If, in committing a first violation, the offender presented to an adult use dispensary licensed under R.C. Chapter 3780 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 \$250 and not more than \$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 an adult use dispensary licensed under R.C. Chapter 3780 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 \$500 nor more than \$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 R.C. § 4510.02(A)(7). The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead 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.

(c) On a third or subsequent violation in which, for the third or subsequent time, the offender presented to an adult use dispensary licensed under R.C. Chapter 3780 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 \$500 nor more than \$1,000, and may be sentenced to a term of imprisonment of not more than six months. Except as provided in this division, the court also may 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 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 21 years. The court, in lieu of suspending the offender's temporary instruction permit, probationary driver's license, or driver's license, instead 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.

(4) An individual who is under 21 years of age and who solicits another individual to purchase adult

use cannabis from an adult use dispensary licensed under R.C. Chapter 3780 is guilty of:

(a) For a first violation, a misdemeanor of the fourth degree; and

(b) For a second or subsequent violation, a misdemeanor of the second degree.

(5) An employee or agent of an adult use dispensary licensed under R.C. Chapter 3780 who knowingly sells cannabis to an individual under 21 years of age is guilty of a misdemeanor of the first degree.

(6) Any individual who violates R.C. § 3780.10(A), or R.C. § 3780.29(F), is guilty of the illegal trafficking in drugs under R.C. § 2925.03 and the illegal manufacture of drugs under R.C. § 2925.04.

(7) Any individual who violates division (B)(2) or (B)(3) of this section guilty of the illegal trafficking in drugs under R.C. § 2925.03.

(8) Any individual who violates R.C. § 3780.20(B) is guilty of illegal dispensing of drug samples under R.C. § 2925.36 or a substantially equivalent municipal ordinance.

(9) (a) An individual who violates division (G) of this section is guilty of:

1. For a first violation, a misdemeanor of the third degree; and

2. For a second or subsequent violation, a misdemeanor of the first degree.

(b) If a violation of division (G) of this section directly or indirectly results in great bodily harm or death to any individual, the individual violating division (G) is guilty of a felony to be prosecuted under appropriate state law.

(R.C. § 3780.99)

~~§ 138.02 TRAFFICKING IN CONTROLLED SUBSTANCES; GIFT OF MARIHUANA.~~

~~— (A) No person shall knowingly do any of the following:~~

~~— (1) Sell or offer to sell a controlled substance or a controlled substance analog;~~

~~— (2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.~~

~~— (B) This section does not apply to any of the following:~~

~~— (1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with R.C. Chapters 3719, 4715, 4723, 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” (21 U.S.C. §§ 301 et seq., as amended), and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that Act.~~

~~— (C) Whoever violates division (A) of this section is guilty of the following:~~

~~— (1) Except as otherwise provided in divisions (C)(2) and (C)(3) of this section, trafficking in controlled substances is a felony to be prosecuted under appropriate state law.~~

~~— (2) Except as otherwise provided in this division, if the offense involves a gift of 20 grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of 20 grams or less of marihuana and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a misdemeanor of the third degree.~~

~~— (3) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:~~

~~— (a) Except as otherwise provided in division (C)(3)(b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C)(2) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under R.C. § 2925.03(C)(9) for trafficking in a fentanyl-related compound.~~

~~— (b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under R.C. § 2925.03(C)(9).~~

~~— (D) As used in this section, “drug” includes any substance that is represented to be a drug.
(R.C. § 2925.03(A) - (C), (I)) (Prior Code, § 624.02)~~

~~**Statutory reference:**~~

~~— *Felony drug trafficking offenses, see R.C. § 2925.03(C)*~~

§ 138.03 DRUG POSSESSION OFFENSES.

(A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

Res. 2008-R30	6-24-2008	Authorizing the city to grant a water utility easement to Aqua Ohio, Inc. to install water lines on Wise Road
Res. 2010-R15	5-11-2010	Accepting a conservation easement by Wagner Homes of Akron to the city
Res. 2011-R62	12-13-2011	Accepting a maintenance and beautification easement for Heritage Crossings of Green
Res. 20185-R60	1-8-2015	Approving the assignment/transfer of storm sewer easements from the county to the city
Ord. 2017-05	4-11-2017	Executing a water utility easement granting Aqua Ohio, Inc. a ten-foot by 128-foot easement on property owned by the city at 4310 Massillon Road
Res. 2017-R74	12-12-2017	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to various premises along Corporate Woods Circle and Corporate Wood Parkway
Res. 2018-R05	2-13-2018	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in and to various premises along State Route 619, Pickle Road
Res. 2019-R22	3-26-2019	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in, and to various premises along State Route 619, Myersville Road
Res. 2019-R112	1-14-2020	Declaring the necessity and intention to appropriate for street purposes certain fee simple interests, temporary and permanent easements in, and to various premises along Moore Road
Res. 2024-R62	9-24-2024	Authorizing the city to execute a utility easement granting Summit County a 25 foot easement on property owned by the city at 393 E. Turkeyfoot Lake Road

Res. 2020-R26	2-25-2020	Accepting the Planning and Zoning Commission's approval of Liberty Green, Subdivision Replat #2
Res. 2020-R22	3-10-2020	Approving the final plats and performance bond for Forest Lakes Subdivision, Phase I, the replat of Block A in the Akron Canton Corporate Park, Phase VII and the dedication plat for the extension of Tabs Drive, and the replat of Akron Canton Corporate Park, Phase VIII and the platting of Akron Canton Corporate Park, Phase IX
Res. 2020-R28	3-24-2020	Accepting the Planning and Zoning Commission's approval of Kimmel Allotment, Replat No. 1
Res. 2020-R34	4-28-2020	Approving the final plat and performance bond for New Seasons Planned Development, Phase I
Res. 2020-R55	9-22-2020	Approving the amended conceptual site plan of Brier Creek
Res. 2020-R90	1-12-2021	Accepting the Planning and Zoning Commission's approval of Homewood Farm No. 4 allotment replat
Res. 2021-R01	2-9-2021	Accepting the Planning and Zoning Commission's approval of the replat of High Tower Estates No. 2
Res. 2021-R27	5-11-2021	Accepting the Planning and Zoning Commission's approval of the replat of Pine Knoll Estates No. 2 Subdivision
Res. 2023-R20	5-9-2023	Approving the final plat and performance bond for Jacobs Ridge Planned Development Phase II
Res. 2023-R26	6-27-2023	Approving the final plat and performance bond for Spring Hill Phase V
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Ord. 2021-08	8-24-2021	Changing the zoning classification of approximately eight acres of land located at 1541 East Turkeyfoot Lake Road from R-1 (Single-Family Residential) to PD (Planned Development), approximately 9.4 acres of land from I-1 (General Industrial) to PD (Planned Development), and approximately eight acres of land from B-1 (General Business) to PD (Planned Development)
Ord. 2021-11	8-24-2021	Changing the zoning classification of approximately 24.78 acres of land located at 2961 and 3015 Graybill Road from I-1 (General Industrial) to R-1 (Single-Family Residential)
Ord. 2021-21	11-9-2021	Changing the zoning classification of approximately 26.4 acres of land from B-2 (Business Office) to PD (Planned Development)
Ord. 2021-26	1-11-2022	Changing the zoning classification of approximately 79 acres of land located at 1265 Boettler Road from R-1 Single-Family Residential) to PD (Planned Development)
Ord. 2022-03	4-12-2022	Changing the zoning classification of approximately 7.9 acres of land located at 6083 and 6095 S. Main Street and including three vacant parcels of land directly north of 6083 S. Main Street from B-1 (General Business) to R-R (Rural Residential)
Ord. 2022-05	5-10-2022	Changing the zoning classification of approximately 11.4 acres of land located at 3029 Graybill Road from I-1 (General Industrial) to R-1 (Single-Family Residential)
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2023-05	8-22-2023	Changing the zoning classification of approximately 36.1 acres of land located at 2430 Bonna Drive plus additional contiguous land from I-1 (General Industrial) to R-1 (Single-Family Residential)
2023-08	9-26-2023	Changing the zoning classification of approximately 7.04 acres of land located at 1134 E. Turkeyfoot Lake Road from R-1 (Single-Family Residential) to B-3 (Neighborhood Business)
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